

JOINT RESOLUTION BETWEEN THE TOWN OF
 AUSTIN AND THE CITY OF AUSTIN, DESIGNATING
 AN AREA FOR ORDERLY ANNEXATION

The Town of Austin and the City of Austin hereby jointly agree to the following:

1. That the following described area in the Town of Austin is subject to orderly annexation pursuant to Minnesota Statutes 414.0325, and the parties hereto designate this area for orderly annexation as shown on Exhibit "A" attached hereto and made a part of consisting of approximately 12.4 acres. Further, the area subject to orderly annexation is divided into the following tracts:

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| <p>Tract I Area to be annexed immediately upon approval of this agreement by the Minnesota Municipal Board</p> <p>Tract II Area subject to annexation by petition during the term of this agreement</p> <p>TOTAL ACRES:</p> | <p>5.27 acres</p> <p>7.13 acres</p> <p>12.40 acres</p> |
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2. That the Town of Austin and the City Council of the City of Austin do, upon their adoption, and upon acceptance by the Minnesota Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the various tracts described in this agreement so as to accomplish said orderly annexation in accordance with the terms of this Resolution. No consideration by the Minnesota Municipal Board is necessary, the board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of this joint resolution.

3. The above described properties is abutting the City of Austin and is presently urban or suburban in nature or is about to become so. Further, the City of Austin is now or within a reasonable time will be capable of providing sanitary sewer to this area.

4. Tract I will be annexed to the City of Austin on October 2, 1989. All the parcels in Tract I and II are capable of being served by sanitary sewer immediately, subject to assessment for such improvements.

5. The City will not commence annexation proceedings as to any area described in Tract II for six years from the date of acceptance of this Agreement by the Minnesota Municipal Board unless property owners, of the property proposed to be annexed, petition for annexation. If property owners involved petition for annexation and the City of Austin approves, the Township of Austin will not object to the annexation of such properties within Tract II. This shall not prevent the Township of Austin from petitioning for property in Tract II to be annexed to the City of Austin when it claims such annexation to be appropriate.

6. The City of Austin agrees to spread assessment for sanitary sewer over at least a six (6) year period of time, charging for the improvements and interest.

7. That planning and zoning throughout the orderly annexation area shall be under the control of the applicable Mower County, Minnesota, ordinances, until annexed to the City of Austin.

8. After annexation and the installation of sanitary sewer, all existing waste disposal systems in the annexed area shall be converted to the municipal sanitary sewer as per requirements of the City of Austin ordinance. After connection to sewer, all current septic tanks shall be removed or pumped and crushed and/or filled with approved aggregate material.

9. Abandonment of wells shall be done in accordance with regulations of the Minnesota Department of Health (MHD 218) as amended from time to time. When a well is abandoned, it must be filled with materials described in MHD 218(c)C2 to provide an adequate seal against ground water contamination. When a well is abandoned and not capped, the City of Austin has the authority to order the work completed and the costs assessed to the property owner.

10. All parties to this resolution hereby agree to annually review the status of the designated area in relationship to the joint agreement.

CITY OF AUSTIN

Passed and adopted by the City Council of the City of Austin this 18th day of September, 1989.

BY: [Signature]
Its Mayor

ATTEST: [Signature]
City Recorder

TOWNSHIP OF AUSTIN

Passed and adopted by the Town Board of the Town of Austin this 5th day of Sept, 1989.

BY: [Signature]
Its Chairman

ATTEST: [Signature]
Town Board Clerk

LEGAL DESCRIPTION FOR
ORDERLY ANNEXATION
IN AND ABUTTING SOUTHGATE 1ST
AND TRACT I

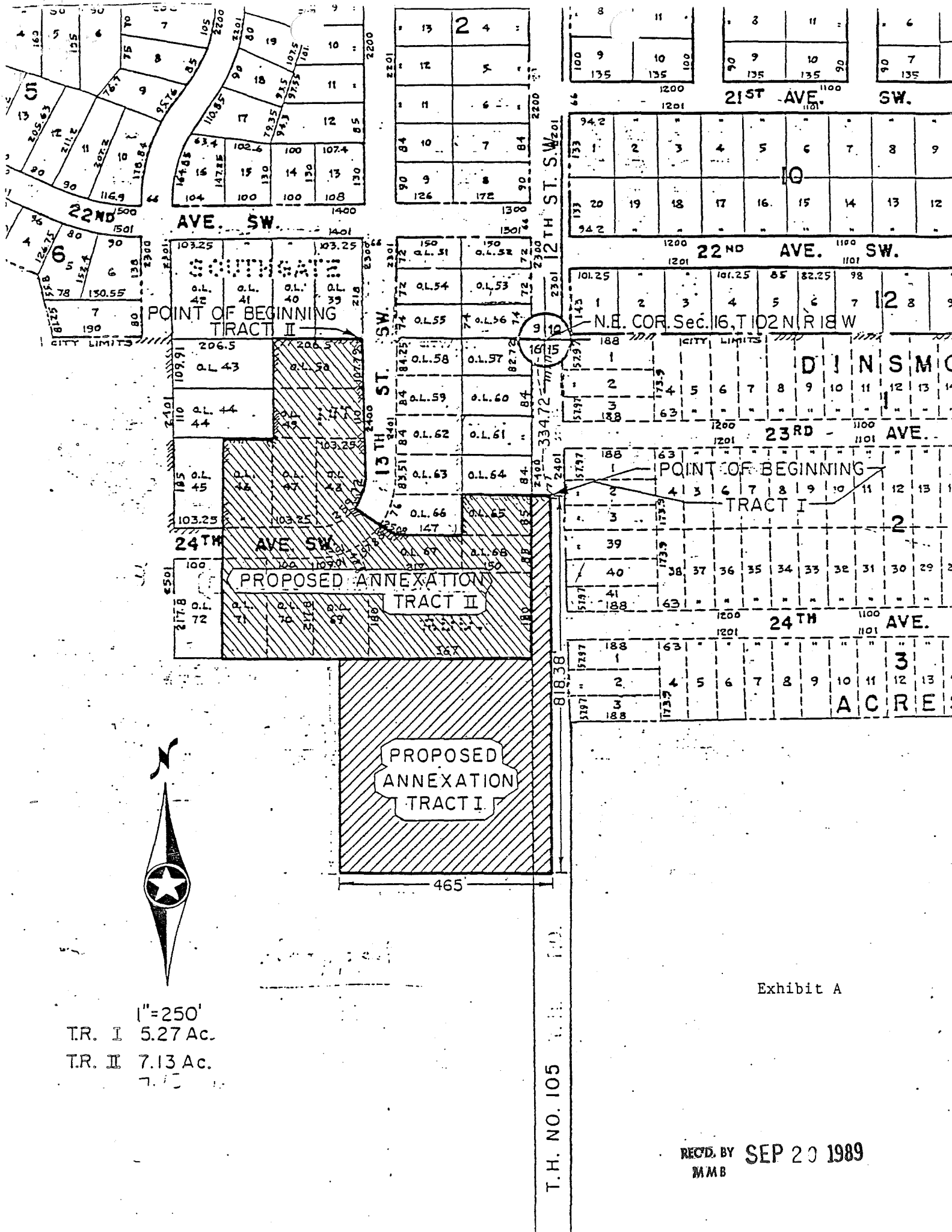
Commencing at the northeast corner of Section 16, Township 102 North, Range 18 West, Mower County, Minnesota, thence southerly on the east line of said section a distance of 334.72 feet to the point of beginning thence continuing southerly on the same line a distance of 818.38 feet thence westerly on a line parallel to the south line of the northeast $\frac{1}{4}$ of said section a distance of 465 feet thence northerly on a line parallel to the east line of said $\frac{1}{4}$ section to the south line of Southgate First Addition thence easterly on the south line of Southgate First Addition to the west property line of Trunk Highway 105 (12th Street S.W.) thence northerly on the west property line of Trunk Highway 105 to the northeast corner of Outlot 65 of Southgate First Addition thence easterly on a straight line to the point of beginning.

5.27 Acres

LEGAL DESCRIPTION FOR
ORDERLY ANNEXATION
IN AND ABUTTING SOUTHGATE 1ST AND
TRACT II

Beginning at the northeast corner of Outlot 50, Southgate 1st Addition, Mower County, Minnesota, thence westerly on the north line of said Outlot 50 to the northwest corner of said Outlot thence southerly on the west line of Outlot 50 and 49 to the northeast corner of Outlot 46 thence westerly on the north line of Outlot 46 to the northwest corner of said Outlot 46 thence southerly on the west line of said Outlot 46 to the southwest corner of said Outlot 46 this point also being on the north right-of-way line of 24th Avenue S.W. thence westerly on the north right-of-way line of 24th Avenue S.W. a distance of 19.25 feet thence southerly on a straight line to the northwest corner of Outlot 71 of Southgate First Addition thence southerly on the west line of said Outlot 71 to the south line of said Southgate First Addition thence easterly on the south line of Southgate First Addition to the west property line of Trunk Highway 105 (12th Street S.W.) thence northerly on the west property line of Trunk Highway 105 to the northeast corner of Outlot 65 of Southgate First Addition thence westerly on the north line of said Outlot 65 to the northwest corner of said Outlot 65 thence southerly on the west line of said Outlot 65 to the southeast corner of Outlot 66 thence westerly along the south line of said Outlot 66 a distance of 147 feet thence northwesterly along the same south line of Outlot 66 to the southwest corner of Outlot 66 this point also being on the east property line of 13th Street S.W. thence continuing northwesterly on the extension of the same line to the west property line of 13th Street S.W. thence northerly along the west line of 13th Street S.W. to the northeast corner of Outlot 50 this being the point of beginning.

7.13 Acres



1" = 250'
 T.R. I 5.27 Ac.
 T.R. II 7.13 Ac.

Exhibit A

REC'D. BY SEP 20 1989
 MMB

T.H. NO. 105