

ORDINANCE NO. 723

AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA, ANNEXING
PROPERTY LOCATED IN AUSTIN TOWNSHIP, MOWER COUNTY, MINNESOTA,
PURSUANT TO MINNESOTA STATUTES 414.033, SUBD. 3, PERMITTING ANNEXATION
BY ORDINANCE.

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, and

WHEREAS, the area proposed for annexation is 40 acres or less in size, is 60% or more bordered by land already within the corporate limits of the City of Austin, and is not appropriate for annexation by ordinance pursuant to Minnesota Statutes 414.033, Subd. 2(3); and

WHEREAS, the area proposed for annexation is described as follows:

All that part of Interstate 90 Right-of-Way, County State Aid Highway No. 46, and State Highway 105, lying in the Northeast Quarter of Section 5, Township 102N Range 18W; Northwest Quarter of Section 5, Township 102N, Range 18W; Southwest Quarter of Section 5 Township 102N, Range 18W; Southeast Quarter of Section 5 Township 102N, Range 18W and; Northwest Quarter of Section 4 Township 102N, Range 18W Mower County, Minnesota, excepting any land already within the city.

WHEREAS, the area proposed for annexation abuts upon the corporate limits of the
City of Austin, Minnesota; and

WHEREAS, the area proposed for annexation is unincorporated, abuts on the city's
boundary in all directions, and is not included within any other municipality; and

WHEREAS, the area proposed for annexation is approximately 32 acres in size; and

WHEREAS, the reason for the proposed annexation is the right of way is entirely within the city
limits; and

WHEREAS, the nature of the area proposed for annexation is: Public Right of Way; and

WHEREAS, the area proposed for annexation is not included in any area that has already been
designated for orderly annexation pursuant to Minnesota Statutes 414.0325, nor in any
other proceeding currently pending before the Office of Administrative Hearings -
Municipal Boundary Adjustment Unit; and

WHEREAS, the City of Austin is not required to hold a public hearing pursuant to Minnesota
Statutes S 414.033, Subd. 3, as a Notice of Intent for Annexation was approved by city council

May 15, 2023, and was served on May 19, 2023, to Austin Township and the Office of Administrative Hearings — Municipal Boundary Adjustment Unit; and

WHEREAS, the Township provided written notice on June 7, 2023, waiving objection to the annexation; and

WHEREAS, the city council reviewed the annexation;

NOW THEREFORE, the city council of the City of Austin hereby ordains as follows:

1. The city council hereby determines that the property as hereinafter described abuts upon the corporate limits of the City of Austin, Minnesota in all directions and is not included within any other municipality.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes 5414.0325.
3. The corporate limits of the City of Austin, Minnesota, are hereby extended to include the following described property, said land abutting the City of Austin and it being necessary and appropriate that the same be annexed within the corporate limits of said City of Austin, Minnesota, described as follows:

All that part of Interstate 90 Right-of-Way, County State Aid Highway No. 46, and State Highway 105, lying in the Northeast Quarter of Section 5, Township 102N Range 18W; Northwest Quarter of Section 5, Township 102N, Range 18W; Southwest Quarter of Section 5 Township 102N, Range 18W; Southeast Quarter of Section 5 Township 102N, Range 18W and; Northwest Quarter of Section 4 Township 102N, Range 18W Mower County, Minnesota, excepting any land already within the city.

A copy of the corporate boundary map showing the parcel to be annexed and its relationship to the corporate boundaries of the City of Austin is attached hereto as Exhibit A.

4. That the area legally described herein is vacant and will not affect the population of the City at this time. The area to be annexed is approximately 32 acres.
5. The property is classified as public right of way.
6. The City of Austin will make no cash payment to Austin Township pursuant to Minnesota Statutes 414.036, since the land being annexed is owned by State and/or local government and is tax exempt.
7. That pursuant to Minnesota Statutes 414.036, there are no special assessments assigned by the town to the annexed property.
8. That the City Clerk-Treasurer of the City of Austin is hereby authorized and directed to file a copy of this ordinance with the Municipal Boundary Adjustment Unit of the Office of the

Administrative Hearings, the Minnesota Secretary of State, the Mower County Auditor, Mower County Recorder and the Austin Township Clerk.

9. That this ordinance shall be in full force and effect and final upon the dates this ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Austin, Minnesota , this 7th day of August , 2023.

Yeas 7

Nays 0

ATTEST:

APPROVED:



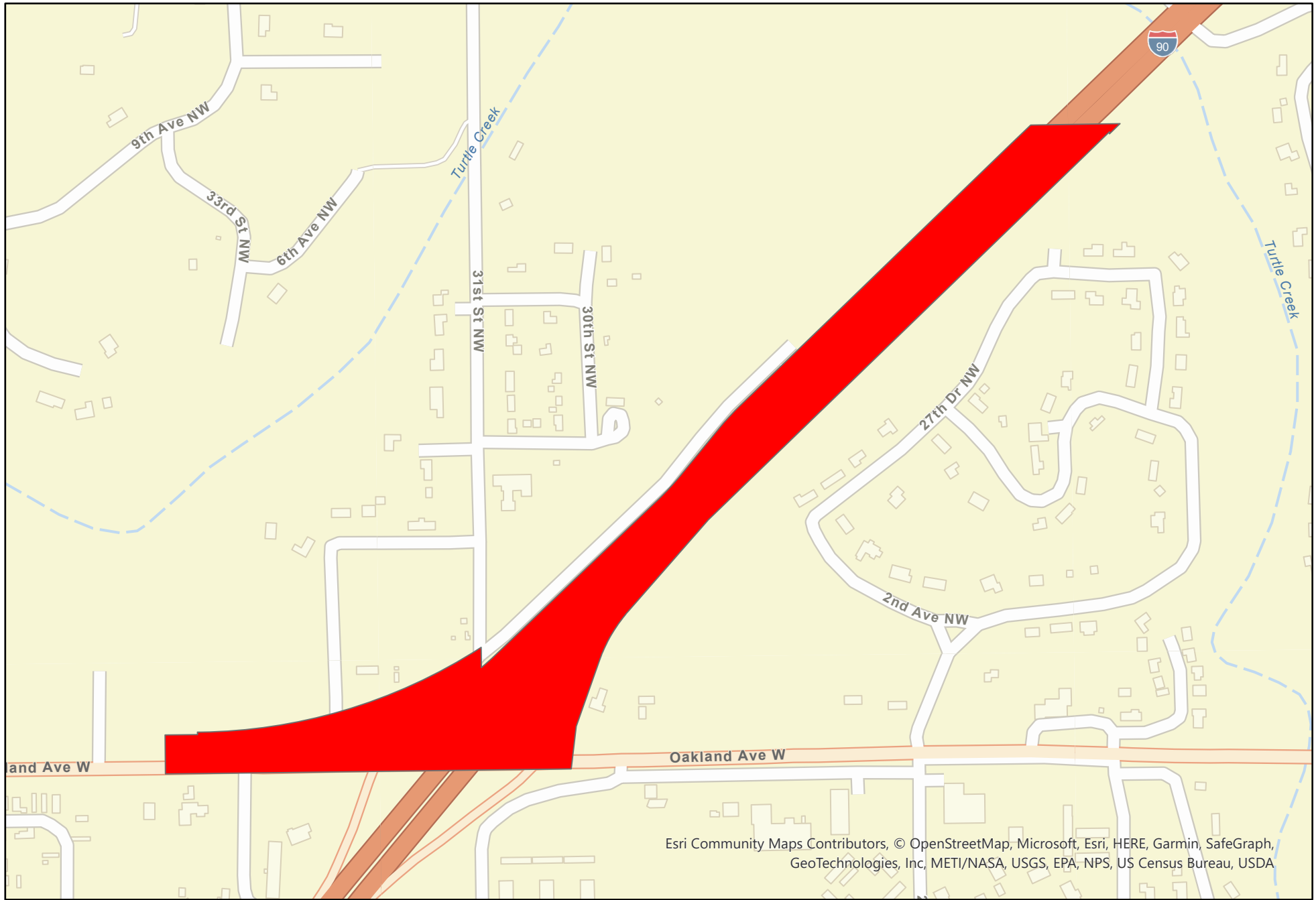
Tom Dankert
City Recorder



Stephen M. King
Mayor

This ordinance was introduced on August 7, 2023; approved on August 7, 2023; was published in the Austin Daily Herald on August 12, 2023 and becomes effective August 19, 2023.

City of Austin Annexed Area I-90/Hwy 46



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Date: 5/23/2023