

FEB 27 1986

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

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

Tract I	Area to be annexed on 3/1/86	24.9
Tract II	Area subject to annexation by petition during the term of this agreement	<u>180.6</u>
TOTAL ACRES:		205.5

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 March 1, 1986. All the parcels in Tract I will be capable of being served by sanitary sewer on or before October 1, 1987, subject to assessment for such improvements. Municipal water and natural gas will be furnished to Tract I according to Austin Utility Policy attached hereto and marked Exhibit B.

5. 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 described in Tract II for ten 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.

6. A. The City of Austin agrees to spread assessment for sanitary sewer and street improvements over at least a ten (10) year period of time, charging for the improvements and interest.

B. Requests for installation and installation charges for water, natural gas, and electricity shall be in accordance with Austin Utility's Policy which is attached hereto and marked Exhibit B.

7. 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, subject to assessment for such improvements.

8. 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.

9. 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.

10. 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 municipal sewer, all current septic tanks shall be removed or pumped and crushed and/or filled with approved aggregate material.

11. 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.

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

13. 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.

14. 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.

CITY OF AUSTIN

Passed and adopted by the City Council of the City of Austin this 26th day of FEBRUARY, 1986.

BY: Tom H. Kough
Its Mayor

ATTEST: Richard Benz
City Recorder

TOWNSHIP OF AUSTIN

Passed and adopted by the Town Board of the Town of Austin this 26th day of FEBRUARY, 1986.

BY: Sheldon Lukes
Its Chairman

ATTEST: Miriam Lock
Town Board Clerk



EXHIBIT "A"

FEB 27 1986

TRACT I AND II

TOTAL ORDERLY ANNEXATION AREA

Beginning at the northwest corner of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota thence southerly on the west line of said Section to the south right-of-way line of 16th Avenue S.W. thence easterly on the south right-of-way line of 16th Avenue S.W. to a point that intersects the west line of McFarlands Subdivision extended southerly thence northerly along the west line of McFarlands Subdivision to the centerline of Turtle Creek thence northwesterly along the centerline of Turtle Creek to a point that intersects the easterly line of Lot 4, Block 1, Southern Heights 1st Addition extended northeasterly thence southwesterly on this extended line to the centerline of 11th Avenue S.W. thence northwesterly on said centerline to a point that intersects the easterly line of Lot 18, Block 3, Southern Heights First Addition extended northerly thence southerly on said extended line to the southeast corner of said Lot 18 thence westerly on the south line of said Lot 18 to the southwest corner of said Lot 18 thence northerly on the west line of said Lot 18 extended to the centerline of 11th Avenue S.W. thence westerly on the centerline of said 11th Avenue S.W. to a point that intersects the west line of Block 2 of Southern Heights First Addition extended southerly thence northerly on the west line of said Block 2 extended to the centerline of Turtle Creek thence northwesterly on the centerline of Turtle Creek until it intersects the north line of said Section 9 thence westerly on the north line of said Section 9 to the point of beginning.

Acres 205.5

RED AREA
YERHOT LOT ONLY

PART OF TRACT 7

Beginning at the southwest corner of Lot 3, Block 1 of Southern Heights First Addition in the N.E. $\frac{1}{4}$ of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota, thence southwesterly on the extension of the west line of said Lot 3 to the west property line of 18th Street S.W. thence southerly on the west property line of 18th Street to a point that intersects a line that is 20 feet south and parallel to the north line of Lot 2, Block 7, Southern Heights First Addition extended westerly to the west property line of 18th Street S.W. thence easterly on this extended line to the east property line of said Lot 2 which is also the east line of said Block 7 this point being 20 feet south of the north line of said Lot 2 thence northerly on an extension of the east line of said Block 7 until this line intersects the north property line of 11th Avenue S.W. thence northwesterly along the north property line of 11th Avenue S.W. to the point of beginning.

0.97 AC

GREEN AND RED AREA
AREA TO BE ANNEXED

ALL OF TRACT T EXCEPT KERHUT

Beginning at the northwest corner of Lot 5 of Buxton Subdivision of Outlot 2 and 3 in the N.E. $\frac{1}{4}$ of Section 9, Township 102 North, Range 18 West, Mower County, Minnesota, thence easterly on the north line of said Lot 5 extended to the centerline of 17th Street S.W. thence southerly on the centerline of 17th Street S.W. to a point that is on the south line of said Lot 5 extended easterly thence westerly on said extended line to the southwest corner of said Lot 5 this corner also being on the east line of Block 9 of Southern Heights 2nd Addition thence southerly on the east line of Block 9 to the southeast corner of Lot 6, Block 9 of Southern Heights 2nd Addition thence westerly on the south line of said Lot 6 to the east property line of 17th Drive S.W. thence southerly on said east property line until it intersects the south property line of 14th Avenue S.W. extended easterly thence westerly on the south line of 14th Avenue S.W. to the northeast corner of Lot 1, Block 5, Southern Heights 1st Addition thence southeasterly on the east line of said Lot 1 to the southeast corner of said Lot 1 thence southwesterly 59.7 feet and westerly 56.29 feet on the south line of said Lot 1 to the southwest corner of said Lot 1 thence continuing westerly on an extension of the southerly most line of said Lot 1 to the west property line of 18th Drive S.W. thence northerly on the west property line of said 18th Drive to the south line of Block 4 of Southern Heights First Addition thence westerly on the south line of said Block 4 to a point on the east line of Lot 6, Block 3 of the Subdivision Plat of Austin Homesteads thence southerly on the extension of the east line of Lot 6 and Lot 7 of said Block 3 to the south property line of 16th Avenue S.W. thence westerly along the south property line of 16th Avenue S.W. to a point that intersects an extended line that is 150 feet west and

parallel to the east line of Lot 2, Block 5, Austin Homesteads thence northerly on said extended line a distance of 266 feet thence easterly on a line parallel to the south line of said Lot 2 to the east line of said Lot 2 thence northerly on the east line of said Lot 2 to the south property line of 15th Avenue S.W.

(formerly Mayfair Lane) thence westerly along said south property line to a point that intersects a line that is extended northerly and is 175 feet west and

parallel to the east line of said Lot 2 thence westerly on a line that is

parallel to the south line of said Lot 2 to a point that is 101.125 feet east

of the west line of said Lot 2 thence southerly on a line that is parallel to

and 101.125 feet easterly of the west line of said Lot 2 to the north property

line of 16th Avenue S.W. thence westerly on the north property line of 16th

Avenue S.W. to the west line of said Lot 2 this line also being the east line of

Lot 1, Block 5 of Austin Homesteads thence northerly on the east line of said

Lot 1 a distance of 200 feet thence westerly on a line parallel to the south

line of said Lot 1 a distance of 100 feet thence northerly on a line parallel to

the east line of said Lot 1 a distance of 195.06 feet this point being on the

north line of said Lot 1 and also the north property line of 15th Avenue S.W.

thence continuing northerly on the extension of the same line to the centerline

of 15th Avenue S.W. thence easterly on the centerline of 15th Avenue S.W. thence

easterly on the centerline of 15th Avenue S.W. to a point that intersects a line

extended southerly that is parallel to and 100 feet westerly of the east line of

Lot 12, Block 4 of Austin Homesteads thence northerly on this extended line to a

point that is 100 feet west and 175 feet north of the southeast corner of said

Lot 12 thence easterly on a line parallel to the north line of said Lot 12 100

feet to the east line of said Lot 12 this point also being on the west line of

Lot 11, Block 4 of Austin Homesteads thence northerly on the west line of said Lot 11 to the north line of said Lot 11 thence easterly 148 feet along said north line thence southerly on a line parallel to the west line of said Lot 11 to the centerline of 15th Avenue S.W. thence easterly on the centerline of 15th Avenue S.W. to a point that intersects the west line of Lot 4, Block 5, Austin Homesteads extended northerly thence southerly on the west line of said Lot 4 to a point that is 184.29 feet north of the southwest corner of said Lot 4 thence easterly on a line parallel to the south line of said Lot 4 to a point that is 173.94 feet westerly of the east line of said Lot 4 thence southerly on a line parallel to the west line of said Lot 4 to the north property line of 16th Avenue S.W. thence easterly on the north property line of said 16th Avenue to the west property line of 21st Street S.W. (formerly Fairhaven Drive) thence northerly along the west property line of said 21st Street S.W. to a point that intersects the south line of Lot 6, Block 3 of Austin Homesteads extended westerly thence easterly on said extended line to the centerline of said 21st Street S.W. thence northerly on the centerline of 21st Street S.W. to a point that intersects the north line of Lot 6, Block 3, Austin Homesteads extended westerly thence easterly on the north line of said Lot 6 to the east line of said Block 3 thence northerly on said east line of Block 3 to the centerline of 11th Avenue S.W. thence easterly on the centerline of 11th Avenue S.W. to a point that intersects the west line of Lot 18, Block 3, Southern Heights First Addition extended northerly thence southerly on this extended line to the southwest corner of said Lot 18 thence easterly on the south line of said Lot 18 to the southeast corner of said Lot 18 thence southerly on a straight line to the northwest corner of Lot 9 of said Block 3 thence easterly on an exten-

sion of the north line of said Lot 9 to the southwest corner of Lot 6, Block 7 of Southern Heights First Addition thence northerly on the west line of said Lot 6 to the northwest corner of Lot 6 thence easterly on the north line of said Lot 6 to the southwest corner of Lot 4, Block 8 of Southern Heights 2nd Addition thence northerly on a straight line to the northwest corner of said Lot 4 thence easterly on the north line of said Lot 4 to the west property line of 17th Drive S.W. thence northerly on the west property line of 17th Drive to the northeast corner of Lot 3 of said Block 8 thence easterly on a straight line to the northwest corner of Lot 3, Block 9 of Southern Heights 2nd Addition thence easterly on the north line of said Lot 3 to the west line of Lot 5 of Buxton Subdivision thence northerly on said west line to the point of beginning.