

OA-819 Fergus Falls City / Fergus Falls Township

CITY OF FERGUS FALLS RESOLUTION NO. 249-2016

ANNEXATION RESOLUTION OF THE CITY OF FERGUS FALLS
IN ACCORDANCE WITH THE ABOVE-REFERENCED JOINT RESOLUTION FOR
ORDERLY ANNEXATION BY AND BETWEEN FERGUS FALLS TOWNSHIP AND THE
CITY OF FERGUS FALLS, DATED FEBRUARY 19, 2002, DESIGNATING CERTAIN
PROPERTY LOCATED IN THE ORDERLY ANNEXATION AREA OF FERGUS FALLS
TOWNSHIP FOR IMMEDIATE ORDERLY ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

WHEREAS, the City of Fergus Falls (hereinafter the “City”) and Fergus Falls Township (hereinafter the “Township”) entered into a Joint Resolution for Orderly Annexation, dated February 19, 2002, describing the procedures and process for immediate and future orderly annexations to the City of certain designated orderly annexation areas of the Township pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced Joint Resolution for Orderly Annexation by and between the Township and City, dated February 19, 2002, has been previously properly filed with the Minnesota Office of Strategic and Long-Range Planning, the predecessor State agency to the now Office of Administrative Hearings, Municipal Boundary Adjustments Unit, and is referenced as Office of Administrative Hearings Docket No. OA-819 Fergus Falls City / Fergus Falls Township (hereinafter referred to as the “Joint Agreement”) and is attached hereto as Appendix C; and

WHEREAS, the above-referenced Joint Agreement provides in paragraph III.B. that a certain area of the Township commonly referred to and known as Woodland Heights, and legally described in the Joint Agreement as Exhibit D, is designated for orderly annexation to the City pursuant to Minnesota Statutes, section 414.0325 (See Appendix C, Joint Agreement at Paragraph III.B.); and

WHEREAS, the Joint Agreement further provides in paragraph III.E. that the City and Township agree that on or after January 1, 2010, the City may initiate and the Township will not object to annexation of the so designated Woodland Heights orderly annexation area legally described in Exhibit D to the Joint Agreement (See Appendix C, Joint Agreement at Paragraph III.E. and Exhibit D); and

WHEREAS, the Joint Agreement further provides in paragraph III.F. that the City and Township agree that no alteration of the boundaries stated in the Joint Agreement is appropriate, that all conditions for annexation of the area legally described in the Joint Agreement (commonly known as Woodland Heights) are contained in the Joint Agreement, and that no consideration by the Minnesota Planning Agency (the predecessor agency to the now Office of Administrative Hearings, Municipal Boundary Adjustments Unit) is necessary (See Appendix C, Joint Agreement at Paragraph III.F.); and

WHEREAS, the Joint Agreement further provides in paragraph III.F. that upon filing of a City Annexation Resolution (hereinafter the “Annexation Resolution”) with the Minnesota Planning Agency, or its successor agency (now the Office of Administrative Hearings, Municipal Boundary Adjustments Unit), the applicable State agency may, in accordance with the governing statute, thereafter review and comment only on the annexation of the designated and legally described area commonly known as Woodland Heights, but shall, within 30 days of receipt of the City Annexation Resolution and a copy of the Joint Agreement (Appendix C), order the annexation of the designated Woodland Heights orderly annexation area to the City in accordance with the terms and conditions of the Joint Agreement (See Appendix C, Joint Agreement at Paragraph III.F.); and

WHEREAS, the Joint Agreement as it relates to the annexation of the designated Woodland Heights orderly annexation area, as legally described in Exhibit D to the Joint Agreement, is silent on the issue of tax reimbursement from the City to the Township for the annexation of the Woodland Heights area; and

WHEREAS, there are other portions of the Joint Agreement (Appendix C) that contain tax reimbursement provisions applicable to annexations of other areas of the Township pursuant to the Joint Agreement (See Appendix C, Joint Agreement at Paragraphs II.E. and IV.D.); and

WHEREAS, with respect to other annexations pursuant to the Joint Agreement, tax reimbursement is stated to be for a period of five years from the date of annexation (See Appendix C, Joint Agreement at Paragraphs II.E. and IV.D.); and

WHEREAS, Minnesota Statutes, section 414.036, provides that the Office of Administrative Hearings when making an order for annexation under Chapter 414 must provide a reimbursement from the annexing city to the township for all or part of the taxable property annexed as part of its annexation order in substantially equal payments over not less than two nor more than eight years from the date of annexation; and

WHEREAS, the triggering event for the annexation of the Woodland Heights orderly annexation area as legally described in Exhibit D to the Joint Agreement, which was “on or after January 1, 2010,” has occurred, and the City has and continues to have the contractual right to initiate annexation of said area at any time after said date (See Appendix C, Joint Agreement at Paragraphs III.E. and III.F. and Exhibit D); and

WHEREAS, the Woodland Heights orderly annexation area, designated and legally described herein for immediate orderly annexation to the City, is urban or suburban in character, annexation is in the best interests of the City and property owners, and annexation thereof would benefit the public health, safety and welfare of the community; and

WHEREAS, having met all the triggering conditions for orderly annexation of the Woodland Heights area legally described herein, as provided in the Joint Agreement, the City may now adopt, execute and file this Annexation Resolution providing for the immediate annexation of the Woodland Heights orderly annexation area designated herein (See Appendix C, Joint Agreement at Paragraphs III.B., III.E. and III.F. and Exhibit D); and

WHEREAS, in accordance with Paragraph III.F. of the Joint Agreement, Appendix C, annexation of the Woodland Heights orderly annexation area designated herein pursuant to the Joint Agreement does not require a hearing or any consideration by the Office of Administrative Hearings (hereinafter the “OAH” or “OAH-MBAU”, except to the extent that the OAH may review and comment thereon.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, as follows:

1. This resolution hereby constitutes and shall be referred to hereinafter as the “Annexation Resolution” as provided in Paragraph III.F. of the Joint Agreement. See Appendix C, Joint Agreement at Paragraph III.F.
2. As of the date of this Annexation Resolution, the calendar date is now after January 1, 2010, and the City is therefore authorized to and may hereby immediately annex the Woodland Heights orderly annexation area, as provided in Paragraphs III.E. and III.F. and as legally described and depicted in Exhibit D of the Joint Agreement. See Appendix C, Joint Agreement at Paragraphs III.E. and III.F. and Exhibit D.
3. The subject area designated in this Annexation Resolution for immediate annexation to the City, commonly known and referred to in the Joint Agreement as the Woodland Heights area, is legally described in Appendix A, which is attached hereto and incorporated herein by reference (hereinafter the “Subject Area” or “Woodland Heights area”).
4. A boundary map showing the Subject Area designated herein for immediate orderly annexation, legally described in Appendix A, is attached hereto and incorporated herein by reference as Appendix B.
5. The above-referenced Joint Agreement between the City and Township, providing the conditions for annexation of the Subject Area legally described in Appendix A, is attached hereto as Appendix C.
6. The Subject Area, legally described in Appendix A and depicted in Appendix B, designated as in need of immediate orderly annexation is approximately 230 acres.
7. The population of the Subject Area legally described in Appendix A and designated as in need of immediate orderly annexation is estimated to be 240.
8. The number of households in the Subject Area legally described in Appendix A and designated as in need of immediate orderly annexation is estimated to be 95.
9. In accordance with Paragraph III.F. of the Joint Agreement, Appendix C, and the governing statutes, the Office of Administrative Hearings may review and comment only on this Annexation Resolution, but shall within thirty (30) days of receipt of this Annexation Resolution and a copy of the above-referenced Joint Agreement (attached as

Appendix C), order the annexation of the Subject Area designated in this Annexation Resolution and legally described in Appendix A in accordance with the terms and conditions of the above-referenced Joint Agreement, Appendix C. No alteration of the stated boundaries as described in this Annexation Resolution is appropriate, no consideration by the Office of Administrative Hearings is necessary, and all terms and conditions for annexation hereof have been met as provided for in the Joint Agreement, Appendix C. See Appendix C, Joint Agreement at Paragraphs III.E. and III.F. and Exhibit D; and see also, Minnesota Statutes, section 414.0325, subs. 1(g) and 1(h).

10. In accordance with Minnesota Statutes, section 414.036, and because the Joint Agreement is silent on the issue of tax reimbursement as it pertains to the annexation of the Subject Area legally described in Appendix A, the City hereby requests that the Office of Administrative Hearings include in its order for annexation of the Subject Area to the City, the following tax reimbursement provision in order to reimburse the Township for a limited period for the loss of property taxes from the Subject Area hereby annexed:

Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the City, upon annexation of the Subject Area, shall reimburse the Township for the loss of taxes from the property so annexed in an amount equal to one hundred (100) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township for a period of five years. There shall be no additional tax reimbursement from the City to the Township following the fifth year.

11. While there is no provision in Minnesota Statutes, Chapter 414, and no provision in the Joint Agreement requiring the phasing in of the property tax rate from the current Township level to the City level, as it pertains to the annexation of the Subject Area legally described in Appendix A, the City hereby nonetheless requests that the Office of Administrative Hearings include in its order for annexation of the Subject Area to the City, the following property tax rate phase-in provision in order to phase-in the property tax rate for the Subject Area to equality with the applicable City tax rate:

Tax Rate Phase-in. Pursuant to Minnesota Statutes, Section 272.67, subd. 1, following annexation of the Subject Area, the tax rate of the City thereafter applied to the Subject Area hereby annexed shall be increased in approximately equal proportions over six (6) years to equality with the City's tax rate applicable to other similarly situated property already located within the City in the sixth year following the date of annexation of the Subject Area.

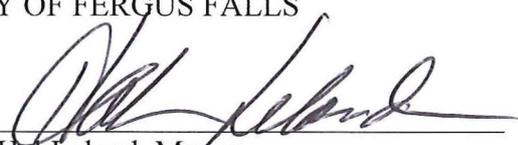
12. Following annexation of the Subject Area designated herein for immediate orderly annexation, the City shall be responsible for providing municipal governmental services to the annexed Subject Area.
13. This Annexation Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota and the above-referenced Joint Agreement (See

Appendix C).

14. This Annexation Resolution is not subject to the notice and publication requirements of Minnesota Statutes, sections 414.0325, subd. 1b, as the Joint Agreement, Appendix C, previously designated the orderly annexation area and the Subject Area hereby annexed for orderly annexation and is therefore inapplicable to this Annexation Resolution.
15. Upon adoption and execution of this Annexation Resolution by the City, City administration is authorized and directed to file the same with the Township and the Office of Administrative Hearings Municipal Boundary Adjustments Unit along with the required filing fee.
16. Because of the timing of expiration of the Orderly Annexation Agreement, December 31, 2016, and the corresponding timing of the adoption and filing of this Annexation Resolution in relation to the date of the general election, the City hereby requests that the Office of Administrative Hearings include in its order for annexation of the Subject Area to the City an effective date of annexation that is on or after November 9, 2016, pursuant to Minnesota Statutes, section 414.0325, subds. 1(h) and 4.
17. In the event there are errors, omissions or any other problems with the legal description, mapping or other documentation provided in Appendix A or Appendix B of this Annexation Resolution, in the judgment of the Office of Administrative Hearings Municipal Boundary Adjustments Unit, City administration is authorized and directed to make such corrections and file such additional documentation, including a new Appendix A or Appendix B, making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the Joint Agreement, Appendix C.

Passed, adopted, and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 11th day of October, 2016.

CITY OF FERGUS FALLS

By: 

Hal Leland, Mayor

ATTEST:

By: 

Andrew Bremseth, City Administrator

APPENDIX A

The Subject Area (Woodland Heights Area) designated in this Annexation Resolution and shown on Appendix B for immediate orderly annexation is legally described as follows:

The West Half (W ½) of Section Twenty-six (26) not presently within the corporate limits of the City (which includes all of Auditors Plats of Woodland Heights, First Addition to Woodland Heights, Second Addition to Woodland Heights and Lot Six (6), Block Two (2) of the Third Addition to Woodland Heights, according to the plats of record on file in the office of the County Recorder, Otter Tail County, Minnesota, all in Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota.

Excepting therefrom the following described tract of land, to wit:

Commencing at the Northwest corner of Section 26, Township 133N, Range 43W; thence on an assumed bearing of South 00 degrees 02 minutes 15 seconds West on the Westerly line of said Section 26 for a distance of 580.04 feet; thence North 89 degrees 52 minutes 38 seconds East 50 feet to the Northwest corner of Lot 1, Block 2 of WOODLAND HEIGHTS 3RD ADDITION and the point of beginning; thence continuing North 89 degrees 52 minutes 38 seconds East on the Northerly line of said WOODLAND HEIGHTS 3RD ADDITION for a distance of 400.28 feet; thence South 00 degrees 07 minutes 20 seconds East 5.01 feet; thence North 89 degrees 52 minutes 40 seconds East 72.72 feet; thence South 00 degrees 00 minutes 15 seconds West 464.63 feet; thence South 42 degrees 57 minutes 14 seconds West 31.22 feet; thence South 00 degrees 24 minutes 46 seconds East 277.47 feet; thence South 89 degrees 55 minutes 39 seconds East 23.80 feet; thence South 00 degrees 02 minutes 15 seconds West 230.55 feet to the Southeast corner of Lot 5, Block 2, WOODLAND HEIGHTS 3RD ADDITION; thence North 89 degrees 57 minutes 45 seconds West 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West 210.00 feet; thence South 89 degrees 57 minutes 45 seconds East 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West 174.95 feet to the Southeast corner of WOODLAND HEIGHTS 3RD ADDITION; thence South 83 degrees 39 minutes 15 seconds West on the Southerly line of WOODLAND HEIGHTS 3RD ADDITION for a distance of 480.98 feet to the intersection with the East line of the West 50.00 feet to said Section 26; thence North 00 degrees

02 minutes 15 seconds East parallel to the Westerly line of said Section 26 for a distance of 1437.63 feet to the point of beginning, which is platted as Lots 1, 2, 3, and 4, Block 1 and Lots 1, 2, 3, 4, 5, and 7, Block 2, Woodland Heights, 3rd Addition, together with the adjacent right of way of Otter Tail County Highway 27.

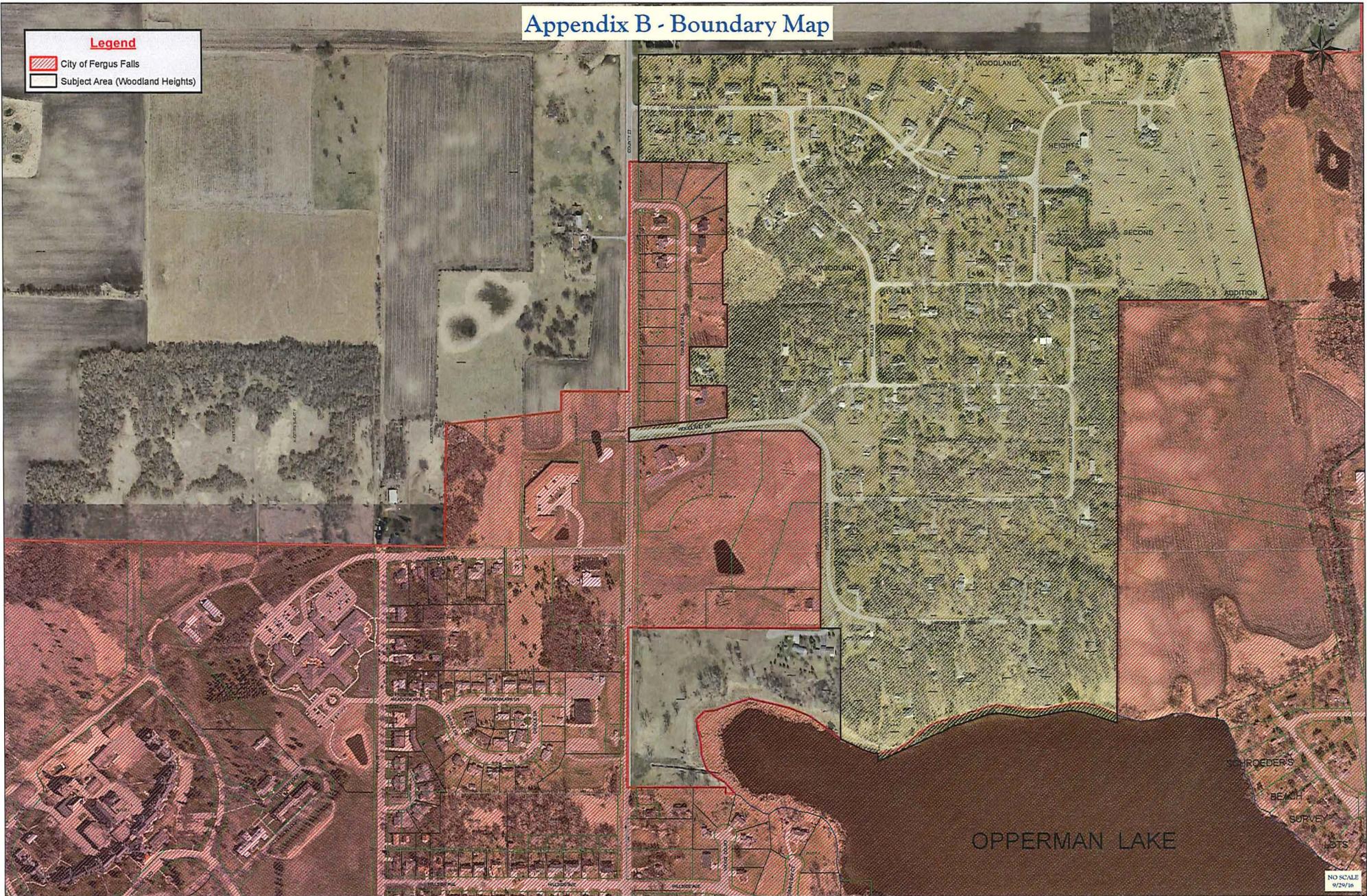
APPENDIX B

The boundary map referenced in this Annexation Resolution showing the Subject Area designated for immediate orderly annexation and legally described in Appendix A, is attached hereto.

Appendix B - Boundary Map

Legend

-  City of Fergus Falls
-  Subject Area (Woodland Heights)



Appendix B - Boundary Map

Legend

-  City of Fergus Falls
-  Subject Area (Woodland Heights)



RECEIVED

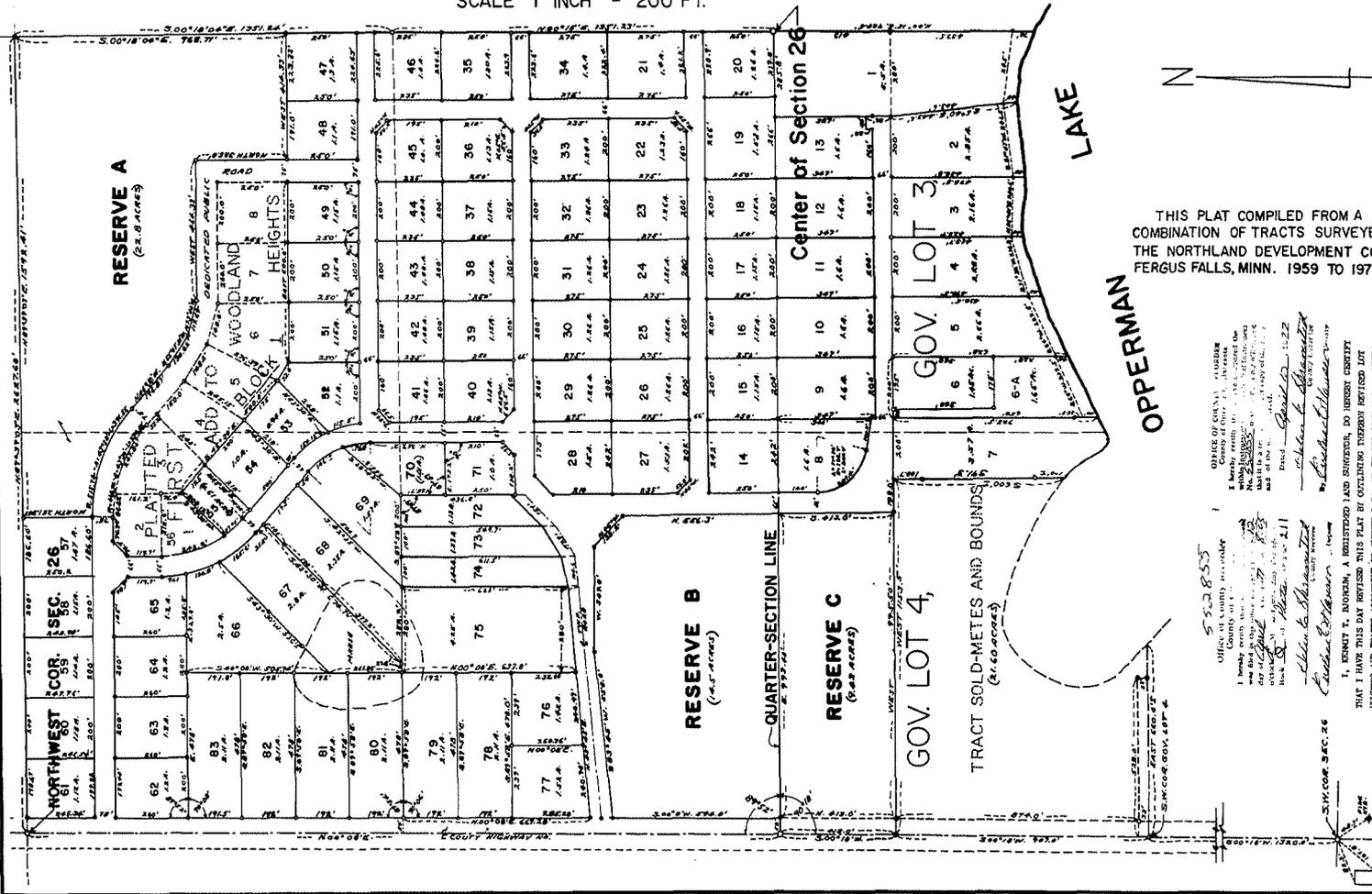
by OAH on November 14, 2016



AUDITORS PLAT OF WOODLAND HEIGHTS

ALL OF GOV. LOT 3 AND PART OF GOV. LOT 4 AND ALL OF THE N.W. 1/4 OF SEC. 26,
TOWNSHIP 133 NORTH, RANGE 43 WEST, OF 5TH PRINCIPAL MERIDIAN,
OTTER TAIL COUNTY, MINNESOTA.

SCALE 1 INCH = 200 FT.



THIS PLAT COMPILED FROM A
COMBINATION OF TRACTS SURVEYED FOR
THE NORTHLAND DEVELOPMENT CO. INC.,
FERGUS FALLS, MINN. 1959 TO 1977.

5-22-853
Office of County Auditor
County of Otter Tail
I hereby certify that this plat is correct for
the land shown thereon, and that the same
has been duly recorded in the
Office of County Auditor, Otter Tail County,
Minnesota, this 11th day of April, 1977.
By: *Robert T. Morkin*
County Auditor

1. KENET T. MORKIN, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY
THAT I HAVE THIS DAY REVIEWED THIS PLAT BY OBTAINING THEREON REVIDED LIT
RECORDS AND TRACTS ACCORDING TO SURVEY DATA AND TRACTS CONTAINED BY METES
AND BOUNDS IN CORRESPOND LOTS 3 AND 4 AND THE NEAREST QUARTER OF SECTION
26, TOWNSHIP 133 NORTH, RANGE 43 WEST, OTTER TAIL COUNTY, MINNESOTA, GRANTED
BY COMPANY A MINNESOTA CORPORATION, WERE FOOT
CORNER BEARS BEARING N. 100° 00' 00" E. 100.00 FT. TO
BEARS, ON PAGE 61, SERIES
IN WITNESS WHEREOF I HAVE HERETO SIGNED MY NAME THIS 11TH DAY OF April 1977.

ACCEPTED AT THE BOARD OF COUNTY COMMISSIONERS OF OTTER TAIL COUNTY
MINNESOTA, THIS 11TH DAY OF April 1977.
Attest: *Robert T. Morkin*
County Auditor
Otter Tail County, Minnesota

STATE OF MINNESOTA
REGISTERED LAND SURVEYOR
No. 522853
Robert T. Morkin

PLAT OF FIRST ADDITION TO WOODLAND HEIGHTS

PART OF THE NORTH ONE-HALF OF THE NORTHWEST-QUARTER
OF SECTION 26, TOWNSHIP 133 NORTH, RANGE 43 WEST.

OWNERS CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the **NORTHLAND DEVELOPMENT**, a Minnesota corporation whose post-office address is Fergus Falls, Minnesota, owners and proprietors of the following tracts or parcels of land lying and being in the county of Otter Tail, State of Minnesota, and described as follows to-wit:

PART OF THE NORTH ONE-HALF OF THE NORTHWEST-QUARTER OF SECTION 26, TOWNSHIP 133, RANGE 43, BEING ALL OF LOT 56 AND A PART OF LOT 48 AND A PART OF RESERVE A OF THE AUDITORS PLAT OF WOODLAND HEIGHTS A SUBDIVISION OF GOVERNMENT LOT 2 AND A PART OF GOVERNMENT LOT 4 AND ALL OF THE NORTHWEST-QUARTER OF SECTION 26, TOWNSHIP 133 NORTH, RANGE 43 WEST; COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 81° 35' 40" EAST 709.50 FEET ALONG THE SECTION LINE; THENCE SOUTH 24° 48' 00" FEET TO THE POINT OF BEGINNING; THENCE SOUTH 844.70 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 248.20 FEET ALONG A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 407.74 FEET AND A CENTRAL ANGLE OF 44° 30'; THENCE NORTH 43° 30' EAST 206.10 FEET; THENCE SOUTH 41° 30' EAST 300.00 FEET; THENCE SOUTH 54° 31' EAST 73.00 FEET; THENCE EAST 600.00 FEET; THENCE SOUTH 250.00 FEET; THENCE EAST 75.00 FEET; THENCE NORTH 35° 00' FEET; THENCE WEST 46° 33' FEET; THENCE NORTH 73° 48' WEST 117.69 FEET; THENCE NORTH 52° 00' WEST 151.69 FEET; THENCE NORTH 44° 30' WEST 16.00 FEET; THENCE NORTHWESTERLY A DISTANCE 75.84 FEET ALONG A TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 518.80 FEET AND A CENTRAL ANGLE OF 41° 30'; THENCE WEST 17.40 FEET TO THE POINT OF BEGINNING.

SURVEYORS CERTIFICATE

I, Reemit T. Bjergum, a duly Registered Land Surveyor under the laws of the State of Minnesota do hereby certify that this plat is a correct representation of the survey of **FIRST ADDITION TO WOODLAND HEIGHTS** located in Otter Tail County, Minnesota as surveyed and platted by me in the month of July, 1974, and that all distances are correctly shown on the plat; and that monuments for guidance of future surveys have been correctly placed in the ground as shown; and that there are no wet lands or public roads except as shown on the plat; and that the outside boundary lines are correctly designated.

Dated at Fergus Falls, Minnesota this 5th day of December, 1974.

In presence of:
Earl E. Bombardier



State of Minnesota }
County of Otter Tail

On this 5th day of December, 1974, A. D., before me a Notary Public in and for said county personally appeared, Reemit T. Bjergum, to me well known to be the person who executed the foregoing certificate and that he acknowledged that he executed the same as his free act and deed.

Subscribed and sworn before me—



Earl E. Bombardier
Notary Public

APPROVED BY FERGUS FALLS TWP. TOWN BOARD
THIS 9th DAY OF Dec, 1974.

SIGNED TWP. OFFICER Frank J. Schneider
TITLE Chairman

Which part described herein the undersigned have caused to be surveyed and sub-divided into lots and roadways as shown on the annexed plat, which plat the undersigned have caused to be prepared and after the execution and recording hereof, the said described property shall hereafter be known and described as shown on the annexed plat, and it hereby donates and dedicates to the public use forever all roadways as located on the annexed plat.

IN TESTIMONY WHEREOF, the said **NORTHLAND DEVELOPMENT** have caused these presents to be executed in its corporate name, by its president, and its secretary, and its corporate seal hereto affixed this 5th day of December, 1974, A. D.

In presence of: NORTHLAND DEVELOPMENT, INC.
A Minnesota Corporation

Oliver Sallaback By Edward J. Larson
President
Lincoln W. Stender Attest: Robert J. Hanson
Secretary

State of Minnesota, }
County of Otter Tail

On this 7th day of December, 1974, A. D., before me appeared Edward J. Larson and Robert L. Moran to me personally known, each did say that they are respectively the president and the secretary of the **NORTHLAND DEVELOPMENT, INC.**, a Minnesota Corporation, and that the same was executed in behalf of said corporation and that the said persons acknowledged the same to be the free act and deed of said corporation.

Subscribed and sworn before me—

Same paid and transfer

entered this 5th day of December

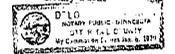
1975

Robert J. Hanson
County Clerk

I hereby certify that the above plat is for the lands described in this certificate.

1975

Robert J. Hanson
County Clerk



I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat in its form and location.

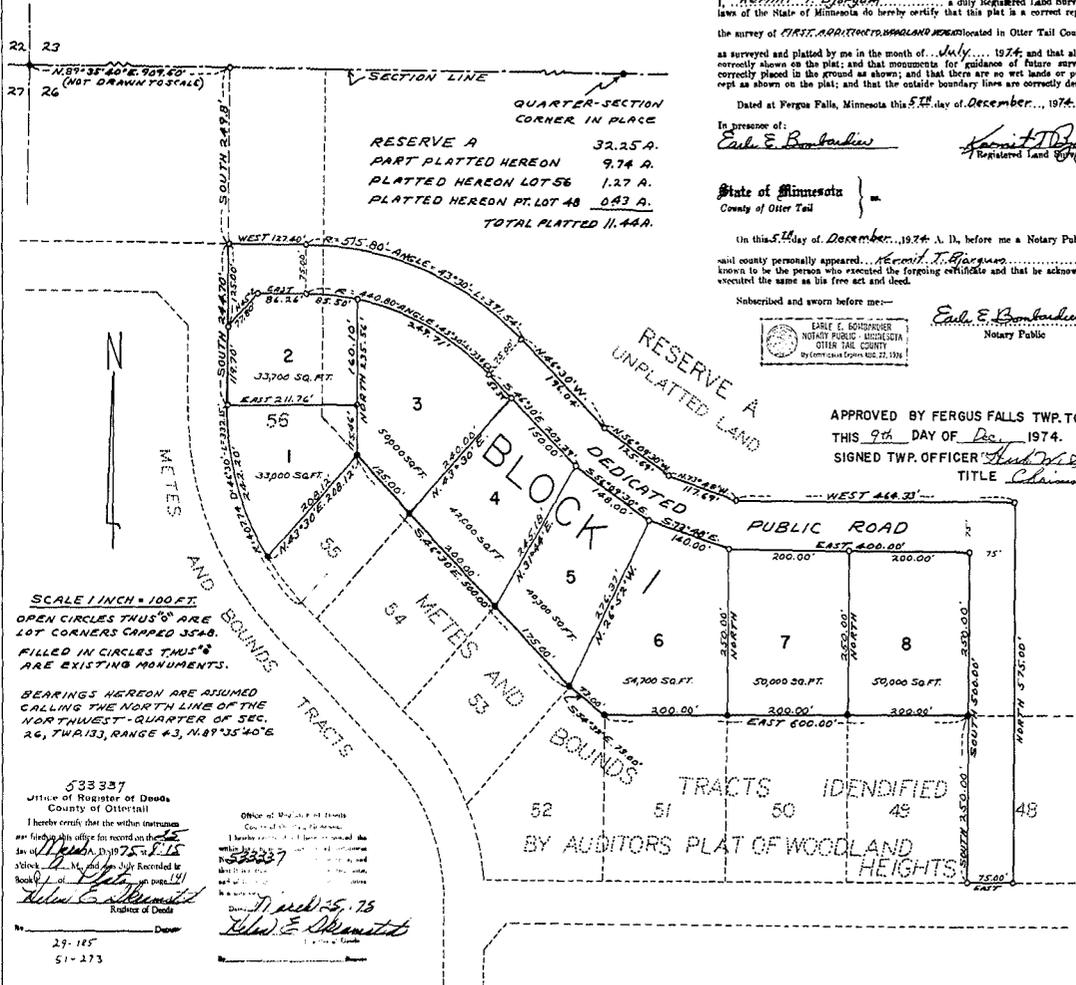
ACCEPTED AT THE BOARD OF COUNTY COMMISSIONERS OF OTTER TAIL COUNTY
MINNESOTA THIS 5th DAY OF March, 1975

Oliver Sallaback
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

ATTEST Robert J. Hanson
COUNTY AUDITOR OTTER TAIL COUNTY
MINNESOTA

CONFORMANCE WITH PRELIMINARY PLAN
MADE AND APPROVED THIS 5th DAY
OF MARCH, 1975
Robert J. Hanson
MINN. CON. X. 1.0E, Shortland Administrator

COPY



SCALE 1 INCH = 100 FT.
OPEN CIRCLES THUS \odot ARE
LOT CORNERS CAPPED 3/8".
FILLED IN CIRCLES THUS \bullet
ARE EXISTING MONUMENTS.

BEARINGS HEREON ARE ASSUMED
CALLING THE NORTH LINE OF THE
NORTHWEST-QUARTER OF SEC.
26, TWP. 133, RANGE 43, N. 89° 35' 40"

533337
Office of Registrar of Deeds
County of Otter Tail

I hereby certify that the within instrument
has been filed for record on this
day of March, 1975, at 11:15
A.M. at Fergus Falls, Minn. Recorded by
Book 117, Page 141
Oliver Sallaback
Registrar of Deeds

Office of Notary Public
County of Otter Tail, Minnesota
I hereby certify that the within instrument
was presented to me for recording on
this 5th day of December, 1974, at
Fergus Falls, Minn. and that the same
was duly recorded in my office on this
date.
Earl E. Bombardier
Notary Public

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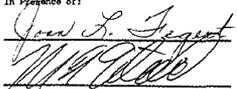
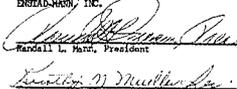
SECOND ADDITION TO WOODLAND HEIGHTS

PARTS OF THE NW 1/4 AND THE NE 1/4, SECTION 26, TOWNSHIP 133,
RANGE 43, OTTER TAIL COUNTY, MINNESOTA.

This is to certify that Enstad-Mann, Inc., a Minnesota Corporation, owners and proprietors of that part of Reserve Lot A of AUDITORS PLAT OF WOODLAND HEIGHTS as of public record in the Office of the County Recorder, in and for Otter Tail County, Minnesota and part of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 26, Township 133, Range 43 of said Otter Tail County, Minnesota, described as follows: Beginning at a point on the Northernly line of said Section 26 a distance of 1255.27 feet Easterly to the Northwest corner of said Section 26, also being 200.00 feet Easterly to the Northwest corner of said Reserve Lot A; thence South 00° 07' 18" East parallel to the Westernly line of said Reserve Lot A for a distance of 292.50 feet to the Northernly line of said Section 26 as dedicated in the Subdivision Plat of FIRST ADDITION TO WOODLAND HEIGHTS as of public record in the Office of said County Recorder; thence Southeasterly on the Northernly line of said dedicated road and on an arc having a radius of 506.63 feet; central angle of 21° 03' 38" for an arc distance of 186.22 feet; thence continuing on the right of way line of said dedicated road on the following five courses and they being as follows: Thence South 69° 29' 29" East 156.49 feet; thence South 56° 10' 23" East 125.90 feet; thence South 73° 57' 53" East 117.70 feet; thence North 89° 58' 50" East 484.10 feet; thence South 00° 08' 45" East 321.71 feet to the Northeast corner of Lot 48 of said AUDITORS PLAT OF WOODLAND HEIGHTS; thence South 89° 29' 29" East on the Northernly line of Lot 48 and on the Northernly line of Lot 47 of said AUDITORS PLAT OF WOODLAND HEIGHTS for a distance of 415.01 feet to the Northwest corner of said Lot 47; thence South 00° 24' 55" East on the Easterly line of said Lot 47 and its prolongation Southerly for a distance of 368.48 feet to the Southerly line of the Northeast 1/4 of the Northeast 1/4 of said Section 26; thence North 89° 29' 29" East on last said Southerly line for a distance of 805.12 feet to the Westerly right of way line of Burlington Northern Railroad; thence North 13° 08' 40" West on the Westerly right of way line of said Burlington Northern Railroad for a distance of 1360.28 feet to the Northernly line of said Section 26; thence South 89° 31' 25" West on the Northernly line of said Section 26 for a distance of 552.89 feet to the Northwest corner of the Northeast 1/4 of said Section 26; thence South 89° 31' 40" East and continuing on the Northernly line of said Section 26 for a distance of 1392.47 feet to point of beginning.

Have the same to be surveyed, platted and hereafter known as SECOND ADDITION TO WOODLAND HEIGHTS as shown by this plat and hereby dedicated to the public for public use forever all streets, roads and cul-de-sacs as shown.

In testimony thereof the said corporation has caused these present to be executed in its corporate name by its duly authorized officer and its corporate seals to be hereunto affixed this 17th day of August, A.D. 1977.

In Presence of:


 RANDALL L. MANN, President
 DOROTHY M. MUELLER, Secretary

State of Minnesota }
 County of Otter Tail }
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On this 17th day of August, A.D. 1977, before me appeared Randall L. Mann and Dorothy M. Mueller, who each being duly sworn did say that they are respectively the President and Secretary of the Enstad-Mann, Inc., a Minnesota Corporation, the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said President and Secretary acknowledged said instrument to be the free act and deed of said corporation.


 Notary Public, Otter Tail County, Minnesota
 My Commission expires _____

579976
 Office of County Auditor
 County of Otter Tail
 I hereby certify that the foregoing instrument was filed for record in the Office of the County Auditor on this 17th day of August, 1977.
 Helen E. Schrock
 County Auditor

I hereby certify that I have compared the foregoing instrument with the original and find that it is a true and correct copy of the original and of the whole thereof.
 Date: August 29, 1977
 Notary Public
 My Commission expires _____

I, Robert B. Oslund, a Registered Land Surveyor, do hereby certify that I have surveyed the property described on this plat as SECOND ADDITION TO WOODLAND HEIGHTS; that said plat is a correct representation of my survey; that all distances are correctly shown on the plat; that the monuments for guidance of future surveys have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; that there are no wet lands or public highways on or across the same except as shown.


 Registered Land Surveyor, Minn. Reg. No. 1573

State of Minnesota }
 County of Otter Tail }
 133

On this 14th day of August, A.D. 1978, before me, the undersigned, personally appeared Robert B. Oslund, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his own free act and deed.


 Notary Public, Otter Tail County, Minnesota
 My Commission expires 5/15/78

Reported at the Board of County Commissioners of Otter Tail County, Minnesota, this 21st day of August, A.D. 1977.


 Official Board of County Commissioners


 Attest: Sylvia Bergquist, County Auditor
 Otter Tail County, Minnesota

Approved by Ferguson Falls Township Town Board this 9th day of July, A.D. 1978.

Authorized by: 
 Chairman, Township Board

Attested by: 

I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the Subdivision Controls Ordinance of Otter Tail County and Chapter 505, Minnesota Statutes.


 Registered Land Surveyor

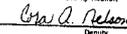
Comparison with preliminary plat made and approved this 21st day of AUG, A.D. 1977.


 Administrative Assistant
 Subdivision Controls Ordinance

I hereby certify that proper evidence of title has been presented to, and examined by me, and I hereby approve this plat as to form and execution.


 Attorney

We,  and , Enstad-Mann, Inc., hereby attest to the fact that there are no mortgages outstanding against any of the property in this subdivision.

No mortgages were recorded against.
 Date: August 28, 1978
 Sylvia Bergquist
 County Auditor
 By: 
 Deputy

I hereby certify that the above is a true and correct copy of the original and of the whole thereof.
 1979
 Notary Public
 My Commission expires _____

SECOND ADDITION TO WOODLAND HEIGHTS

PARTS OF THE NW 1/4 AND THE NE 1/4, SECTION 26, TOWNSHIP 133,
RANGE 43, OTTER TAIL COUNTY, MINNESOTA.

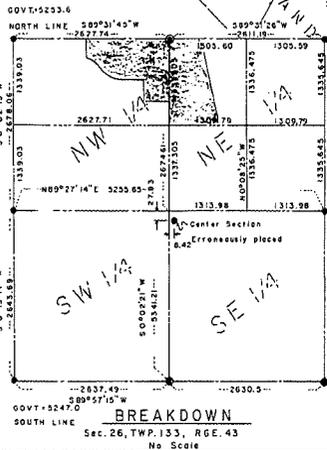
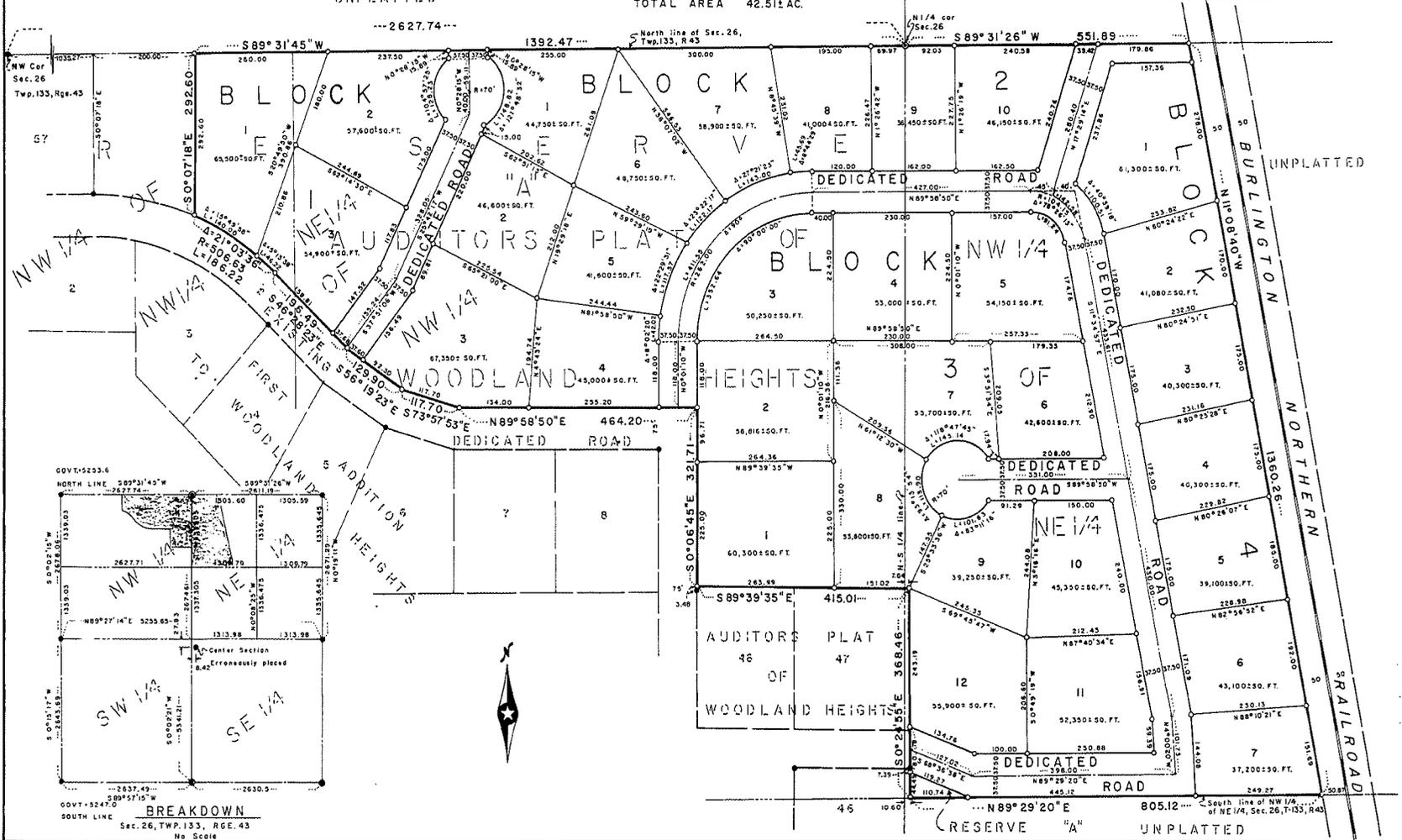
Prepared by:
ROBERT S. OSLAND & ASSOC., INC.
Fergus Falls, Minn.

Developer:
OSLAND-HANN, INC.
Fergus Falls, Minn.

NW 1/4 of NW 1/4	1.53 AC.
NE 1/4 of NW 1/4	20.31 AC.
NW 1/4 of NE 1/4	20.67 AC.
TOTAL AREA	42.51± AC.

- 0 100
30
SCALE: 1"=100'
- Indicates iron mon. found
 - Indicates iron mon. placed with orange plastic cap inserted therein labeled Minn. Registration No. 7575.
 - ◎ Indicates County cast iron monument.
- Bearings are on assumed datum.

UNPLATTED



THIRD ADDITION TO WOODLAND HEIGHTS

PART OF THE NW 1/4, SECTION 26, TOWNSHIP 133,
RANGE 43, OTTER TAIL COUNTY, MINNESOTA.

TOTAL AREA = 15.3 AC.

Prepared by:
ROBERT B. OSLUND & ASSOC., INC.
Fergus Falls, Minn.

Developer:
ENSTAD-MANN, INC.
Fergus Falls, Minn.

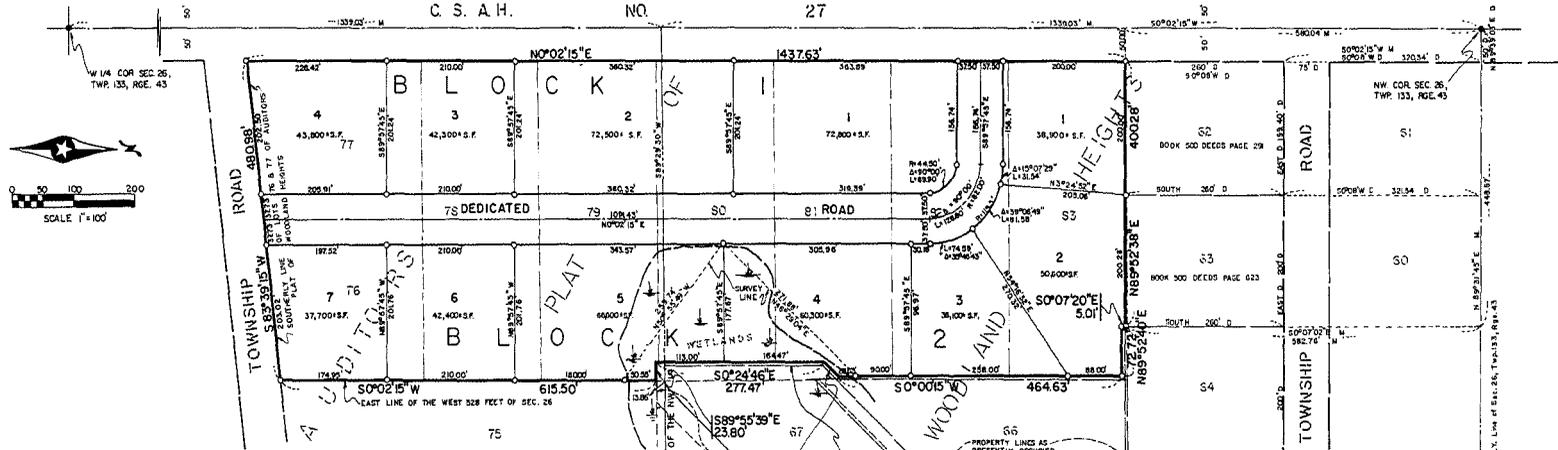
• Indicates iron mon. found.

O Indicates iron mon. placed with an orange plastic cap inserted therein labeled Minn. Reg. No. 7579.

D = Dead dimension

M = R.B.C. Measured distance

Bearings are on assumed datum.



This is to certify that Enstad-Mann, Inc., a Minnesota Corporation, owners and proprietors of that part of Sublots 76, 77, 78, 79, 80, 81, 82 and 83 of AUBREY'S PLAT OF WOODLAND HEIGHTS as of public record in the office of the County Recorder in and for Otter Tail County, Minnesota and part of the Northwest 2 of Section 26, Township 133, Range 43, said Otter Tail County, described as follows: Commencing at the Northwest corner of said Section 26; thence on an assumed bearing of South 00° 00' 15\"/>

Have caused the same to be surveyed, platted and hereafter known as THIRD ADDITION TO WOODLAND HEIGHTS as shown by this plat and hereby dedicate to the public for public use forever all streets and roads as shown.

In testimony thereof the said corporation has caused these present to be executed in its corporate name by its duly authorized officers and its corporate seals to be hereunto affixed this 19th day of August, A.D., 1979.

In presence of:
Joseph L. Fugate
Robert B. Oslund
Enstad-Mann, Inc.
Randall L. Mann, President
Dorothy W. Mueller, Secretary

On this 19th day of August, A.D., 1979, before me appeared Randall L. Mann and Dorothy W. Mueller, who each being duly sworn did say that they are respectively the President and Secretary of the Enstad-Mann, Inc., a Minnesota Corporation, the corporation named in the foregoing instrument, and that the said affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said President and Secretary acknowledged said instrument to be such and so signed of said corporation.

Notary Public, Otter Tail County, Minnesota
My commission expires _____

I, Robert B. Oslund, a Registered Land Surveyor, do hereby certify that I have surveyed the property described on this plat as THIRD ADDITION TO WOODLAND HEIGHTS; that said plat is a correct representation of my survey; that all distances are correctly shown on the plat; that the monuments for evidence of future surveys have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; that there are no wet lands or public highways or areas of the same except as shown.

Registered Land Surveyor, Minn. Reg. No. 7515

On this 19th day of August, A.D., 1979, before me, the undersigned, personally appeared Robert B. Oslund, to be known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his own free act and deed.

Accepted at the Board of County Commissioners of Otter Tail County, Minnesota, this 19th day of August, A.D., 1979.

Notary Public, Otter Tail County, Minnesota
My commission expires _____

579977
Office of County Recorder
County of Otter Tail, Minnesota
I hereby certify that the within instrument was filed in my office for record on the 19th day of August, A.D., 1979.
I have examined the original instrument and the copy thereof in my office, and that it is a true and correct copy of the same and of the whole thereof.
Date August 29, 1979
Dorothy W. Mueller
County Recorder

Approved by Fergus Falls Township Town Board this 14th day of August, A.D., 1979.
Authorized by: *Frank J. Welch*
Chairman, Township Board
Attested by: *Elaine M. Schwaning*
Secretary

I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the Subdivision Control Ordinance of Otter Tail County and of the Minnesota Statutes.

Comparison with preliminary plat made and approved this 21st day of June, A.D., 1979.
Notary Public, Otter Tail County, Minnesota
My commission expires _____

I hereby certify that proper evidence of title has been presented to, and examined by me, and I hereby approve this plat as to form and execution.
Notary Public, Otter Tail County, Minnesota
My commission expires _____

APPENDIX C

The Joint Agreement between the City and Township providing for this Annexation Resolution is attached hereto.

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

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 inquiries from residents of Fergus Falls Township and owners of land located in 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 heretofore entered into various agreements relating to orderly annexation and are of the collective opinion that all of such former agreements relating to orderly annexation should be rescinded and terminated; and

WHEREAS, the parties have agreed upon the provisions for a new 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. Termination of Pre-existing Agreements Relating to Annexation
 - A. The Joint Resolution for Orderly Annexation adopted by City on July 17, 1974, and by Town on July 8, 1974, together with the Joint Resolution of the City and Town of Fergus Falls amending the 1974 Orderly Annexation Agreement, dated August 15, 1994, and identified as Resolution #236-1994, and any and all other orderly annexation agreements by and between the City and the Town are hereby rescinded and terminated. The terms and conditions contained in this joint Resolution for Orderly Annexation shall be exclusive and supersede all prior Joint Resolutions for Orderly Annexation or other

agreements pertaining to annexation executed in accordance with Minnesota Statutes 414.0325.

II. Immediate Annexation

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

1. City owned tract (Norgren)
2. City owned tract (water tower)
3. Otter Tail Power Company tract
4. Bilden tract
5. Batzlaff tract
6. Froelich tract

The above tracts of land are legally described on the descriptions in attached Exhibit A.

B. The City and Township agree that the area described above and designated as in need of immediate annexation is 331 acres.

A boundary map showing the area legally described herein is attached to as Exhibit B and incorporated herein by reference. Plat maps for the area legal described herein are attached as Exhibit C (Batzlaff Tract).

C. The City and Township agree that the population of the area legally described as in need of immediate annexation is zero (0).

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 legally described in Exhibit A 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 for real estate taxes that it would have received had the annexation not taken place for a period of not more than five (5) years from and after the date of annexation.

- F. The City has received property owner petitions for annexation 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 owners.
- 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.

III. Postponement of Annexation (Woodland Heights area)

The parties to this Agreement understand and agree that pursuant to previous Agreements by and between the City and the Town, the City has the unilateral right to annex the Woodland Heights area, upon its own resolution at any time from and after January 1, 2002. Notwithstanding this fact that the City has this authority to annex this area, the City has chosen to delay said annexation in order to obtain the within Agreement with the Township. Based upon this consideration, the parties agree as follows:

- A. The City agrees that it will not initiate any annexation proceedings over the following described tract of land, described in Exhibit D (Woodland Heights), for a period of eight (8) years, terminating December 31, 2009, unless:
 - 1. The City is in receipt of a Petition for Annexation which is signed by a majority of the land owners of all or part of said area (Woodland Heights). Said tract shall be annexed pursuant to other provisions of this agreement and as soon as the tract qualifies for annexation pursuant thereto without regards to the time limitations specified above; or
 - 2. The City is in receipt of a Petition for Annexation which is signed by an individual property owner located in said area (Woodland Heights) which abuts current city limits. Said tract shall be annexed pursuant to other provisions of this Agreement and as soon as the tract qualifies for annexation pursuant thereto without regards to the time limitations specified above; or
 - 3. The City shall have the right to annex any area of the above described tract of land (Woodland Heights) if said land is owned by the City, completely surrounded by the City, or the City and Township agree to early annexation.

4. The sanitary sewer collection system, or any other municipal facility must be constructed within the above-described area because of orders from the Minnesota Pollution Control Agency or other agencies of the Federal or State Government. The time limitations of the preceding paragraph shall be inapplicable with respect to the area required to be served by such municipal utility and such areas may be annexed pursuant to other provisions of this agreement.

- B. The area known as Woodland Heights and legally described in Exhibit D, which is attached hereto and incorporated by reference is designated for orderly annexation pursuant to Minnesota Statutes, Section 414.0325.

- C. The City and Township agree that the area described in Exhibit D and designated as in need of orderly annexation is 230 acres.

- D. A boundary map showing the area legally described in Exhibit D is attached hereto as Exhibit B and incorporated herein by reference. Plat maps for the area legally described in Exhibit D are also attached hereto and incorporated herein by reference by Exhibit E (1-4).

- E. The City and Township hereby agree that on or after January 1, 2010, the City may initiate and the Township will not object to annexation of the area legally described in Exhibit D.

- F. 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 in Exhibit D are contained in this Joint Resolution, and that no consideration by Minnesota Planning is necessary. On filing of a Resolution by the City with Municipal Planning or its successor, providing for the annexation of the area legally described in Exhibit D, Minnesota Planning may review and comment thereon, but shall, within thirty (30) days of receipt of said Resolution and a copy of this Joint Resolution for Orderly Annexation, order the annexation of the area legally described in Exhibit D or the remainder of the area not already annexed under the foregoing provisions of this Joint Resolution, in accordance with the terms and conditions contained in this Joint Resolution.

- G. No election will be required because there is not election required by law in effect as of January 1, 2002. This provision shall continue to be in force notwithstanding the fact that the law may change at the time of the actual annexation.
- H. In the event that an annexation becomes operative under the conditions contained in paragraph III-3, that annexation shall be accomplished in accordance with the procedures provided in paragraphs III, F and G. above.
- I. Subsequent to the date of annexation, any and all public improvements that may be installed or constructed in said area would be subject to the requirements and dictates of Minnesota Statutes Section 429.

IV. Orderly Annexation Area

The City and Township hereby agree that the remainder of Fergus Falls Township, shall be designated as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325. The City and Town agree as follows:

- A. The City agrees that it will not initiate any annexation proceedings over any of the land described above, for a period of fifteen (15) years, terminating December 31, 2016, unless
 1. The City is in receipt of a Petition for Annexation which is signed by a property owner or upon the petition of a majority of property owners of any tract or parcel within the area described. Such tract may be annexed pursuant to other provisions of this agreement and as soon as the tract qualifies for annexation pursuant thereto without regards to any time limitations; or
 2. The City may annex an area if the land is owned by the City, completely surrounded by the City, or the City and Township agree to early annexation.
 3. If a sanitary sewer collection system or any other municipal utility must be constructed within the above described orderly annexation area because of orders from the Minnesota Pollution Control Agency or other agencies of federal or state government, the time limitations on the preceding paragraph shall be inapplicable with respect to the area required to be

served by such municipal utility and such areas may be annexed pursuant to other provisions of this agreement.

- B. Said area may be annexed by the City filing a resolution with Minnesota Planning or its successor; Minnesota Planning, upon receipt of a resolution designating an area for annexation and a copy of this Joint Resolution for Orderly Annexation, may review and comment on the annexation, but shall, within thirty (30) days of receipt of a resolution from the City and a copy of this Joint Resolution, order annexation of the area legally described in the Resolution in accordance with the terms and conditions contained in this Joint Resolution for Orderly Annexation .
- C. No election will be required because there is no election requirement by law in effect as of January 1, 2002. This provision would continue to be enforced notwithstanding the fact that the law may change at the time of actual annexation.
- D. The City shall have the right to levy its real estate taxes immediately upon annexation and shall reimburse the Township for real estate taxes that it would have received had the annexation not taken place, for a period of five (5) years, from and after the date of annexation.
- E. The Township will not object to annexation to any area provided for in paragraph IV.

V. Governing law

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

VI. 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.

VII. 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.

VIII. Headings and Captions

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

IX. 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.

X. 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

FEB 25 2002

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.

XI. 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:

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

If to the Township:

Elaine M. Schoening, Town Clerk (or her successors)
RR 3, Box 64, Fergus Falls, MN 56537

XII. Termination Date

The parties agree that this agreement shall terminate by mutual agreement of the parties by Joint Resolution, upon the annexation of all of Fergus Falls Township, or upon the date of December 31, 2016, whichever dated first occurs.

Passed, adopted and approved by the Township Board of Supervisors of Fergus Falls Township, Otter Tail County, Minnesota, this 19th day of February, 2002.

FERGUS FALLS TOWNSHIP

By: Howard Goese
Howard Goese, Chair

REC'D BY
MNR

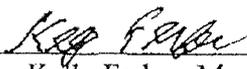
FEB 25 2002

ATTEST:


Elaine M. Schoening, Town Clerk

Passed, adopted and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 19th day of February, 2002.

CITY OF FERGUS FALLS



Kelly Ferber, Mayor

ATTEST:



Mark Sievert, City Administrator

DHN;kjj
city/annex/woodlnd.hts.jointres.j24

EXHIBIT ACITY OF FERGUS FALLS - TOWNSHIP OF FERGUS FALLS
JOINT RESOLUTION FOR ORDERLY ANNEXATIONI. City Owned (Norgren)Tract 1:

The East Half of the Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota.

Tract 2:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of the SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, except the East 200 feet of the South 355 feet thereof.

Tract 3:

The East Half of the Southwest Quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota, EXCEPT THE FOLLOWING DESCRIBED TRACTS:

- 1) All that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43) lying southeasterly of the centerline of County Highway No. 111.
- 2) The South 355 feet of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), containing 10.5 acres, more or less, and the East 200 feet of the Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), containing 6.11 acres, more or less, all in Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43).
- 3) That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota, described as follows: Commencing at the South Quarter Section corner of said Section 24; thence South 89 degrees 34 minutes 33 seconds West (assumed bearing) along the

South line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) a distance of 726.99 feet to the centerline of County Road Number 111, said point being the point of beginning; thence continuing South 89 degrees 34 minutes 33 seconds West along said South line a distance of 522.13 feet to the Southwest corner of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence North 00 degrees 36 minutes 15 seconds West along the West line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) a distance of 699.92 feet; thence North 89 degrees 54 minutes 54 seconds East a distance of 668.28 feet; thence South 03 degrees 12 minutes 44 seconds East a distance of 575.20 feet to the centerline of County Road Number 111; thence southwesterly along said centerline on a nontangential curve concave to the southeast a distance of 210.68 feet to the point of beginning, said curve having a central angle of 08 degrees 25 minutes 37 seconds, a radius of 1432.39 feet and a Chord Bearing of South 54 degrees 20 minutes 16 seconds West, containing 10.70 acres, subject to an easement for County Road Number 111 over and across the southeasterly 50.00 feet.

- 4) That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) 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 Section corner of said Section 24; thence North 00 degrees 06 minutes 16 seconds West (assumed bearing) along the North-South Quarter Section line of said Section 24 a distance of 318.43 feet to the centerline of County Road Number 111, said point being the point of beginning; thence South 78 degrees 16 minutes 19 seconds West along said centerline a distance of 101.32 feet; thence southwesterly on a tangential curve concave to the southeast along said centerline a distance of 179.51 feet; said curve having a central angle of 07 degrees 10 minutes 50 seconds and a radius of 1432.39 feet; thence North 04 degrees 20 minutes 34 seconds West not tangent to the last described curve a distance of 1078.22 feet to the North line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence North 89 degrees 35 minutes 48 seconds East along said North line a distance of 352.04 feet to the Northeast corner of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$), said point also being the Northwest corner of said Lot 12; thence North 89 degrees 36 minutes 40 seconds East along the North line of said Lot 12 a distance of 555.30 feet to the West line of the East 100.00 feet of said Lot 12; thence South 00 degrees 04 minutes 58 seconds East along the West line of the East 100.00 feet of said Lots 12 and 13 a distance of 898.22 feet to the centerline of County Road Number 111; thence South 78 degrees 16 minutes 19 seconds West along said centerline a distance of 566.57 feet to the point of beginning, subject to an easement over and across

the southerly 50.00 feet thereof for County Road Number 111. Also subject to any other easements or restrictions of record.

Said tract of land consists of 200.05 acres more or less.

II. City owned (water tower)

That part of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows: Commencing at the East Quarter Section Corner of said Section Twenty-seven (27); thence North 00° 13' 12" West (assumed bearing) along the East line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) a distance of 253.00 feet to the point of beginning; thence North 89° 40' 12" West a distance of 250.00 feet; thence North 00° 13' 12" West a distance of 333.08 feet; thence North 89° 46' 48" East a distance of 249.99 feet to the East line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$); thence South 00° 13' 12" East along said East line a distance of 335.48 feet to the point of beginning, containing 1.92 acres, subject to an easement for County Road No. 27 over and across the East 50.00 feet thereof;

Said tract of land consisting of 1.92 acres, more or less.

III. Otter Tail Power Co. Tract

The South 355 feet of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), containing 10.5 acres, more or less, and the East 200 feet of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of the SW $\frac{1}{4}$), containing 6.11 acres, more or less, all in Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43); also the East 200 feet of the South 355 feet of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43).

Said tract of land containing 18.24 acres more or less.

IV. Bilden Tract

That part of the Southeast Quarter of the Northeast Quarter of Section 27, Township 133, Range 43, Otter Tail County, Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 27; thence North 89 degrees 40 minutes 12 seconds West on an assumed bearing along the south line of the Northeast Quarter of said Section 27, a distance of 990.00 feet; thence North 00 degrees 19 minutes 48 seconds east a distance of 660.00 feet; thence North 82 degrees 51 minutes 20 seconds East a distance of 622.16 feet; thence North 0

degrees 13 minutes 12 seconds West a distance of 110.00 feet; thence North 89 degrees 46 minutes 48 seconds East a distance of 366.00 feet to the east line of said Section 27; thence South 0 degrees 13 minutes 12 seconds east along said east line, a distance of 854.48 feet to the point of beginning; save and except the following described tract of land, to-wit:

That part of the Southeast Quarter of the Northeast Quarter of Section 27, Township 133 North, Range 43 West, Otter Tail County, Minnesota described as follows:

Commencing at the East Quarter Section Corner of said Section 27; thence North 00 degrees 13 minutes 12 seconds West (Assumed Bearing) along the East line of said Southeast Quarter of the Northeast Quarter a distance of 253.00 feet to the point of beginning; thence North 89 degrees 40 minutes 12 seconds West a distance of 250.00 feet; thence North 00 degrees 13 minutes 12 seconds West a distance of 333.08 feet; thence North 89 degrees 46 minutes 48 seconds East a distance of 249.99 feet to the East line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 13 minutes 12 seconds East along said east line a distance of 335.48 feet to the point of beginning (Containing 1.92 Acres, more or less).

Said tract of land consisting of 15 acres, more or less.

V. Batzlaff Tract

Commencing at the Northwest corner of Section 26, Township 133N, Range 43W; thence on an assumed bearing of South 00 degrees 02 minutes 15 seconds West on the Westerly line of said Section 26 for a distance of 580.04 feet; thence North 89 degrees 52 minutes 38 seconds East 50 feet to the Northwest corner of Lot 1, Block 2 of WOODLAND HEIGHTS 3RD ADDITION and the point of beginning; thence continuing North 89 degrees 52 minutes 38 seconds East on the Northerly line of said WOODLAND HEIGHTS 3RD ADDITION for a distance of 400.28 feet; thence South 00 degrees 07 minutes 20 seconds East 5.01 feet; thence North 89 degrees 52 minutes 40 seconds East 72.72 feet; thence South 00 degrees 00 minutes 15 seconds West 464.63 feet; thence South 42

degrees 57 minutes 14 seconds West 31.22 feet; thence South 00 degrees 24 minutes 46 seconds East 277.47 feet; thence South 89 degrees 55 minutes 39 seconds East 23.80 feet; thence South 00 degrees 02 minutes 15 seconds West 230.55 feet to the Southeast corner of Lot 5, Block 2, WOODLAND HEIGHTS 3RD ADDITION; thence North 89 degrees 57 minutes 45 seconds West 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West 210.00 feet; thence South 89 degrees 57 minutes 45 seconds East 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West 174.95 feet to the Southeast corner of WOODLAND HEIGHTS 3RD ADDITION; thence South 83 degrees 39 minutes 15 seconds West on the Southerly line of WOODLAND HEIGHTS 3RD ADDITION for a distance of 480.98 feet to the intersection with the East line of the West 50.00 feet to said Section 26; thence North 00 degrees 02 minutes 15 seconds East parallel to the Westerly line of said Section 26 for a distance of 1437.63 feet to the point of beginning, which is platted as Lots 1, 2, 3, and 4, Block 1 and Lots 1, 2, 3, 4, 5, and 7, Block 2, Woodland Heights, 3rd Addition, together with the adjacent right of way of Otter Tail County Highway 27.

Said tract of land consisting of 15.79 acres, more or less.

VI. Froehlich Tract:

The West Half of the Southeast Quarter ($W\frac{1}{2}$ of $SE\frac{1}{4}$) of Section Twenty-nine (29), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota.

Said tract of land consisting of 80 acres, more or less.

EXHIBIT DCITY OF FERGUS FALLS - TOWNSHIP OF FERGUS FALLS
JOINT RESOLUTION FOR ORDERLY ANNEXATION

(Woodland Heights Area)

The West Half (W½) of Section Twenty-six (26) not presently within the corporate limits of the City (which includes all of Auditors Plats of Woodland Heights, First Addition to Woodland Heights, Second Addition to Woodland Heights and Lot Six (6), Block Two (2) of the Third Addition to Woodland Heights, according to the plats of record on file in the office of the County Recorder, Otter Tail County, Minnesota), all in Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota.

Excepting therefrom the following described tract of land, to wit:

Commencing at the Northwest corner of Section 26, Township 133N, Range 43W; thence on an assumed bearing of South 00 degrees 02 minutes 15 seconds West on the Westerly line of said Section 26 for a distance of 580.04 feet; thence North 89 degrees 52 minutes 38 seconds East 50 feet to the Northwest corner of Lot 1, Block 2 of WOODLAND HEIGHTS 3RD ADDITION and the point of beginning; thence continuing North 89 degrees 52 minutes 38 seconds East on the Northerly line of said WOODLAND HEIGHTS 3RD ADDITION for a distance of 400.28 feet; thence South 00 degrees 07 minutes 20 seconds East 5.01 feet; thence North 89 degrees 52 minutes 40 seconds East 72.72 feet; thence South 00 degrees 00 minutes 15 seconds West 464.63 feet; thence South 42 degrees 57 minutes 14 seconds West 31.22 feet; thence South 00 degrees 24 minutes 46 seconds East 277.47 feet; thence South 89 degrees 55 minutes 39 seconds East 23.80 feet; thence South 00 degrees 02 minutes 15 seconds West 230.55 feet to the Southeast corner of Lot 5, Block 2, WOODLAND HEIGHTS 3RD ADDITION; thence North 89 degrees 57 minutes 45 seconds West 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West 210.00 feet; thence South 89 degrees 57 minutes 45 seconds East 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West

174.95 feet to the Southeast corner of WOODLAND HEIGHTS 3RD ADDITION; thence South 83 degrees 39 minutes 15 seconds West on the Southerly line of WOODLAND HEIGHTS 3RD ADDITION for a distance of 480.98 feet to the intersection with the East line of the West 50.00 feet to said Section 26; thence North 00 degrees 02 minutes 15 seconds East parallel to the Westerly line of said Section 26 for a distance of 1437.63 feet to the point of beginning, which is platted as Lots 1, 2, 3, and 4, Block 1 and Lots 1, 2, 3, 4, 5, and 7, Block 2, Woodland Heights, 3rd Addition, together with the adjacent right of way of Otter Tail County Highway 27.