

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITIES OF MOORHEAD AND DILWORTH JOINT RESOLUTION
AND MOORHEAD TOWNSHIP DESIGNATING CERTAIN FOR ORDERLY
AREAS AS IN NEED OF ORDERLY ANNEXATION ANNEXATION

WHEREAS, the Cities of Moorhead and Dilworth have negotiated orderly annexation boundaries within Moorhead Township for the future growth of both cities as more fully set forth below; and

WHEREAS, Moorhead Township is in agreement that it is beneficial to all parties to enter into this Joint Resolution for Orderly Annexation (the "Joint Resolution"); and

WHEREAS, the adoption of this Joint Resolution will help both cities plan properly for the anticipated growth of both cities, help the orderly planning of the expansion of municipal services to this area, and

WHEREAS, both cities have through good faith negotiations have reached agreement on the future jurisdictional boundaries within the area covered by this joint resolution, and

WHEREAS, no immediate annexation of property within the area covered by this Joint Resolution is contemplated; and

WHEREAS, both Cities and the Township agree that the property described in Exhibit A and Exhibit B is in need of orderly annexation;

NOW THEREFORE BE IT RESOLVED the City Councils of Moorhead and Dilworth, and the Board of Supervisors of Moorhead Township as follows:

1. The Cities and Township hereby designate the areas legally described in Exhibit A and Exhibit B to this agreement to be in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. A map showing the relevant present boundaries of the two Cities and the areas described in Exhibit A and B is attached as Exhibit C.
3. Moorhead agrees that for the duration of this Joint Resolution that it will not annex any property described in Exhibit A, and Dilworth agrees that for the duration of this Joint Resolution that it will not annex any property described in Exhibit B. Provided, with a written consent of the other City Council evidenced

by an enacted resolution, Moorhead and Dilworth may annex into the area otherwise reserved for the other City as described in the consenting resolution. Provided also, that either City could annex across these boundary lines for purposes of obtaining road right of way within their City, if necessary to construct a roadway. However, if the other City later annexes up to that right of way, the first City would detach the right away across the boundary line so that the other City could annex up to the boundary line.

4. No property described within Exhibit A or Exhibit B is sought to be annexed by this Joint Resolution. Property within Exhibit A could be annexed in the future by Dilworth pursuant to Minnesota Statutes 414.033, 414.031 or 414.0325 (1) (d)(1) (as those section may be amended, or if repealed, the sections replacing them) Property within Exhibit B could be annexed in the future by Moorhead pursuant to Minnesota Statutes 414.033, 414.031 or 414.0325 (1) (d)(1) (as those section may be amended, or if repealed, the sections replacing them). Provided, that neither City could annex within one quarter mile of 12th avenue South, unless it annexes the property immediately adjacent to 12th Avenue South in its territory, without the written consent of the other City. It is agreed any annexation by either City of property within Exhibit A or B, during the duration of this Joint Resolution, outside what is permitted in this paragraph 4 and paragraph 3, and 5 is prohibited, and would be considered arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interest of the territory affected pursuant to Minnesota Statutes Section 414.07.
5. The City of Dilworth and Moorhead at the time of the execution of this Joint Resolution will also enter into a separate Joint Powers Agreement concerning the future construction of 12th Avenue South along the North Boundary line of Exhibit B. If either City is in violation of the terms of that Joint Powers Agreement, that City may not annex any property covered by this Joint Resolution within one quarter mile immediately to the north or south of the north boundary of Exhibit B without a written resolution passed by the other City consenting to such annexation. In addition, if pursuant to paragraph 4 of the Joint Powers Agreement, one City does not annex the adjoining property and pay for its share of road improvements within the five year period established in paragraph 4 of the Joint Powers Agreement, the other City may annex one quarter mile into the that cities future annexation area adjacent to the applicable street segment without the written permission of that City.
6. This Joint Resolution will be in effect for 15 years after the date of this Joint Resolution. At least two years prior to its expiration, Moorhead and Dilworth and Moorhead Township agree to meet, confer and negotiate in good faith regarding identified issues of concern and /or desired amendments or modifications to this Joint Resolution. An automatic 10 year extension of this Joint Resolution will occur unless, at least one year prior to its expiration, one of the parties to the Joint Resolution, by resolution of its governing body, serves notices on the other parties of its intent to terminate the Joint Resolution at the end of 15 years. At the

termination of the Joint Resolution the normal rules of annexation in Minnesota will control all property within Exhibit A and B not previously annexed.

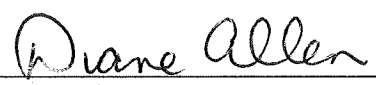
7. The parties agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
8. The parties agree that upon adoption and execution of this Joint Resolution for Orderly Annexation, the City of Moorhead shall submit the same to the Chief Administrative Law Judge of the State Office of Administrative Hearings. Any required fees to be paid to the State shall be split equally between the two Cities.
9. Any tax reimbursement from either City to the Township for an annexation within Exhibit A or B shall be determined in the future annexation documents dealing with the actual annexation of property.
10. With respect to the annexation of property described in Exhibits A and B the terms of this Joint Resolution shall constitute the entire agreement between the parties hereto, except the Joint Powers Agreement described in paragraph 5, superseding all prior agreements and negotiations between the parties. This Joint Resolution may only be amended in a writing executed by all parties to this Joint resolution.
11. Pursuant to Minnesota Statutes, Section 414.0325, The Township and Cities agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area are contained in this Joint Resolution, and that no consideration by the Chief Administrative Law Judge is necessary. Upon the execution and filing of this Joint Resolution, the Chief Administrative Law Judge may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution approve the Joint Resolution in accordance with the terms and conditions contained in this Joint Resolution.

Passed, adopted and approved by the Town Board of Supervisors of Moorhead Township, Clay County, Minnesota this 9 day of September, 2008.

Moorhead Township

By: 
Its: Chairman

ATTEST:

By 
Its Town Clerk

Passed, adopted and approved by the City Council the City of Moorhead, Clay County, Minnesota this 28 day of July, 2008.

City of Moorhead


By 
Its: Mayor

ATTEST:

By: 
Its: City Manager

Passed, adopted and approved by the City Council the City of Dilworth, Clay County, Minnesota this 28th day of July, 2008.

City of Dilworth

By 
Its: Mayor

ATTEST:


By: 
Its: City Administrator

EXHIBIT A

Dilworth Annexation area:

1. The NE $\frac{1}{4}$ of Section 1, Township 139 North, Range 48 West.
2. The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 3, Township 139 North, Range 48 West.
3. The SE $\frac{1}{4}$ of Section 11, Township 139 North, Range 48 West.
4. The S $\frac{1}{2}$ of Section 12, Township 139 North, Range 48 West.

EXHIBIT B

Moorhead annexation area:

1. The E $\frac{1}{2}$ of Section 14, Township 139 North, Range 48 West.
2. Section 13, Township 139 North, Range 48 West.

