

STATE OF MINNESOTA

OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

IN THE MATTER OF THE PETITION
FOR THE ANNEXATION OF CERTAIN
LAND TO THE CITY OF FERGUS FALLS
PURSUANT TO MINNESOTA STATUTES,
SECTION 414.0325

RESOLUTION #154-2011
JOINT RESOLUTION FOR ORDERLY ANNEXATION
BY AND BETWEEN FERGUS FALLS TOWNSHIP AND THE
CITY OF FERGUS FALLS

WHEREAS, the City of Fergus Falls has received a request from residents of Fergus Falls Township for the annexation of certain lands to the City of Fergus Falls; and

WHEREAS, the City of Fergus Falls (hereinafter "City") and the Township of Fergus Falls (hereinafter "Town") have been meeting periodically to implement annexation of an area of Fergus Falls Township to the City; and

WHEREAS, the parties have agreed upon the provisions for an orderly annexation agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fergus Falls and the Town Board of Supervisors of the Town of Fergus Falls as follows:

I. Immediate Annexation

- A. The City and Township hereby designate the following area for immediate annexation pursuant to Minnesota Statutes Section 414.0325:

That part of Sublot Thirteen (13) of the Southeast Quarter (SE¼) of Section Twenty-four (24), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows: Commencing at the South Quarter Corner of said Section Twenty-four (24); thence on an assumed bearing of East 426.00 feet along the South line of said Section to the point of beginning; thence continuing East 150.00 feet along said South line; thence North 00 degrees 12 minutes 00 seconds West 441.50 feet to the

center line of County Road No. 111 as now constructed and maintained; thence South 78 degrees 46 minutes 00 seconds West 152.82 feet along center line of said road; thence South 00 degrees 12 minutes 00 seconds East 411.73 feet to the point of beginning.

- B. The City and Township agree that the area described above and designated as in need of immediate annexation is 1.47 acres.

A boundary map showing the area legally described herein is attached to as Exhibit A and incorporated herein by reference.

- C. The City and Township agree that the population of the area legally described as in need of immediate annexation is 2.
- D. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the area legally described herein are contained in this Joint Resolution for Orderly Annexation (the "Joint Resolution") and that no consideration by Minnesota Planning is necessary. Upon the execution and filing of this Joint Resolution, Minnesota Planning may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area set forth in paragraph A above in accordance with the terms and conditions contained in this Joint Resolution.
- E. The City shall have the right to levy its real estate taxes immediately upon annexation and will reimburse the Township 100% for real estate taxes that it would have received had the annexation not taken place for a period of not more than ten (10) years from and after the date of annexation.
- F. The City has received a 100% owner initiated annexation petition for the area described above, that the area is urban or suburban or about to become so, that the area is in need of municipal services, and that annexation is necessary for the public health, safety and welfare, and that annexation is in the best interests of the property owner.
- G. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Minnesota Planning Municipal Boundary Adjustment Office.

II. Governing law

This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

III. Modification/Amendment

This Resolution shall not be modified, amended or altered except upon the written joint resolution of the City and Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with Minnesota Planning or its successor.

IV. Severability

In the event that any provisions of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practical in light of such determination, implement and give effect to the intentions of the parties hereto.

V. Headings and Captions

Heading and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

VI. Entire Agreement

The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

VII. Disputes and Remedies

The City and Township agree as follows:

- A. Negotiations. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- B. Arbitration. When the parties to the Joint Resolution are unable to resolve disputes, claims or counterclaims, or unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may

mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.

- C. When the parties to this Joint Resolution are unable to resolve disputes, claims, or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

VIII. Notice

Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by mail, postage prepaid, as follows:

If to the City:

Mark Sievert (or his successors)
City Administrator
City of Fergus Falls
112 Washington Avenue West
Fergus Falls, MN 56537

If to the Township:

Vic Petterson (or his successors)
Chairman of the Township Board
18163 Hill Top Drive
Fergus Falls, Minnesota 56537

Passed, adopted and approved by the Township Board of Supervisors of Fergus Falls Township, Otter Tail County, Minnesota, this 10th day of August, 2011

FERGUS FALLS TOWNSHIP

By: Vic Petterson
Its Chairman

REC'D BY
MBA

AUG 18 2011

The above and foregoing resolution was offered at a regular meeting of the City Council held on July 5, 2011 by Council Member Fish, who moved its adoption, was seconded by Council Member Rachels and adopted by the following vote:

AYES: Connelly, R Synsteliën Thacker, S Synsteliën, Shelstad, Rachels, Fish

NAYS: None

ABSENT: Cichosz

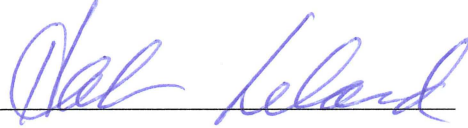
Whereupon the above resolution was duly adopted.

ATTEST:

ADOPTED:



City Administrator



Mayor

REC'D BY
MBA

AUG 18 2011

Exhibit A

AUSTAD ANNEXATION

COUNTY 111

CONNELL DR

242n

Christopher Austad Property
Annexation - Fergus Falls Township
S.E. 1/4 Sec. 24, T 133 N, R 43 W
1.47 Acres