

JOINT RESOLUTION NO. 15589

2017-09B

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

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

Beginning 1 rod south of the Northeast corner of the South 15 acres of the Northwest Quarter of the Northwest Quarter of Section 15, Township 102 North, Range 18 West, thence running West 18 rods, thence South 9 rods, thence East 18 rods, thence North 9 rods to the place of beginning, Mower County, MN,

AND,

Beginning at a point 1 rod South of the Southeast corner of Lot 20, Block 3, Dinsmoor Acres Subdivision in Section 15, Township 102 North, Range 18 West, Mower County, MN, said point of beginning being in the West line of the township road running along the East side of said Lot 20, thence West in a line one rod distant from and parallel to the South line of said Block 3 for a distance of 534.5 feet to the West line of Lot 12, in said Block 3, in said subdivision extended South, thence South in the West line of said Lot 12, extended South, 9 rods, thence East in a line parallel to said South line of said Block 3, 534.5 feet, more or less, to the West line of said Township road, thence North in the West line of said township road, 9 rods, more or less, to the place of beginning, excepting, however, the West 9 rods thereof heretofore conveyed to Peter M. Hanna and Jeanette Hanna by warranty Deed recorded in Book 187 of Deeds, page 322.

WHEREAS, the City of Austin (the "City") and Austin Township (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 24, 2017, and on November 24, 2017, the City of Austin and Austin Township, respectively, published a Notice of Intent to Designate an Area pursuant to the requirements of Minnesota Statutes §414.0325.

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, jointly by the City Council of the City of Austin and the Township Board of Austin Township as follows:

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

Beginning 1 rod south of the northeast corner of the South 15 acres of the Northwest Quarter of the Northwest Quarter of Section 15, Township 102 North, Range 18 West, thence running west 18 rods, thence South 9 rods, thence east 18 rods, thence North 9 rods to the place of beginning, Mower County, MN,

AND,

Beginning at a point 1 rod South of the Southeast corner of Lot 20, Block 3, Dinsmoor Acres subdivision in Section 15, Township 102 North, Range 18 West, Mower County, MN, said point of beginning being in the West line of the township road running along the East side of said Lot 20, thence West in a line one rod distant from and parallel to the South line of said Block 3 for a distance of 534.5 feet to the West line of Lot 12, in said Block 3 in said subdivision extended South, thence South in the West line of said Lot 12, extended South , 9 rods, thence East in a line parallel to said South line of said Block 3, 534.5 feet, more or less, to the West line of said Township road, thence North in the West line of said township road, 9 rods thereof heretofore conveyed to Peter M. Hanna and Jeanette Hanna by warranty Deed in Book 187 of Deeds, page 322.

2. That the designated area consists of approximately 1.5 acres and shares its Northern boundary with the City of Austin. This parcel is a residential property, currently vacant and therefore has no residents. The property owner wishes to access city services due to intermittent failure of onsite waste treatment facilities serving the residence.

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 immediately, 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

- Connection to sanitary sewer will be completed within 12 months of annexation or as otherwise agreed between the City of Austin and the property owner.

10. The property owner will be charged a municipal sanitary connection fee for the costs associated with the construction of the sanitary sewer project.

11. Annexation shall become effective upon approval by the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

12. The real estate described shall be zoned "R-1" Single Family Residential. This zoning designation is consistent with the current use of the property, surrounding area and future development.

Adopted by affirmative vote of all the members of the Austin Township Board of Supervisors this _____ day of February, 2018.

TOWNSHIP OF AUSTIN

By: _____
Chairperson
Board of Supervisors

By: _____
Clerk
Austin Township

Adopted by affirmative vote of the City Council of Austin, this 5th day of February, 2018.


YEAS 6

NAYS 0

CITY OF AUSTIN

By: 
Mayor

ATTEST:

By: 
City Recorder

Approved this 5th day of February, 2018

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.

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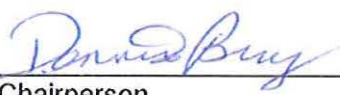
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TOWNSHIP OF AUSTIN

By: 
Chairperson
Board of Supervisors

By: 
Clerk
Austin Township

Adopted by affirmative vote of the City Council of Austin, this ____ day of _____, 2018.

YEAS

NAYS

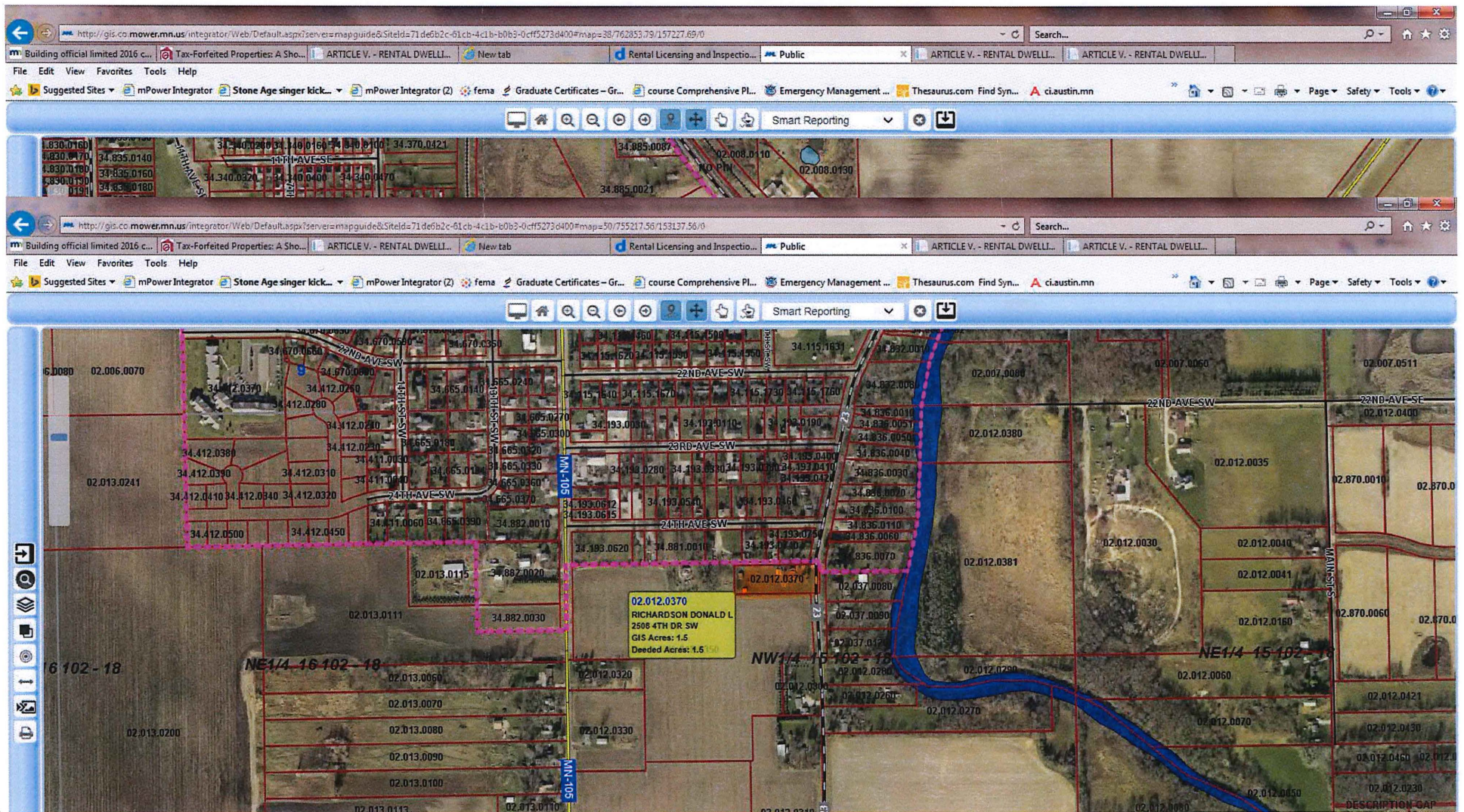
CITY OF AUSTIN

ATTEST:

By: _____
Mayor

By: _____
City Recorder

Approved this ____ day of February, 2018



Pink dashed line = city limits (southerly boundary)

FIGURE 2-3.

FUTURE LAND USE

- Public / Civic
- Parks / Open Space (280 acres)
- Suburban Low Density Residential Neighborhood (299 acres)
- Traditional Moderate Density Residential Neighborhood (175 acres)
- Mixed High Density Residential Neighborhood
- Mixed Use (46 acres)
- Commercial / Retail (101 acres)
- Public / Institutional
- Office/Light Industrial (317 acres)
- Industrial (93 acres)
- City Limits
- Water

