

ORDINANCE NO. 711

AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA, ANNEXING PROPERTY LOCATED IN LANSING TOWNSHIP, MOWER COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES 414.033, SUBD. 2 (2), PERMITTING ANNEXATION BY ORDINANCE.

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, and

WHEREAS, the area proposed for annexation is completely surrounded by land within the municipal limits and

WHEREAS, the area proposed for annexation is described as follows:

“All of the area east of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad within the east ½ of the SW ¼ of Section 26, Township 103, Range 18, Mower County, not presently within the city”

WHEREAS, the area proposed for annexation is approximately 12 acres in size; and

WHEREAS, the reason for the proposed annexation is an immediate and future need to connect to city services and the area is wholly within the city; and

WHEREAS, the nature of the area proposed for annexation is residential and commercial, and includes public right of way; and

WHEREAS, the area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325, nor in any other proceeding currently pending before the Office of Administrative Hearings - Municipal Boundary Adjustment Unit; and

WHEREAS, the City of Austin held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on September 6, 2022, following thirty (30) days written notice by certified mail to the Town of Lansing and to all landowners within and contiguous to the area legally described (herein or attached exhibit), to be annexed; and

NOW THEREFORE, the city council of the City of Austin hereby ordains as follows:

1. The city council hereby determines that the property as hereinafter described is wholly within the City of Austin, Minnesota and is not included within any other municipality.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes §414.0325.

3. The corporate limits of the City of Austin, Minnesota, are hereby extended to include the following described property, and it being necessary and appropriate that the same be annexed within the corporate limits of said City of Austin, Minnesota, described as follows:

“All of the area east of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad within the east ½ of the SW ¼ of Section 26, Township 103, Range 18, Mower County, not presently within the city”

A copy of the corporate boundary map showing the parcel to be annexed and its relationship to the corporate boundaries of the City of Austin is attached hereto as Exhibit A.

4. That the area legally described includes one residential parcel with one resident. The area to be annexed is 12 acres more or less.

5. There will be no change in electrical provider.

6. The real estate described, which is not public right of way, shall be zoned “R-2” Residential District. This zoning designation is consistent with the city’s comprehensive land use plan and future land use map.

7. The City of Austin, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall pay the Town of Lansing as follows:

The Township shall retain its share of property taxes for 2022. The City shall provide reimbursement of 50% in 2023 and 50% in 2024, which shall be the final year of such reimbursement.

8. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described (herein or attached exhibit) there are no known special assessments or debt incurred by the Town on the subject area for which reimbursement is required. If any special assessments or debt are incurred by the Town on the subject area, the amounts shall be provided to the City within 90 days following the effective date of this ordinance and shall be paid to the Town in equal installments in 2023 and 2024.

9. That the City Clerk-Treasurer of the City of Austin is hereby authorized and directed to file a copy of this ordinance with the Municipal Boundary Adjustment Unit of the Office of the Administrative Hearings, the Minnesota Secretary of State, the Mower County Auditor, Mower County Recorder and the Lansing Township Clerk.

10. That this ordinance shall be in full force and effect and final upon the dates this ordinance is approved by the Office of Administrative Hearings.

Passed by the Austin City Council this 6th day of September, 2022

YEAS 7

NAYS 0

ATTEST:

APPROVED:



Tom Dankert, City Recorder

Stephen M. King, Mayor

This ordinance was introduced on September 6, 2022; approved on September 6, 2022; was published in the Austin Daily Herald on September 14, 2022, and becomes effective September 21, 2022.

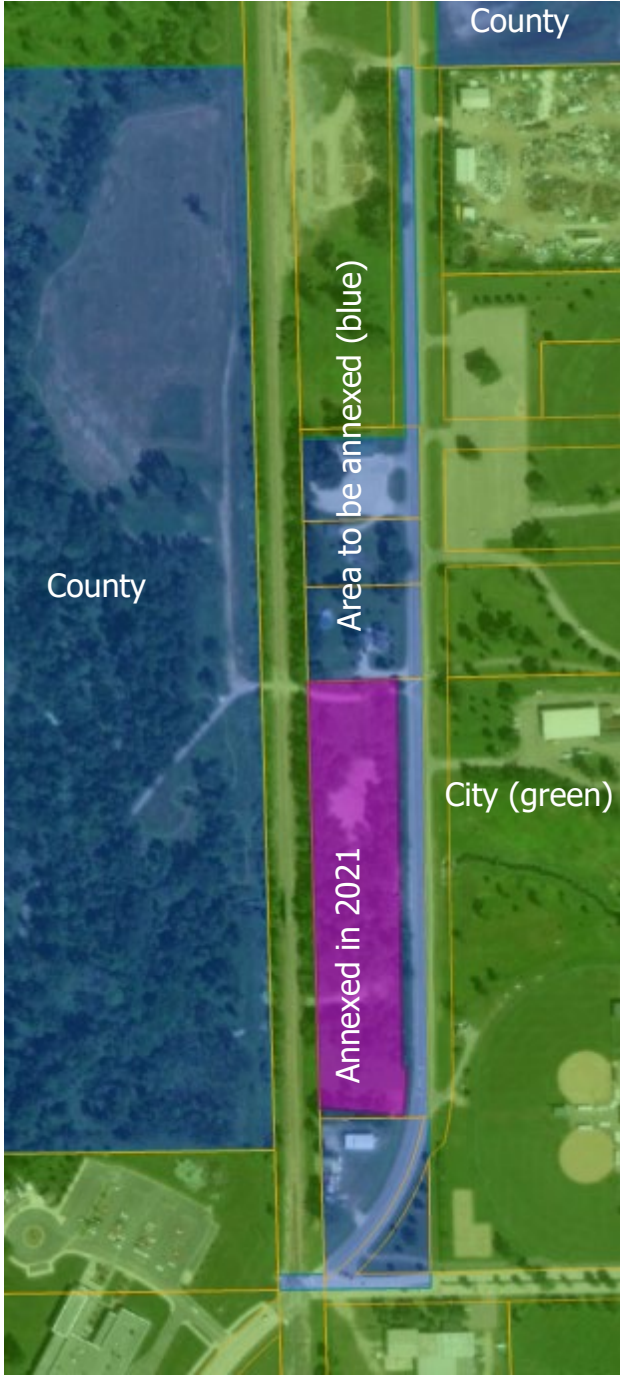


FIGURE 2-3.

