



**OFFICE OF THE
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July 2, 2026

Fargo City Commission
225 Fourth Street North
Fargo, ND 58102

Re: Withdrawal and Termination of Annexation Proceeding

Dear Commissioners:

On June 22, 2026, the City Commission approved the Agreement Concerning Annexation and Standstill Period with Fercho Properties, LLP and APLD FAR-01 LLC. The purpose of the Agreement was to resolve the pending annexation dispute and transition the parties from contested annexation proceedings to a collaborative process focused on the future development of the property and its long-term jurisdictional status. As part of that Agreement, Fargo agreed to promptly withdraw and terminate its pending annexation proceedings.

The below suggested motion fulfills that obligation by withdrawing the annexation resolution approved by the City Commission on August 4, 2025, for approximately 256.87 acres in the East Half of Section 3, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. Approval of the motion will fulfill the City's obligation under the agreement and will allow the parties to move forward under the Agreement and continue working collaboratively regarding the property's future development and long-term jurisdictional issues during the standstill period.

SUGGESTED MOTION:

I move to withdraw and terminate the City's August 4, 2025, annexation resolution for approximately 256.87 acres located in the East Half of Section 3, Township 140 North, Range 49 West, Cass County, North Dakota, in accordance with the Agreement Concerning Annexation and Standstill Period.

Sincerely,

Ian R. McLean
City Attorney