

RESOLUTION NO. 14775

**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:

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 of Austin and the Township of Austin may agree on a process of orderly annexation of a designated area; and

WHEREAS, on July 7, 2014, the City and the Township of Austin conducted public hearings pursuant to the requirements of Minnesota Statutes §414.0333, preceded by a Notice of Intent to Designate an Area duly published pursuant to the requirements of Minnesota Statutes §414.0325 Subd. 1b; and

WHEREAS, the City of Austin and the Township of Austin 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:

See Attached Exhibit "A"

2. That the designated areas consist of approximately 9.437 acres; the subject areas are single-family and commercial development sites.
3. That the Township of Austin 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 properties are urban or suburban or about to become so, and since the City of Austin is capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area.
5. The City of Austin has municipal services in place to service this property to be annexed.

6. The City shall reimburse the Township for the taxable property of parcel as described herein lost by annexation for a period of eight 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:	90%	of the Real Estate Tax paid to the Township in the year of annexation
Year 3:	80%	of the Real Estate Tax paid to the Township in the year of annexation
Year 4:	70%	of the Real Estate Tax paid to the Township in the year of annexation
Year 5:	60%	of the Real Estate Tax paid to the Township in the year of annexation
Year 6:	50%	of the Real Estate Tax paid to the Township in the year of annexation
Year 7:	40%	of the Real Estate Tax paid to the Township in the year of annexation
Year 8:	30%	of the Real Estate Tax paid to the Township in the year of annexation
Year 9 and thereafter	0%	

7. The City of Austin and the Township of Austin 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.

8. The real estate shall be zoned "R-1" Single-Family Residence District.

9. Parcels with private septic tanks, wells or other utility systems shall have one year from the date of the Minnesota Office of Administrative Hearings Municipal Boundary Adjustments final approval of these annexations to connect to the necessary municipal utility systems.

Adopted by affirmative vote of all the members of the Austin Township Board of Supervisors this 7 day of JULY, 2014.

TOWNSHIP OF AUSTIN

By: *Dennis Bray*
Chairperson
Board of Supervisors

By: *Connie Kellock*
Clerk
Austin Township

Passed by a vote of yeas and nays this 7th day of July, 2014.

YEAS NAYS

CITY OF AUSTIN

By: *Charles J. Hill*
Mayor

ATTEST:

By: *Tom Dalt*
City Recorder

Passed by a vote of yeas and nays this 7th day of July, 2014.

YEAS 5 NAYS 0

EXHIBIT "A"

Legal Descriptions – Austin Township

02-008-0190

James, Joseph & Anthony Bennett

Beginning at a point on the West line, of Trunk Highway #218 which is 325 feet Southeasterly of a point that is 1,535.15 feet South and 880.6 feet East of the Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 West of the Fifth P.M.

The above described point being on the West line of Trunk Highway #218, and is the place of beginning; thence souththeasterly along the West line of said Highway #218, 150 feet; thence Southwesterly at a right angle (90 degrees) off the West line of said Highway #218, 590 feet; thence Northwesterly on a line that is parallel with the West line of said Highway #218, 150 feet; thence Northeasterly, 590 feet to the place of beginning.

02-008-0191

Stephen & Katherine Sollie

Beginning at a point that is 1,535.15 test south and 880.8 feet East of the Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 West of the Fifth P.M.; the above described point being on the West line of Trunk Highway #218, and is the place of beginning; .thence Southeasterly along the West line of said Highway #218, 625 feet; thence Southwesterly at a right angle off the West line of said Highway #218, 590 feet; thence Northwesterly on a line that is parallel, with the West line of said Highway #218, 625 feet; thence Northeasterly, 590 feet to the place of beginning. .

Except the following tracts:

1. Beginning at a point that is 1,535.15 feet South and 880.8 feet East of the Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 west, of the Fifth P.M. the above described point being on the West line of Trunk Highway #218, and is the place of beginning; thence Southeasterly along the West line of said Highway #218, 175 feet; thence Southwesterly at a right angle off the West line of, said Highway #218, 590 feet; thence Northwesterly on a line that is parallel with the West line of said Highway #218, 175 feet; thence Northeasterly, 590 feet to the place of beginning.
2. Beginning at a point on the West line of Trunk Highway #218 which is 325 feet Southeasterly of a point that is 1,535.15 feet South end 880.8 feet East of the Northwest corner of the Northeast Quarter of Section 11, Township 102 North, Range 18 West of the 5th P.M.; the above described point being on the West line of Trunk Highway #218, and is the place of beginning; thence Southeasterly along the West line of said Highway #218, 300 feet; thence Southwesterly, at a right angle (90 degrees) off the West Line of said Highway #218, 590 feet; thence Northwesterly on a Line that is parallel with the West line of said Highway #218, 300 feet; thence Northeasterly 590 feet to the place of beginning.

Subject to all valid and existing covenants, restrictions, reservations easements, conditions and rights appearing of record, if any. Grantee covenants and agrees that from and after the date hereof, the above described property shall not be used for the exhibition of motion pictures.

02-059-0250

Eric Kozak

Lot 25, of Norman Park First Addition of Outlots in the N1/3 of the W3/4 of the N1/2 of the NW 1/4 of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota.

02-059-0155

Richard & Belita Schindler

The South 55.60 feet of Lot 15, Norman Park First Addition of Outlots in the North 1/3 of the West 3/4 of the North Half of the Northwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota, said 55.60 feet being measured on a line perpendicular to the South line of said Lot 15.

02-059-0050

Kenneth & Mercedee Dahlgren Rev Family Trust

Outlot 6, Norman Park First Addition of Outlots in the North one- third of the West three-fourths of the North Half of the Northwest Quarter of section 4, Township 102 North, Range 18 West; and Outlot 3 in Norman Park Second Addition of Outlots in the South Half of the West three-quarters of the Southwest Quarter of Section 33, Township 103 North, Range 18 West, Mower County, Minnesota, except no warranties shall be included on the following described tract: Beginning at the Northwest corner of said Outlot 3; thence along the North line of said Outlot 3, a distance of 10 feet; thence Southwesterly in a line parallel to the Westerly side of said Outlot 3 to the South line of said Outlot 3; thence along the South line of Outlot 3 to the Southwesterly corner of said Outlot; thence Northeasterly along the Westerly side of said outlot 3 to the place of beginning.

02-059-0205

Nicholas & Carolyn Endres

The East 25 feet of Outlot 20 in Norman Park First Addition of Outlots In the North one-third of the West three-fourths of the North Half of the Northwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota.

AND

Out Lot 21, of Norman Park First Addition of Outlots in the North one-third of the West three-fourths of the North Half of the Northwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota.

02-047-0010

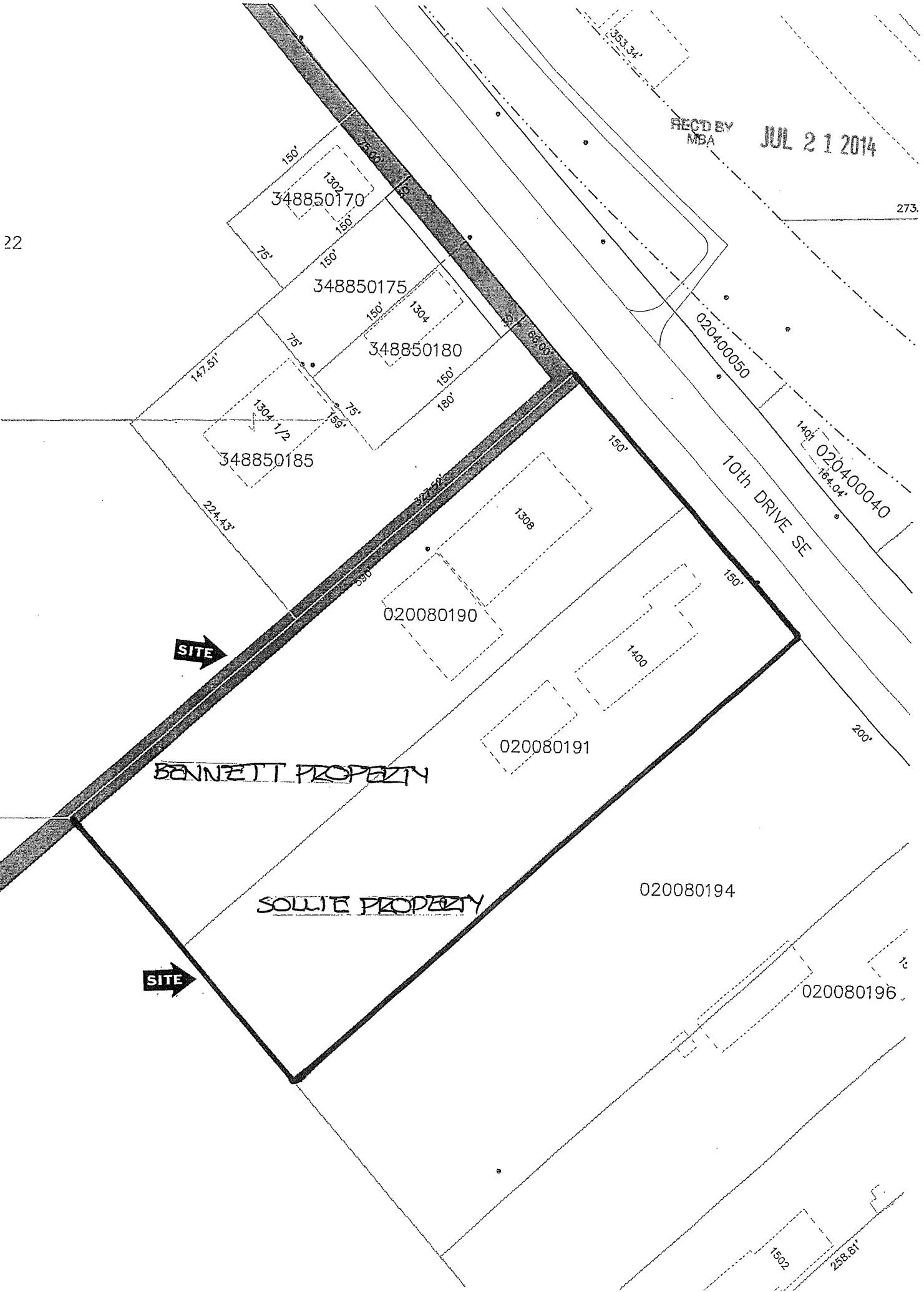
Wolfgang & Linda Baumann

Lot 1 and Lot 5 in Cresthaven Second Addition in the Southeast Quartet of the Northeast Quarter of Section 5, Township 102, Range 18, Mower County. Minnesota.

REC'D BY
MBA

JUL 21 2014

273.



SITE

SITE

BENNETT PROPERTY

SOLLIE PROPERTY

348850170

348850175

348850180

348850185

020080190

020080191

020080194

020080196

10th DRIVE SE

22-A-43

147.51'

1304 1/2

150'

75'

1302

150'

1304

150'

1304

150'

180'

180'

1308

1400

150'

200'

1502

258.81

153.34'

689.00'

572.57'

590'

140'

164.04'

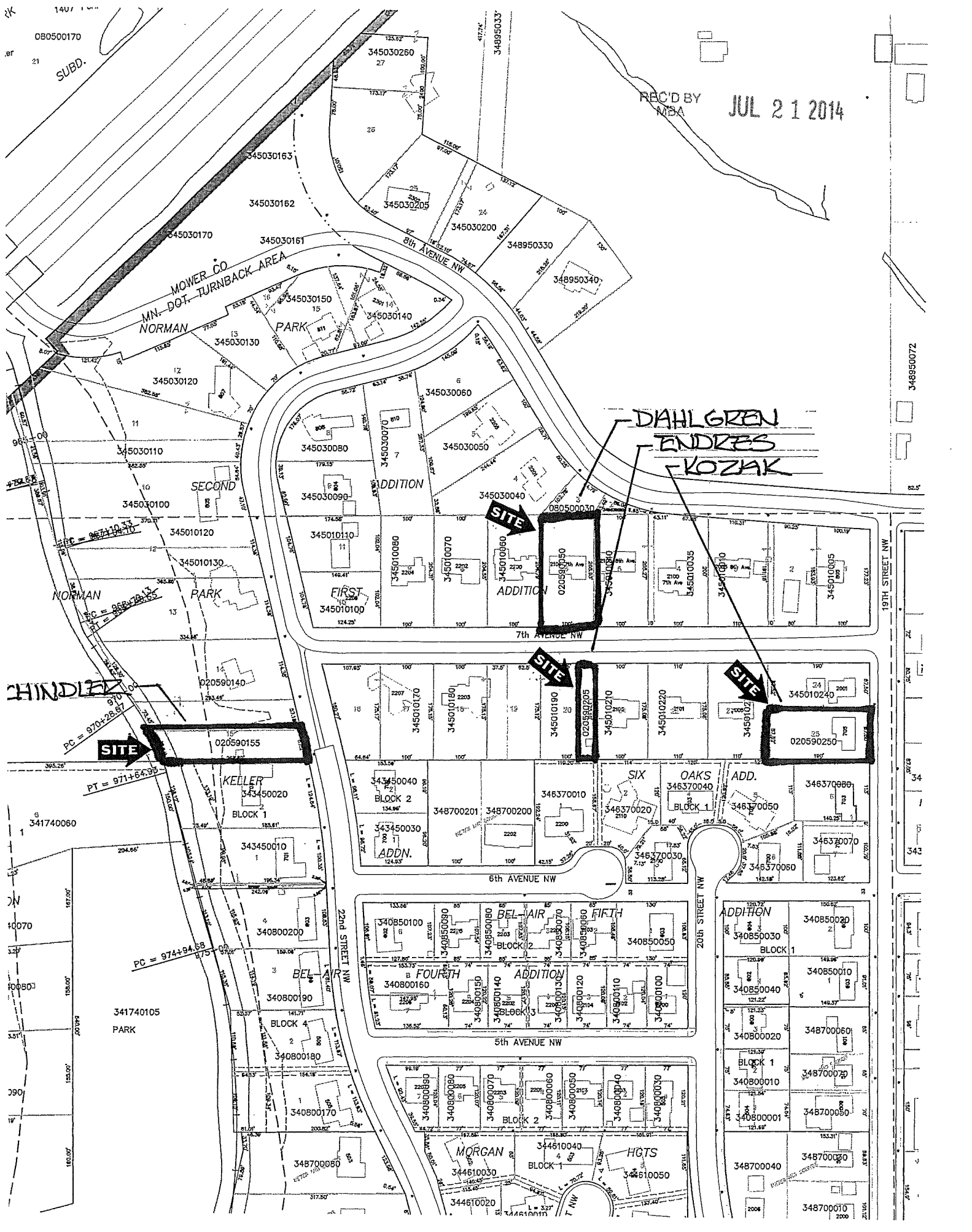
020400040

020400050

16

14U
 080500170
 21
 SUBD.

REC'D BY
 MBA
 JUL 21 2014



CHINDLER
 PC = 970+28.67
 PT = 971+64.95

SITE

SITE

SITE

SITE

DAHLGREN
 ENDRES
 KOZAK

PC = 974+94.58

PC = 971+19.70

PC = 971+19.70

PC = 971+19.70

PC = 971+19.70

