

RESOLUTION NO. 14181**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 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, 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, jointly 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:

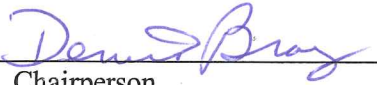
LEGAL DESCRIPTION (See Exhibit A)

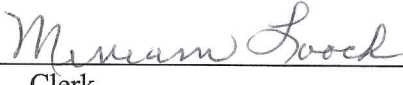
2. That the designated area consists of approximately +/-15 acres, and the subject area is an undevelopment site.
3. That the Township of Austin does, upon passage of this resolution and its adoption by the Council of the City of Austin, and upon acceptance by the Municipal Boundary Adjustment Unit of 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 which reads as follows:
 - a. That the above-described property is 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.
 - b) The City shall be exempt from any reimbursement from the Township for the taxable property due to the circumstances of this annexation originally being approved in December of 2002.

4. 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 Administration 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.
5. The real estate 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 17th day of January, 2012.

TOWNSHIP OF AUSTIN

By: 
Chairperson
Board of Supervisors

By: 
Clerk
Austin Township

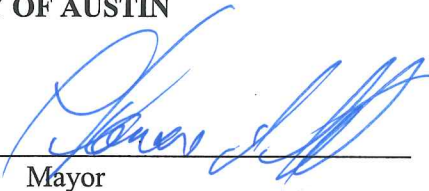
Passed by the Austin City Council by a vote of yeas and nays this 6th day of February, 2012.

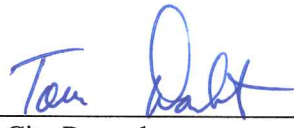
YEAS 7

NAYS 0

CITY OF AUSTIN

ATTEST:

By: 
Mayor

By: 
City Recorder

The West half of the East half, and the West half of the Number 10 in Section 9, Township 102 North, Range 18 West, containing 15 acres more or less, except beginning at the southwest corner of Outlot 10, Section 9, Township 102 North, Range 18 West, Mower County, thence North along said lot line 120 feet; thence East parallel with the South line of said lot 194 feet, thence South parallel with the West line of said lot 120 feet; thence West along the south line of said lot 194 feet to the point of beginning.

And also except the following described property:

Commencing at a point which is 163.44 feet West of the SE corner of the West half of the East half of Outlot 10 in the Northeast Quarter of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota; which point is also the SW corner of that portion of Outlot 10 described in the deed from Gertrude M. Sayles, et al, to Peter A. Nielsen, et al, as recorded in the office of the Mower County, Minnesota Registrar of Deeds in Book 308, page 449; thence westerly along the south line of said Outlot a distance of 5 feet; thence Northerly parallel with the east line of said Outlot 10 a distance of 1,639.97 feet more or less to the south edge of Turtle Creek; thence southeasterly along the south edge of Turtle Creek to a point at the NE corner of the West one-half of the East one-half of said Outlot 10, which point is also the NW corner of that portion of Outlot 10 described in the deed from Aldrich to Olson as recorded in Book 132, page 260 in the office of the Registrar of Deeds, Mower County, Minnesota; thence South along the West boundary of that tract of land conveyed in the above described deed from Aldrich to Olson to a point which is 333 feet North of the South line of said Outlot; thence West parallel with the South line of said Outlot 10 a distance of 163.44 feet; thence South parallel with the W boundary line of the properties described in said deed from Aldrich to Olson to the point of beginning.

And also except the following described property:

Commencing at a point which is the Southeast corner of the West half of the East half of Outlot 10 in the Northeast Quarter of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota; which point is also the Southwest corner of that portion of Outlot 10 described in the deed from Aldrich to Olson as recorded in the Office of the Mower County, Minnesota Registrar of Deeds in Book 132 of Deeds, page 260, thence North a distance of 333.00 feet along the west boundary of that tract of land described in the deed from Aldrich to Olson, aforementioned, to a point; thence west on a line parallel to the South line of Outlot 10, a distance of 163.44 feet to a point; thence south a distance of 333.00 feet on a line parallel with the west line of the property described in the deed from Aldrich to Olson, aforementioned, to a point on the south line of Outlot 10; thence east 163.44 feet on the south line of outlot 10 to the place of beginning, subject to existing highway right-of-way easements.

EXHIBIT "A"

RECD BY
MBA

JUL 02 2012

This Indenture, Made this 14 day of September 1978
 between Gertrude M. Sayles and Loren L. Sayles, husband and wife; Atlanta
Georgia Rustad, a widow; Kathleen E. Dornack, a widow, and Verna H.
Wilson, formerly Verna H. Rustad, and Weldon Wilson, wife and husband

State deed transfer tax due in the sum of \$11.00
 Real estate tax statements for this property should be sent to Peter A.
 Nielsen, 1510 S.W. 16th Avenue, Austin, MN. 55912

parties of the first part, and Peter A. Nielsen and Verna R. Nielsen
 husband and wife

of the County of Mower and State of Minnesota part 1st of the second part.
 WITNESSETH, That the said parties of the first part, in consideration of the sum of
 One dollar and other good and valuable considerations, to them in hand paid by the said part 1st of the second part, the receipt whereof is hereby acknowl-
 edged, do hereby Grant, Bargain, Sell, and Convey unto the said part 1st of the second part, their
 heirs and assigns, forever, all the tract or parcel of land lying and being in the County
 of Mower and State of Minnesota, described as follows, to-wit:

Commencing at a point which is 163.44 feet West of the SE corner of the
 West 1/2 of the East 1/2 of Outlot 10 in the NE 1/4 of Section 9, Township 102
 North, Range 13 West, Mower County, Minnesota; which point is also the
 SW corner of that portion of Outlot 10 described in the deed from
 Gertrude M. Sayles et al to Peter R. Nielsen et al, as recorded in the
 office of the Mower County, Minnesota Register of Deeds in Book 308, page
 449; thence westerly along the south line of said Outlot a distance of 5
 feet; thence Northerly parallel with the east line of said Outlot 10 a
 distance of 1,639.97 feet more or less to the South edge of Turtle Creek;
 thence southeasterly along the south edge of Turtle Creek to a point at
 the NE corner of the West One-Half of the East One-Half of said Outlot 10,
 which point is also the NW corner of that portion of Outlot 10 described
 in the Deed from Aldrich to Olson as recorded in Book 132, page 260 in the
 (** continued below)

To have and to hold the same, together with all the hereditaments and appurtenances thereto
 belonging or in anywise appertaining, to the said part 1st of the second part, their
 heirs and assigns, FOREVER, and the said parties of the first part, for themselves, their heirs, executors
 and administrators, do covenant with the said part 1st of the second part, their heirs and assigns
 that they are well seized in fee of the lands and premises aforesaid, and have good right to sell and
 convey the same in manner and form aforesaid, and that the same are free from all incumbrances.

**office of the Register of Deeds, Mower County, Minnesota; thence South
 along the West boundary of that tract of land conveyed in the above
 described Deed from Aldrich to Olson to a point which is 333 ft. North of
 the South line of said Outlot; thence West parallel with the South line of
 said Outlot to a distance of 163.44 feet; thence South parallel with the
 boundary line of the properties described in said Deed from Aldrich to
 Olson to the point of beginning; and the above beginning and premises in and
 premises in the quiet and peaceable possession of the said part 1st of the second part; their
 heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof
 subject to incumbrances, if any, heretofore mentioned, the said parties of the first part will
 WARRANT AND DEFEND.

IN TESTIMONY WHEREOF, The said parties of the first part have hereunto set their hands
 and seals the day and year first above written.

WITNESSED, SEALED AND DELIVERED IN PRESENCE OF



Ruth Harris, Treasurer No. 00211

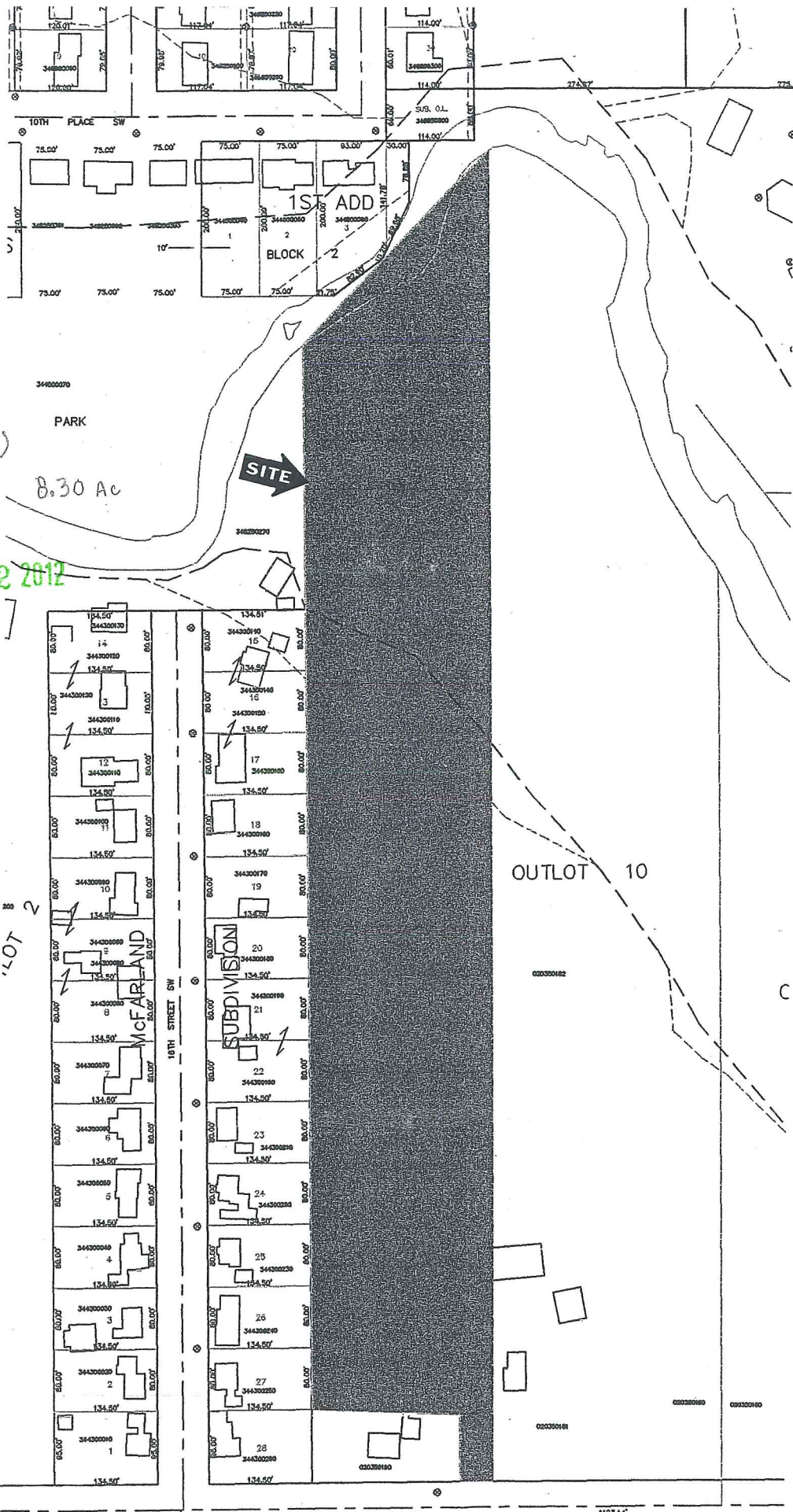
Date

7-14-95

Deed Tax Amt. \$

11.50

Gertrude M. Sayles (SEAL)
Loren L. Sayles (SEAL)
Atlanta Georgia Rustad (SEAL)
Kathleen E. Dornack (SEAL)
Verna H. Wilson, formerly (SEAL)
Verna H. Rustad (SEAL)
Weldon Wilson (SEAL)
 _____ (SEAL)
 _____ (SEAL)
 _____ (SEAL)
 _____ (SEAL)
 _____ (SEAL)
 _____ (SEAL)



P.I.N. #435-(3)
2-035-0180

8.30 AC

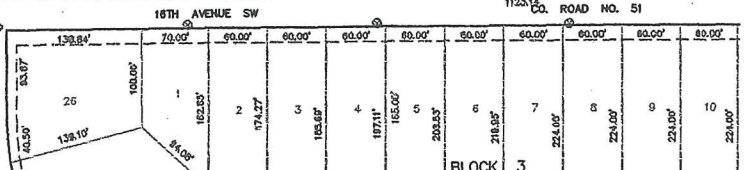
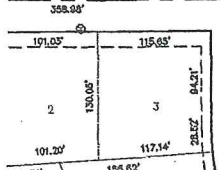
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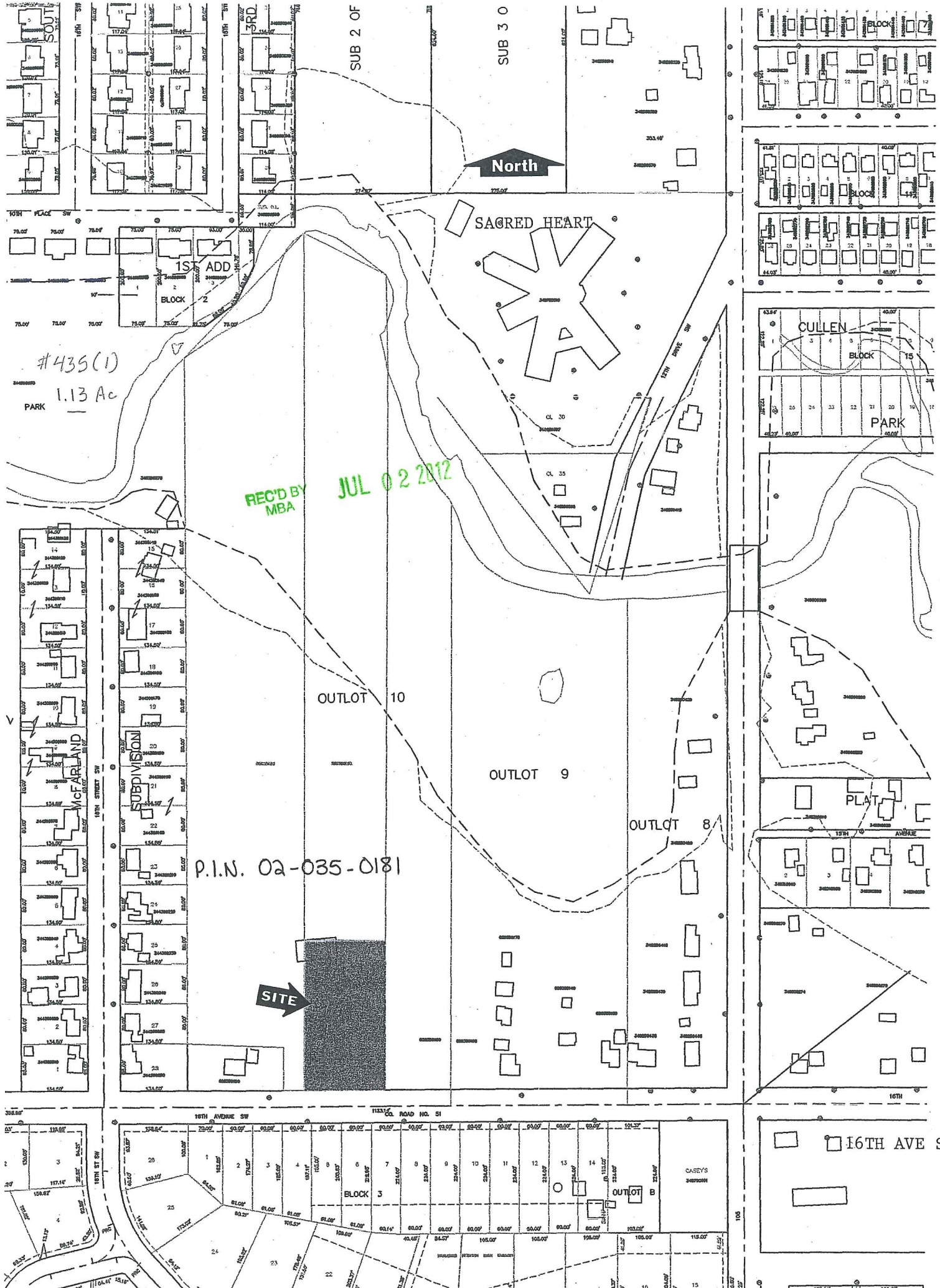
LOT 2

McFARLAND

SUBDIVISION

OUTLOT 10





North

SACRED HEART

CULLEN

BLOCK

PARK

OUTLOT 10

OUTLOT 9

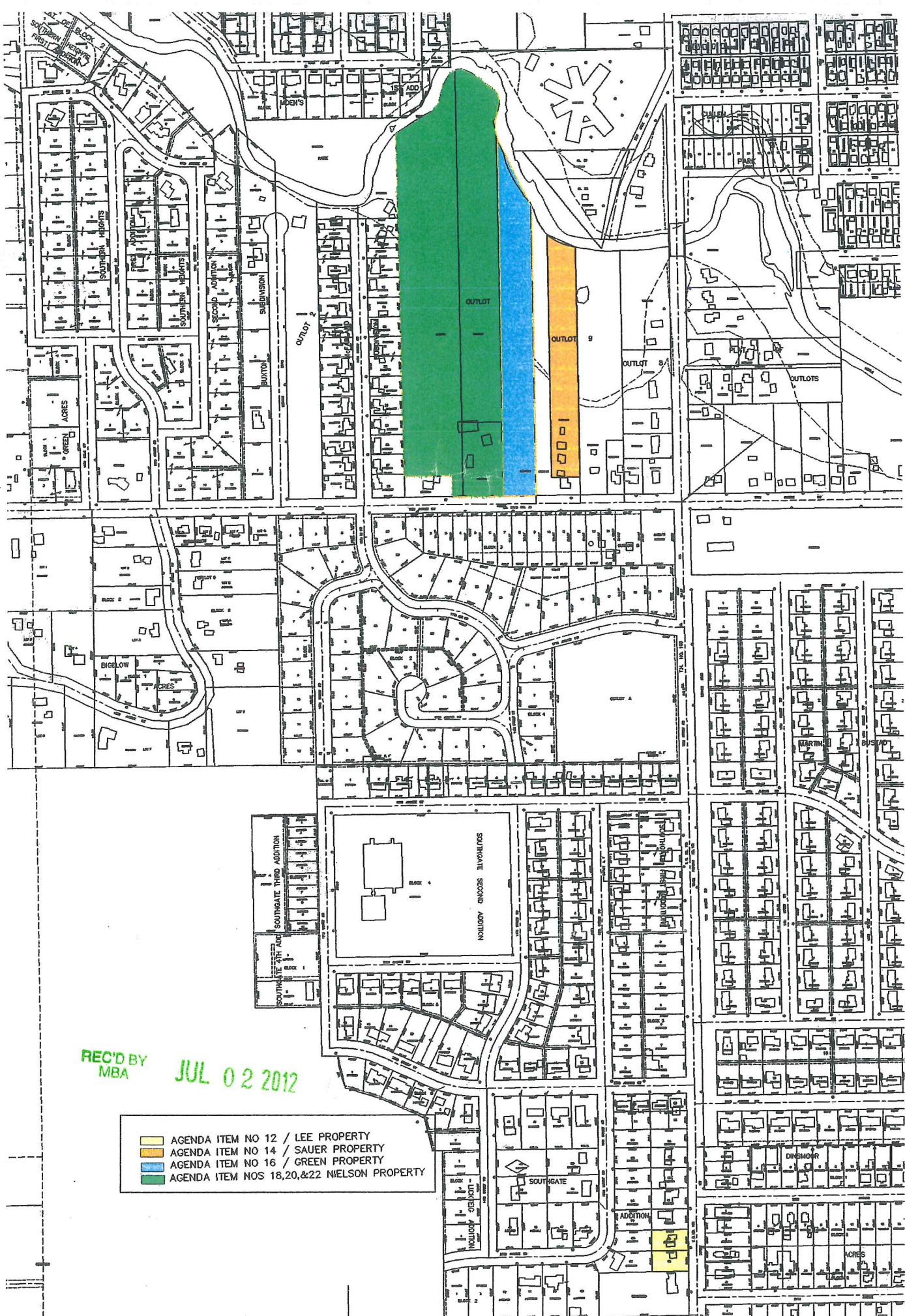
OUTLOT 8

PLAT

P.I.N. 02-035-0181

SITE

16TH AVE SW



REC'D BY
MBA JUL 02 2012

- AGENDA ITEM NO 12 / LEE PROPERTY
- AGENDA ITEM NO 14 / SAUER PROPERTY
- AGENDA ITEM NO 16 / GREEN PROPERTY
- AGENDA ITEM NOS 18,20,&22 NIELSON PROPERTY