

JOINT RESOLUTION NO. 14629

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY
OF AUSTIN AND THE TOWNSHIP OF AUSTIN
PURSUANT TO MINNESOTA STATUTES §414.0325**

WHEREAS, the City of Austin and the Township of Austin designate for orderly annexation, the following described lands located within the Township of Austin, County of Mower, Minnesota:

LEGAL DESCRIPTION (SEE ATTACHED EXHIBIT "A")

and,

WHEREAS, the City of Austin (the "City") and the Township of Austin (the "Township") are in agreement as to the orderly annexation of the unincorporated land described; that both believe it will be to their benefit and to the benefit of their respective residents; and

WHEREAS, Minnesota Statutes §414.0325 provides a procedure whereby the City and the Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, on November 18, 2013, the Township and on December 2, 2013, the City conducted public hearings pursuant to Minnesota Statutes, preceded by a Notice of Intent to Designate an Area duly published pursuant to the requirements of Minnesota Statutes §414.0325 Subd. 1 b; and

WHEREAS, the City and the Township have agreed to all the terms and conditions for the annexation of the above-described lands within this document and the signatories hereto agree that no consideration by the Office of Administrative Hearings - Municipal Boundary Adjustments is necessary; that the Office may review and comment, but shall within 30 days, order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, joint by the City Council of the City of Austin and the Township Board of the Township of Austin as follows:

1. That the following described lands in the Township of Austin are subject to orderly annexation pursuant to Minnesota Statutes §414.0325, and that the parties hereto designate those areas for orderly annexation, to wit:

LEGAL DESCRIPTION (SEE ATTACHED EXHIBIT "A")

2. That the designated area consists of approximately 96.28 acres, the population in the subject area is approximately 84, and the land type is low density residential

3. That the Township does, upon passage of this resolution and its adoption by the City Council of the City of Austin, and upon acceptance by the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer jurisdiction upon Municipal Boundary Adjustments so as to accomplish said orderly annexation in accordance with the terms of this resolution.

4. That the above-described property is urban or suburban or about to become so, and since the City is capable of providing municipal sanitary sewer services to this area within a reasonable time, the annexation would be in the best interest of the area.

5. Local Procedure – The parties will follow such procedures as may be required by MN Statute §414.0325 as under the circumstances.

6. The tax capacity rate applicable to the property after annexation shall be increased in substantially equal proportions each year of a six year period until it equals the tax capacity rate of the City of Austin. Minn. Stat. Sec. §414.035 (1-6 years)

7. Municipal Reimbursement to Township. The City shall reimburse the Township for the taxable property of parcels lost to annexation for a period of six (6) years following the last year in which the Township would receive real estate for this property following annexation, and shall be paid according to the schedule as follows:

Year 1:	100%	of the Real Estate Tax paid to the Township in the year of annexation		
Year 2:	80%		"	"
Year 3:	60%		"	"
Year 4:	40%		"	"
Year 5:	20%		"	"
Year 6:	10%		"	"
Year 7 and thereafter	0%		"	"

8. The City and the Township agree that upon receipt of this resolution, passed and adopted by each party, the Office of Administrative hearings/Municipal Boundary Adjustments, or its successor, may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this resolution.

9. Connection to Municipal Sanitary Sewer System

- Parcels identified as Imminent Threat to Public Health; which is determined by Mower County Environmental Services, shall have up to 30 days upon project completion to hook up to system

Parcels with non-compliant private septic systems
Owners shall have until July 1, 2015 to connect to the sewer system.
- Parcels with compliant private septic systems-
Owners with compliant systems shall have up to 5 years from the completion of the sewer project to connect with an optional 3 year Extension based on being able to provide a Certificate of Compliance for their system.
- Compliance to existing private septic systems shall be administered by Mower County Environmental Services Department in accordance to MPCA and Mower County standards
- Road Issues - Township roads would be taken over by the City of Austin when 100% of adjacent property is annexed

10. Owners will either be assessed or charged a municipal sanitary connection fee for the costs associated with the construction of this sanitary sewer project.

11. Annexation shall become effective January 1, 2014

12. (Zoning Designation). The real estate described shall be zoned "R-1" Single-Family Residence District,

Adopted by affirmative vote of all the members of the Austin Township Board of Supervisors this 18th day of November, 2013.

TOWNSHIP OF AUSTIN

By: 
Chairperson
Board of Supervisors

By: 
Clerk
Austin Township

Adopted by affirmative vote of the City Council of Austin, this 2nd day of December, 2013.

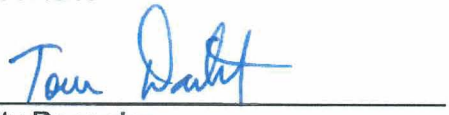
YEAS

NAYS

CITY OF AUSTIN

By: 
Mayor

ATTEST:

By: 
City Recorder

Approved this 2nd day of December, 2013

October 21, 2013

DESCRIPTION FOR ANNEXATION PURPOSES
IN N½ SECTION 5-T102N-R18W
AUSTIN, MOWER COUNTY, MN

CITY OF AUSTIN

All that part of the N½ Section 5-T102N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northeast corner of the SE¼ NW¼ of said Section 5; thence South 00°39'09" East a distance of 411.00 feet, on an assumed bearing on the east line of said SE¼ NW¼, to the point of beginning;

thence South 89°00'03" West a distance of 585.71 feet, parallel with the north line of the said SE¼ NW¼;

thence South 00°39'09" East a distance of 662.53 feet more or less, parallel with the east line of said SE¼ NW¼, to a point on the now former northerly right-of-way line of Interstate Highway No. 90 (now County State Aid Highway No. 46 – Oakland Avenue);

thence along the northerly right-of-way line of said former Interstate Highway No. 90 (now County State Aid Highway No. 46 – Oakland Avenue), as follows:

Westerly a distance of 596.85 feet, on a nontangential curve concave to the north with a central angle of 15°25'35", a radius of 2216.80 feet and a chord bearing of South 81°27'18" West;

South 89°09'57" West a distance of 14.83 feet;

South 00°50'03" East a distance of 10.00 feet;

thence South 89°10'06" West a distance of 135.49 feet, to a point on the west line of the said SE¼ NW¼;

thence Northerly a distance of 970 feet more or less, to the southerly-most corner of the plat of Wildwood Estates, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence Northeasterly a distance of 1955 feet more or less, on the southeasterly line of said Wildwood Estates, to a point on the east line of the NW¼ of said Section 5;

thence Northerly a distance of 85 feet, more or less, on the east line of said NW¼, to the N¼ corner of said Section 5;

thence Easterly a distance of 2321 feet more or less, on the north line of the NE¼ of said Section 5, to a point on the northwesterly right-of-way line of Interstate Highway No. 90;

Sheet 1 of 2

I hereby certify that this survey, plan, or report was prepared by me
under my direct supervision and that I am a duly Licensed Land
Surveyor under the laws of the State of Minnesota.

John H. Schulte IV

Date:

L.S. No. 13807

JHS
ENGINEERS
SURVEYORS



**Jones, Haugh
& Smith Inc.**

515 SOUTH WASHINGTON AVE.
ALBERT LEA, MN. 56007

507-373-4876

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thence along the northwesterly right-of-way line of said Interstate Highway No. 90, as follows:

South 45°56'36" West a distance of 1166.35 feet;

South 45°56'36" West a distance of 521.48 feet;

Southwesterly a distance of 129.77 feet, on a nontangential curve concave to the southeast with a central angle of 06°38'00", a radius of 1120.92 feet and a chord bearing of South 42°37'36" West;

South 39°18'36" West a distance of 251.45 feet;

Southwesterly a distance of 143.05 feet, on a tangential curve concave to the northwest with a radius of 1170.92 feet and a central angle of 07°00'00";

South 46°18'36" West a distance of 940.91 feet;

Southwesterly a distance of 76.16 feet, on a nontangential curve concave to the northwest with a central angle of 03°43'36", a radius of 1170.92 feet and a chord bearing of South 48°10'24" West, to a point on the east line of the said SE¼ NW¼;

thence North 00°39'09" West a distance of 113.64 feet, on the east line of said SE¼ NW¼, to a point 788.30 feet south of the northeast corner of the said SE¼ NW¼;

thence South 89°20'51" West a distance of 133.00 feet;

thence North 00°39'09" West a distance of 100.00 feet;

thence North 89°20'51" East a distance of 133.00 feet, to a point on the east line of said SE¼ NW¼;

thence North 00°39'09" West a distance of 277.30 feet, on the east line of said SE¼ NW¼, to the point of beginning.

Containing 96.28 Acres more or less.

Our File 13-389

Sheet 2 of 2

I hereby certify that this survey, plan, or report was prepared by me under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

John H. Schulte IV

Date:

L.S. No. 13807

JHS

ENGINEERS
SURVEYORS



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ALBERT LEA, MN. 56007

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DRAWING FOR ANNEXATION

IN THE N1/2 SECTION 5-T102N-R18W
AUSTIN, MOWER COUNTY, MINNESOTA

2321±

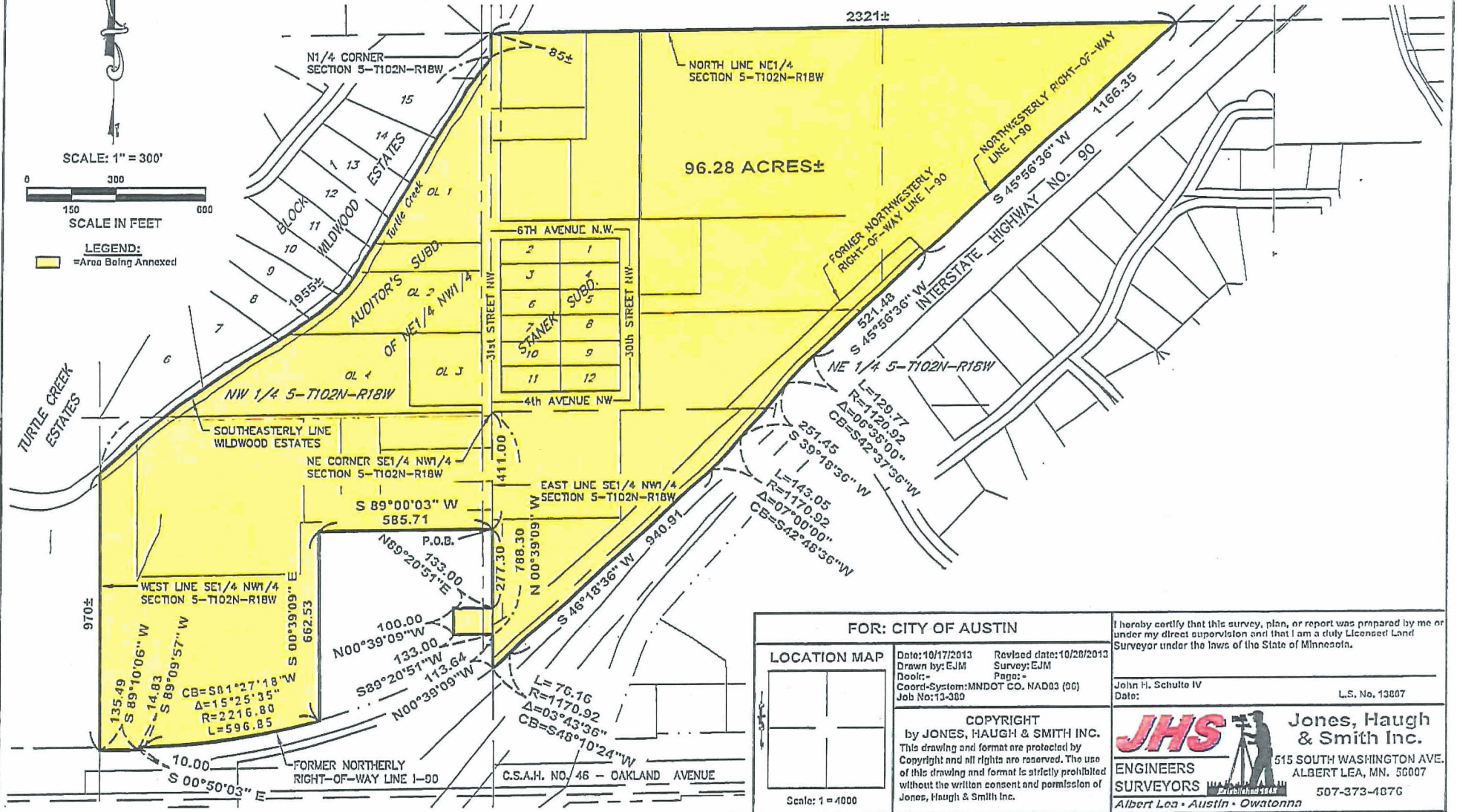
96.28 ACRES±

SCALE: 1" = 300'



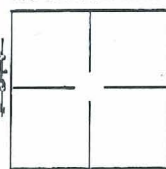
LEGEND:

= Area Being Annexed



FOR: CITY OF AUSTIN

LOCATION MAP



Scale: 1 = 4000

Date: 10/17/2013 Revised date: 10/20/2013
 Drawn by: EJM Survey: EJM
 Book: - Page: -
 Coord-System: MNDOT CO. NAD03 (90)
 Job No: 13-389

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I hereby certify that this survey, plan, or report was prepared by me or
 under my direct supervision and that I am a duly Licensed Land
 Surveyor under the laws of the State of Minnesota.

John H. Schulte IV
 Date:

L.S. No. 13807



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