

RESOLUTION NO. 13833

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

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

LEGAL DESCRIPTION (See Exhibit A)

and,

WHEREAS, the City of Austin (the “City”) and the Township of Red Rock (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 Red Rock may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City of Austin and the Township of Red Rock 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 Red Rock as follows:

1. That the following described lands in the Township of Red Rock 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 10.00 acres, and the subject area is residential in nature.
3. That the Township of Red Rock 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 of Austin would provide municipal services as determined when it is financially feasible.

- c) The City shall reimburse the Township for the taxable property (as described above) lost by annexation for a period of eight (8) years following the last year in which the Township would receive real estates for this property following annexation, and shall be paid according to the schedule as follows:

Year 1: 90% of the Real Estate Tax paid to the Township in the year of annexation
Year 2: 80% of the Real Estate Tax paid to the Township in the year of annexation
Year 3: 70% of the Real Estate Tax paid to the Township in the year of annexation
Year 4: 60% of the Real Estate Tax paid to the Township in the year of annexation
Year 5: 50% of the Real Estate Tax paid to the Township in the year of annexation
Year 6: 40% of the Real Estate Tax paid to the Township in the year of annexation
Year 7: 30% of the Real Estate Tax paid to the Township in the year of annexation
Year 8: 20% of the Real Estate Tax paid to the Township in the year of annexation
Year 9 and thereafter 0%

4. The City of Austin and the Township of Red Rock 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 Red Rock Township Board of Supervisors this 13th day of July 2010.

TOWNSHIP OF RED ROCK

By: John Mueller
Chairperson
Board of Supervisors

By: Dawn M. Mueller
Clerk
Red Rock Township

Passed by the Austin City Council by a vote of yeas and nays this 7th day of June, 2010.

YEAS 6

NAYS 1

CITY OF AUSTIN

ATTEST:

By: Donna A. Hall
Mayor

By: Tom Bankert
City Recorder

Schedule "A" Legal Description

All that part of the Northwest Quarter, Section 31, Township 103 North, Range 17 West, Mower County, Minnesota; described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 31; thence South $89^{\circ}16'49''$ West a distance of 1980.00 feet, on an assumed bearing on the north line of said Northwest Quarter; thence South $00^{\circ}52'40''$ East a distance of 2135.95 feet, parallel with the east line of said Northwest Quarter, to the point of beginning; thence North $55^{\circ}23'22''$ East a distance of 173.55 feet; thence North $18^{\circ}27'36''$ East a distance of 155.97 feet; thence North $58^{\circ}47'32''$ East a distance of 211.25 feet; thence North $70^{\circ}04'51''$ East a distance of 248.34 feet; thence South $02^{\circ}28'50''$ East a distance of 952.18 feet, to a point on the south line of said Northwest Quarter; thence South $89^{\circ}18'21''$ West a distance of 639.70 feet, on the south line of said Northwest Quarter; thence North $00^{\circ}52'40''$ West a distance of 518.51 feet, parallel with the east line of said Northwest Quarter, to the point of beginning.

Jayna & Jim Heimark
1707 28th ST NE
Austin, MN 55912

437-3315

April 20, 2010

Craig Hoium
Community Development
City of Austin
500 4th Ave. NE
Austin, MN 55912

Dear Craig:

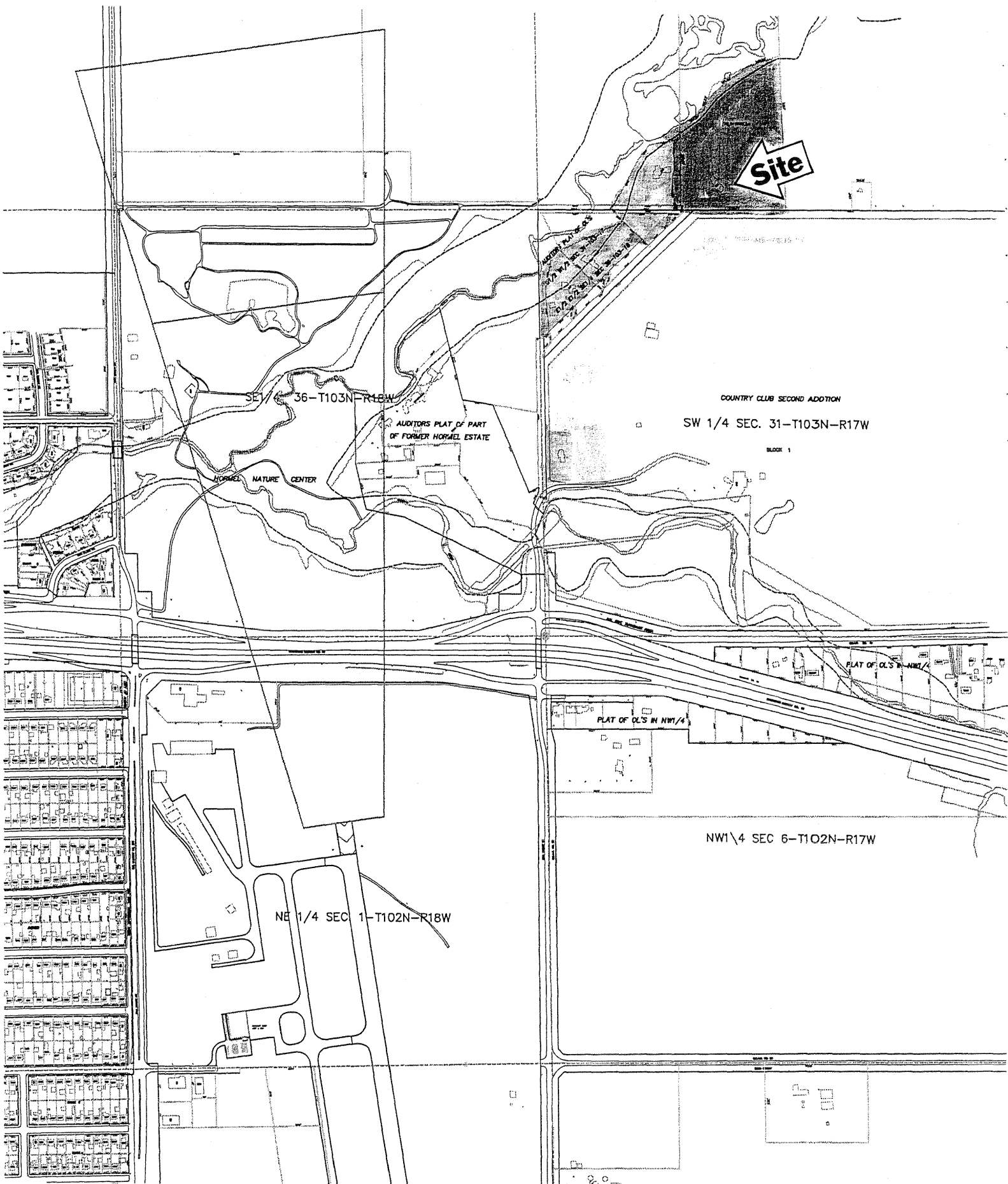
We own property approximately 10 acres in size located north of the Austin Country Club.
We are proposing to develop 4 lots and are requesting to obtain municipal services.
We would like to be annexed into the city of Austin.

Thank you for your consideration.

Jim and Jayna Heimark

Legal description:

Section 31 Township 103 Range 017 10.4AC
SW COR E1980FT NW 1/4 1st DESC
IN DOC NO 529458



PRELIMINARY PLAT OF DOBBINS CREEK ESTATES

DESCRIPTION OF RECORD, Document No. 530464

All that part of the Northwest Quarter, Section 31, Township 103 North, Range 17 West, Mower County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 31; thence South 89°16'49" East a distance of 1980.00 feet, on an assumed bearing on the north line of said Northwest Quarter; thence South 00°52'40" East a distance of 2135.95 feet, parallel with the east line of said Northwest Quarter, to the point of beginning; thence North 55°23'22" East a distance of 173.55 feet; thence North 18°27'36" East a distance of 153.97 feet; thence North 58°47'32" East a distance of 211.25 feet; thence North 70°04'51" East a distance of 240.34 feet; thence South 02°28'50" East a distance of 552.18 feet, to a point on the south line of said Northwest Quarter; thence South 89°18'21" West a distance of 639.70 feet, on the south line of said Northwest Quarter; thence North 00°52'40" West a distance of 518.51 feet, parallel with the east line of said Northwest Quarter, to the point of beginning.

OWNER:
Jim & Janya Helmark
1707 28th Street NE
Austin, MN. 55912

ACREAGE
TOTAL SITE CONTAINS 11.31 ACRES

CURRENT ZONE:
Mower County Zone "R-1" Rural Residence District

PROPOSED ZONE:
City of Austin Zone "R1", Single Family Residence District
(Planned Unit Development)

SURVEYOR'S NOTES:
The entire platted area is heavily wooded except the area around the house which is labeled and identified on this map.

Each lot must have and maintain its own private well. A well setback of 50 feet from the proposed sewer line and grinder pump must be met.

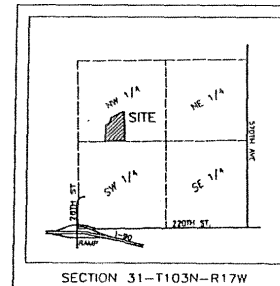
FLOOD ZONE:
Community Panel No. 270307 0085 A, dated July 18, 1979, of Flood Insurance Rate Maps published by U.S. Department of Housing and Urban Development, shows this site as being located in Zones C, B, and A2. The majority of the site is in Zone C, being defined as "Areas of minimal flooding"; Zone B, as shown, is defined as "Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile, or areas protected by levees from the base flood"; Zone A2, as shown, is defined as "Areas of 100-year flood; base flood elevations and flood hazard factors determined".

The division between the Flood Zones is shown on this survey map in an approximate way only. Flood Zone maps are not sufficiently precise for accurately deriving the location of zone limits by scale. A field survey to determine the on-ground location of the boundary between zones was not a contractual component of this survey.

LEGEND

- 3/4" IRON PIPE MONUMENT SET
- MARKED BY REG. NO. 19788
- MONUMENT FOUND
- CAST IRON MONUMENT FOUND
- CLEAN OUT
- SOIL BORING
- DELINEATED WETLAND
- FENCE LINE
- INTERMEDIATE CONTOURS
- ROCKY CONTOURS

VICINITY MAP (NOT TO SCALE)



SURVEYOR'S CERTIFICATION
I hereby certify that this survey was made by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Peter K. Helmark Date
License Number 17387

PRELIMINARY PLAT
MOWER COUNTY, MINNESOTA
BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PINEVIEW DRIVE, HANNAH, MN 56001 (507) 625-4171
MARSHALL, MN; FAIRMONT, MN; SLEEPY EYE, MN; BURNSVILLE, MN; WELLMAN, MN; CHISHOLM, MN; ROBERT, MN; JAMES, MN

PART OF THE NORTHWEST QUARTER
OF SECTION 31-T103N-R17W
MOWER COUNTY
FOR: JIM & JANYA HELMARK

