

**JOINT RESOLUTION BETWEEN THE TOWN OF MOORHEAD AND THE CITY OF
MOORHEAD DESIGNATING AN AREA FOR ORDERLY ANNEXATION PURSUANT
TO MINNESOTA STATUTE 414.0325**

(Portions of Section 20, Section 21 and Section 28 of Moorhead Township)

BE IT RESOLVED by the Town of Moorhead, hereinafter referred to as "the Town", by and through its Board of Supervisors; and the City of Moorhead, hereinafter referred to as "the City", by and through its City Council, that the Town and City do hereby jointly agree to the following:

I. Definitions

For the purposes of this Joint Resolution the following definitions will mean:

1. City. Will mean the City of Moorhead, Minnesota, a municipal corporation duly organized and existing under the laws of the State of Minnesota, except whenever in the provisions of this document reference is made to water or electrical services, then and in that case, "City" will include within its meaning both the City of Moorhead and the Moorhead Public Service Commission, a board to which the control, management and operation of all City water and electrical systems have been committed by Section 12.02 of the Moorhead City Charter.
2. County. Will mean the County of Clay, Minnesota, a body corporate and politic duly organized and existing under the laws of the State of Minnesota.
3. Effective Date of Annexation. Will mean the date Minnesota Department of Administration – Municipal Boundary Adjustment issues its order approving the annexation contemplated in the initiating Resolution.
4. Effective Date of this Joint Resolution. Will mean the date Minnesota Department of Administration – Municipal Boundary Adjustment accepts this Joint Resolution for filing.

5. Initiating Resolution. Will mean this Joint Resolution adopted by the City and filed with Minnesota Department of Administration – Municipal Boundary Adjustment.
6. Joint Resolution. Will mean the Joint Resolution between the Town and the City designating an area for orderly annexation pursuant to Minnesota Statute Section 414.0325.
7. Minnesota Department of Administration – Municipal Boundary Adjustment. Will mean Minnesota Department of Administration – Municipal Boundary Adjustment, which is created by Minnesota Statute Section 414.01.
8. Orderly Annexation Area. Will mean that area of the Town of Moorhead, Clay County, Minnesota, legally described as:

PARCEL 1 – City of Moorhead

A tract of land in the Southeast Quarter (SE ¼) of Section 20, in Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: Commencing at the Southeast corner of the Southeast Quarter (SE ¼); thence South 89 degrees 45 minutes 06 seconds West, along the South line of said Southeast Quarter (SE ¼) 60.00 feet; thence North 00 degrees 03 minutes 41 seconds West, parallel with the East line of the Southeast Quarter (SE ¼) 60.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 45 minutes 06 seconds West, parallel with the South line of the Southeast Quarter (SE ¼) 100.00 feet; thence North 00 degrees 03 minutes 41 seconds West, parallel with the East line of the Southeast Quarter (SE ¼) 75.00 feet; thence North 89 degrees 45 minutes 06 seconds East 100.00 feet; thence South 00 degrees 03 minutes 41 seconds East 75 feet to the point of beginning. Said tract contains 0.17 acres more or less.

PARCEL 2 – 14th Street Right-of-Way

A tract of land in Sections 20, 21 and 28 of Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: Beginning at the Southeast corner of Section 20; thence West along the South line of Section 20, a distance of 60.00 feet; thence North parallel to the East line of Section 20, a distance of 1,336.28 feet; thence East parallel to the South line of Section 20, a distance of 60.00 feet to the Northeast corner of the South Half (S ½) of the Southeast Quarter (SE ¼) of Section 20; thence North along the East line of Section 20, a distance of 1,336.47 feet to the West Quarter (W ¼) corner of Section 21; thence East parallel to the South line of Section 21, a distance of 70.00 feet; thence South parallel to the West line of Section 21, a distance of 1,727.61 feet; thence West parallel to the South line of Section 21, a distance of

10.00 feet; thence South parallel to the West line of Section 21, a distance of 945.14 feet; thence South parallel to the West line of Section 28, a distance of 1,078.00 feet; thence West parallel to the North line of Section 28, a distance of 60.00 feet; thence North along the West line of Section 28, a distance of 1,078.00 feet to the point of beginning.

PARCEL 3 – 40th Avenue South Right-of-Way

A tract of land in Section 20 of Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: Beginning at a point 75.00 feet East of the Southwest corner of the Southeast Quarter (SE ¼), along the South line of the Southeast Quarter (SE ¼); thence East along the South line of the Southeast Quarter (SE ¼), a distance of 2,477.61 feet; thence North, parallel to the East line of the Southeast Quarter (SE ¼), a distance of 60.00 feet; thence West, parallel to the South line of the Southeast Quarter (SE ¼), a distance of 1,825.08 feet; thence South, parallel to the East line of the Southeast Quarter (SE ¼), a distance of 19.96 feet; thence West, parallel to the South line of the Southeast Quarter (SE ¼), a distance of 652.53 feet; thence south 40.04 feet to the point-of-beginning. Said tract contains 3.11 acres more or less.

and a map of which is attached as Exhibit A.

- 9 Town of Moorhead. Will mean the Town of Moorhead, a body corporate and politic, duly organized under the laws of the State of Minnesota.

II. Population

The population of the Orderly Annexation Area is zero and the population of the City of Moorhead will not increase as a result of annexation.

III. Reason for Annexation

It is specifically found that:

1. Certain Properties Urban or Suburban. Certain areas within the Town abutting upon the City are presently or are about to become urban or suburban in nature.
2. City Capable of Providing Services. City has provided or is capable of providing wastewater collection services and water distribution and is capable of providing additional municipal service to this property to adequately protect the public health, safety, and general welfare of the property.

IV. Annexation Date

All property within the Orderly Annexation Area will be annexed to the City upon the date that Minnesota Department of Administration – Municipal Boundary Adjustment issues its order approving annexation following Minnesota Department of Administration

– Municipal Boundary Adjustment acceptance of this Joint Resolution and based on the City filing an Initiating Resolution with the Board.

V. **Zoning/Subdivision/Land Use Control Regulations**

Upon the effective date of annexation, the Orderly Annexation Area will be zoned TZ, Transitional Zone, so that the entire Orderly Annexation Area will be governed by the City's comprehensive land use plan and subdivision regulations as such plan and regulations may be amended, modified or replaced from time to time.

VI. **Electric Service**

The provisions of electric service vests with the Moorhead Public Service Commission, a board to which the control, management, and operation of the City's electrical system has been committed by Section 12.02 of the Moorhead City Charter. The policy of the Moorhead Public Service Commission and the City of Moorhead is to have the Moorhead Public Service Department provide electric service to all property located within the City of Moorhead.

VII. **No Referendum**

As all of the conditions for annexation are contained within and have been mutually agreed upon by the Town and City, at the time of annexation of the Orderly Annexation Area no referendum will be conducted.

VIII. **Modifying/Amending Joint Resolution**

The parties to this agreement concur that this agreement will not be modified or amended, nor will the stated boundaries be altered unless mutually agreed to through resolution of each party and acceptance by Minnesota Department of Administration – Municipal Boundary Adjustment.

IX. **Ordering in of Annexation**

Upon receipt of an Initiating Resolution under this Joint Resolution, Minnesota Department of Administration – Municipal Boundary Adjustment may review and comment, but will, within 30 days, order the annexation in accordance with the terms of this Joint Resolution.

X. **Town/City Cooperation**

The Town and City resolve to fully cooperate with Minnesota Department of Administration – Municipal Boundary Adjustment in connection with this Joint Resolution and its agreements.

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PURSUANT TO MINNESOTA STATUTE 414.0325**

(Portions of Section 20, Section 21 and Section 28 of Moorhead Township)

PASSED AND ADOPTED by the **Town Board of Moorhead**, Minnesota, this 22 day of
May 2003.

APPROVED BY:

Arvid Leiseth
ARVID LEISETH, Chairperson
Town of Moorhead

ATTEST:

Diane Allen
DIANE ALLEN, Town Clerk
Town of Moorhead

(SEAL)

PASSED by the City Council of the **City of Moorhead** this 2nd day of June 2003.

APPROVED BY:

Mark Voxland
MARK VOXLAND, Mayor

ATTEST:

Kaye E. Buchholz
KAYE E. BUCHHOLZ, City Clerk

(SEAL)

