

REC'D BY OCT 5 1991
MMS

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

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 _____ acres. Further, the area subject to orderly annexation is divided into the following tracts:

Tract I Area to be annexed immediately 12.75 acres

Tract II Area subject to annexation by
petition during the term of this
agreement 97.46 acres

TOTAL ACRES: 110.21 acres

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. Any and all property in Tract II will not be subject to annexation unless the City has available or will be capable of serving said property with sanitary sewer services within 18 months after annexation. The City of Austin will not be obligated to make sanitary sewer service available to any area in Tract II until and unless such properties are annexed to the City of Austin. That the City will not commence annexation proceedings as to any area for 10 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. The City will not be required to furnish sanitary sewer, water, electric or gas to any property in Tract II unless and until it is financially feasible for the City to do so.

5. A. The City of Austin agrees to spread assessment for sanitary sewer and water over the term of the bonds used for the project, charging for the improvements and interest.

Individuals who petition for annexation after the assessment hearing for the project in question shall have the assessment spread over the remaining years of the bonds.

B. Requests for installation and installation charges for water, natural gas, and electricity shall be in accordance with Austin Utility's Policy.

6. The City of Austin agrees to maintain the rural cross section roads where engineeringly feasible. The minimum construction for this type of street would be 24 feet wide with asphalt surfacing. Streets which are not asphalt at the time of annexation shall be brought up to the minimum requirements stated above within two years from the time of the installation of the utilities, and annexation of all abutting properties subject to assessment for such improvements.

7. The City of Austin agrees not to require sidewalks unless petitioned by the property owner or needed for safety reasons as determined by the City Council. When sidewalks are required, such improvements shall be assessed pursuant to M.S.A. Chapter 429.

8. 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.

9. 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.

10. Abandonment of wells shall be in accordance with Minnesota Rules Chapter 4725 and Mower County Code. When the use of a well is discontinued, it shall be sealed as described in Minnesota Rules Chapter 4725 or a Well Maintenance Permit shall be obtained, as required by Minnesota Rules Chapter 4725 and Mower County Code.

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

12. Town of Austin and the City of Austin agree that they will have joint meetings with petitioners for annexation outside the orderly annexation area in Town of Austin to encourage the petitioner to work for straight lines in the City's boundaries.

13. If subsurface drainage lines are disturbed or cut by the installation of municipal services, the City of Austin will require that the Contractor correct all disturbances or cuttings in accordance with procedure approved by the Mower County Soil Conservation Service.

14. If the City of Austin adopts a policy of assessing for storm sewer and the City installs storm sewers in the area subject to this Orderly Annexation, the City of Austin shall have the right to assess the area thereafter annexed for storm sewer improvements.

15. The placement of street lights will be determined by Austin Utilities, the City Engineer and Austin Police Department.

CITY OF AUSTIN

TOWNSHIP OF AUSTIN

Passed and adopted by the City Council of the City of Austin this 21st day of October 1991.

Passed and adopted by the Town Board of the Town of Austin this 21st day of October, 1991.

BY: *John O'Kane*
Its Mayor

By: *Oliver Hillier*
Its Chairman

ATTEST: *Richard Benziger*
City Recorder

ATTEST: *Miriam Lock*
Town Board Clerk

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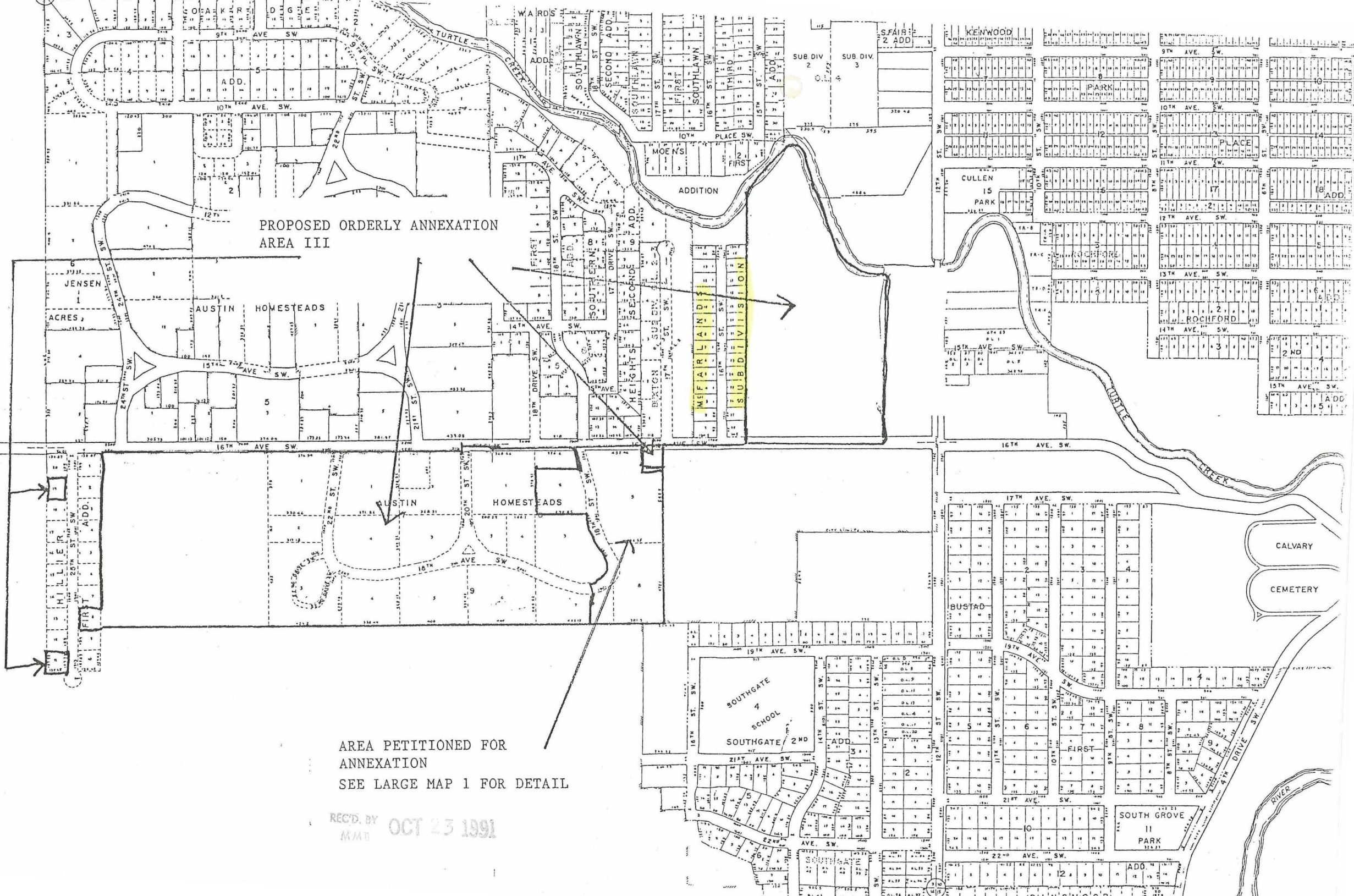
AUSTIN ACRES PROPOSED ANNEXATION
18TH STREET S.W. FROM 16TH AVENUE TO THE SOUTH

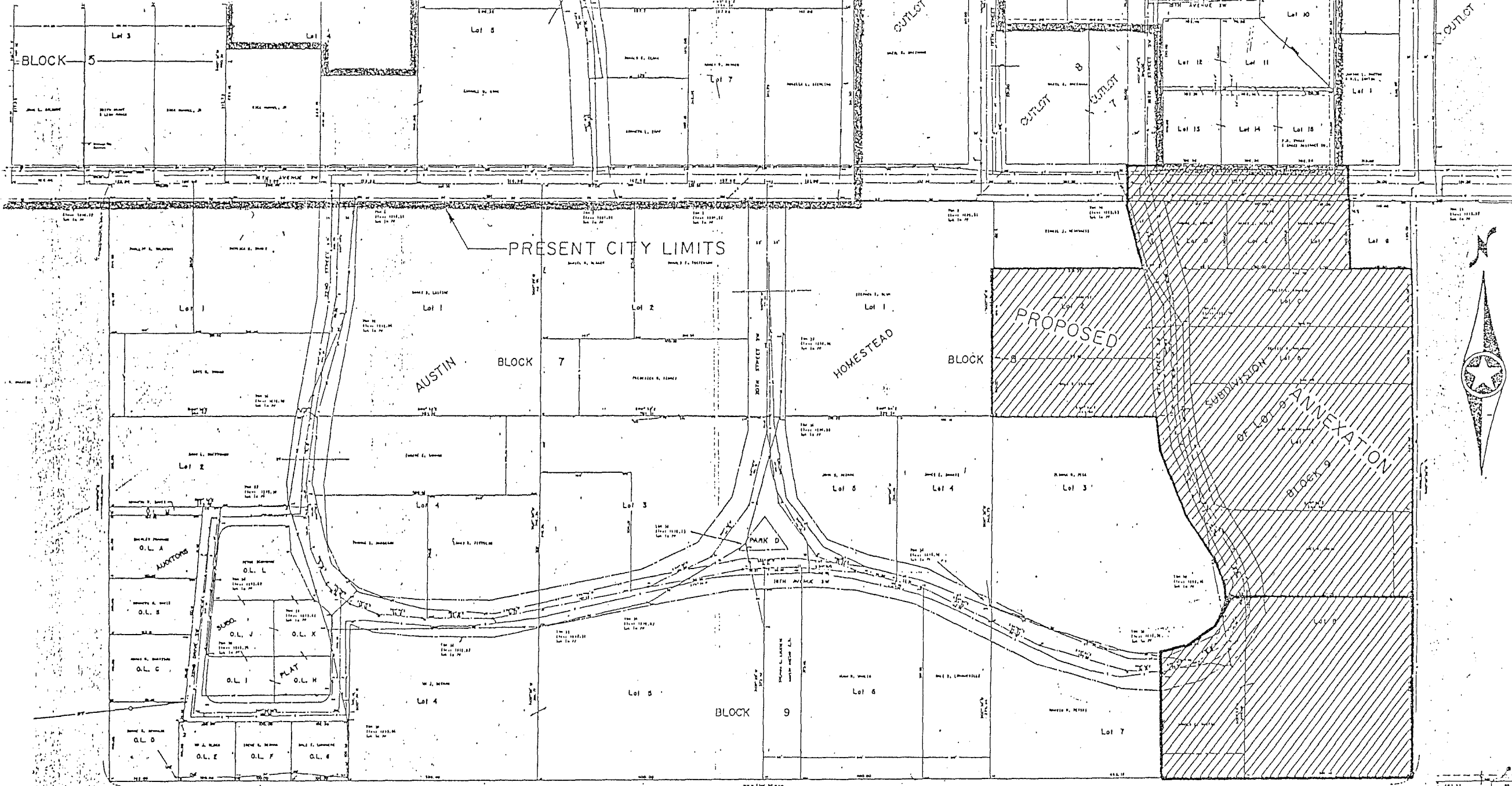
Beginning at the southeast corner of Lot 15, Southern Heights 2nd Addition, Mower County, Minnesota, this point also being on the north property line of 16th Avenue S.W. thence westerly on the north line of 16th Avenue S.W. to the west property line of 18th Street S.W. thence southerly on a straight line to the northeast corner of Lot 2, Block 8, Austin Homesteads this point also being on the west property line of 18th Street S.W. thence southerly on the west property line of 18th Street S.W. to a point that intersects a line that is parallel to and 152.5 feet south of the south property line of 16th Avenue S.W. thence westerly on this line to the east property line of Lot 1 of said Block 8 thence southerly on the east line of said Lot 1 to the north line of Lot 3 of said Block 8 thence easterly on the north line of said Lot 3 to the west property line of 18th Street S.W. thence southerly and westerly on the west property line of 18th Street S.W. to a point that intersects a line that is extended northerly and is parallel to and 150 feet west of the east line of Lot 7, Block 9, Austin Homesteads thence southerly on this line to the south line of said Lot 7 this line also being the south line of said Block 9 thence easterly on the south line of said Block 9 to the east line of said Block 9 thence northerly along the east line of said Block 9 to the southeast corner of Lot G which is in a subdivision of said Block 9 thence westerly along the south line of said Lot G to the southwest corner of said Lot G thence northerly along the west line of Lot G to the northwest corner of Lot G thence continuing northerly to the north property line of 16th Avenue S.W. thence westerly along said north property line to the point of beginning.

PROPOSED ORDERLY ANNEXATION
AREA III

AREA PETITIONED FOR
ANNEXATION
SEE LARGE MAP 1 FOR DETAIL

REC'D. BY
MMT OCT 23 1991





MAP 1

REC'D BY
MAY 15
OCT 23 1991

OUT
LOT
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