

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITIES OF MOORHEAD AND DILWORTH JOINT RESOLUTION
AND OAKPORT 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 Oakport Township for the future growth of Dilworth; and

WHEREAS, Oakport 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 is in need of orderly annexation;

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

1. The Cities and Township hereby designate the areas legally described in Exhibit A 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 is attached as Exhibit B.
3. Moorhead agrees that for the duration of this agreement that it will not annex any property described in Exhibit A. Provided, with a written resolution passed by the Dilworth City Council, Moorhead may annex the area set forth in Exhibit A.

4. No property described within Exhibit A 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pursuant to Minnesota Statutes 414.033, 414.031 or 414.0325 (1) (d)(1) (as those sections may be amended, or if repealed, the sections replacing them). It is agreed any annexation by either City of property within Exhibit A, during the duration of this Joint Resolution, outside what is permitted in this paragraph 4 and paragraph 3 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. This Joint Resolution will be in effect for 15 years after the date of the Joint Resolution. At least two years prior to its expiration, Moorhead and Dilworth and Oakport 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 not previously annexed.
6. 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.
7. The parties agree that upon adoption and execution of this Joint Resolution for Orderly Annexation, the City of Dilworth 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 paid by the City of Dilworth.
8. Any tax reimbursement from either City to the Township for an annexation within Exhibit A shall be determined in the future annexation documents dealing with the actual annexation of property.
9. With respect to the annexation of property described in Exhibits A the terms of this Joint Resolution shall constitute the entire agreement between the parties hereto, 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.
10. 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 Oakport Township, Clay County, Minnesota this 7 day of August, 2008.

Oakport Township

By: 
Its: Chairman

ATTEST:

By: 
Its: Town Clerk

Passed, adopted and approved by the City Council the City of Moonhead, Clay County, Minnesota this 21 day of July, 2008

City of Moonhead

By: 
Its: Mayor

ATTEST:

By: 
Its: City Manager

Passed, adopted and approved by the City Council the City of Dilworth, Clay County, Minnesota this 21 day of July, 2008

City of Dilworth

By: 
Its: Mayor

ATTEST:


Its: City Administrator

EXHIBIT A

Dilworth annexation area:

1. E $\frac{1}{2}$ of Section 34, Township 140 North, Range 48 West.
2. Section 35, Township 140 North, Range 48 West.
3. Section 36, 140 North Range 48 West.

**Oakport
Township**

**Annexation
Area (Dilworth)**

**Moorhead
Township**

**Annexation
Area (Dilworth)
Annexation
Area
(Moorhead)**

**Glyndon
Township**

**Annexation
Area (Dilworth)
Annexation
Area
(Moorhead)**

