

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Thomas L. Olson	Ex-Officio Member
E. F. Robb, Jr.	Ex-Officio Member

IN THE MATTER OF THE PETITION TO CONSOLIDATE THE VILLAGE OF DEEPHAVEN WITH THE VILLAGE OF GREENWOOD TO FORM A SINGLE MUNICIPALITY))))	SUPPLEMENTAL ORDER FOR ELECTION
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Resolutions of the Villages of Greenwood and Deephaven approving the Order of the Minnesota Municipal Commission of May 15, 1970 were received on the 26th and 27th day of May, 1970 respectively. Pursuant to the receipt of said resolutions and in accordance with the provisions of said Order, the Minnesota Municipal Commission issues its:

S U P P L E M E N T A L O R D E R

I. A special election shall be held on the question of the consolidation of the Villages of Greenwood and Deephaven.

II. The date of the special election shall be August 4, 1970.

III. The Village Councils shall conduct the special election in accordance with law.

IV. The ballot shall contain the words:

Shall the consolidation of the Villages
of Greenwood and Deephaven be approved?

_____Yes _____No.

V. The election judges shall verify and transmit certificates to the Secretary of the Municipal Commission declaring the time and place of the election, that they have canvassed the ballots cast, and the number of "yes" and "no" votes cast.

VI. If a majority of the votes are in favor of the consolidation,

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the Secretary shall issue a further Supplemental Order for
the election of new Village Officers.

Dated this 15th day of June, 1970

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota 55101

Bruce Rasmussen

Bruce Rasmussen
Secretary

#21595

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 16 1970

Joseph L. Solomon
Secretary of State

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STATE OF MINNESOTA
MUNICIPAL COMMISSION

610 Capitol Square Building
10th & Cedar Streets
St. Paul, Minnesota 55101
11 June 1970

Darrell Stacy, Rec.-Treas.
City Hall: 500 - 4th Av. N.E.
Austin, Minnesota

Re: Docket Number A-1655 Ordinance Number 1181
 Amending Ordinance Number 1165

Dear Sir:

The Minnesota Municipal Commission acknowledges receipt and filing of the above Ordinance and filing fee in accordance with Minn. Session Laws 1969, Chapter 1146, Section 12 and the Rules of Procedure.

According to law, this annexation is final upon filing a copy of the ordinance with the Town Clerk, County Auditor and Secretary of State in addition to the Municipal Commission.

Please refer to the above docket and ordinance numbers in any future reference to this annexation.

Very truly yours,

MUNICIPAL COMMISSION

Bruce Rasmussen
Secretary

BR/pdl

- c.c. Secretary of State
- County Auditor
- Township
- Attorney
- Municipality



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CERTIFICATE

.....Darrell Stacy, City Recorder of the City of Austin, does hereby certify and state:

1. That he is the duly appointed, qualified, and acting Recorder of the City of Austin
2. That as such City Recorder he has charge of all minute, resolution and ordinance books of the City of Austin, and all official records of the City of Austin. That as such City Recorder he also has charge of the corporate seal of the City of Austin, which seal is affixed to this Certificate.
3. That he has compared the document attached to this Certificate with the original document on file in his office and that the attached copy is a full, true, and correct copy of the originalOrdinance No. 1181..... in all respects.
4. That said Ordinance No. 1181 was duly passed and approved upon the date shown upon the said document and was duly published in the official newspaper of the City of Austin.
5. That all formalities required by the Charter of the City of Austin, or the laws of the State of Minnesota have been complied with in the passage of this ~~(motion)~~ ~~(resolution)~~ (ordinance) ~~and it is now in full force and effect.~~

Subscribed and sworn to before me this
... 26th day of March 1970.
..... Ruth Paulson

Darrell Stacy
.....
City Recorder

Notary Public, Mower County, Minn.
RUTH PAULSON, Notary Public
My Commission Expires . . . County of Mower, Minnesota
Exp. Aug. 29, 1973

ORDINANCE NO. 1181
(AMENDING ORDINANCE NO. 1165)

AMENDING AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUSTIN TO INCLUDE CERTAIN UNINCORPORATED TERRITORY OWNED BY THE CITY OF AUSTIN AND ABUTTING THEREON AND TO INCLUDE UNINCORPORATED TERRITORY WHICH IS 75 PERCENT OR MORE BORDERED ON THREE SIDES BY THE CITY OF AUSTIN.

WHEREAS, this Ordinance is to correct an error in the wording of the previous ordinance;

AND, WHEREAS, the territory described below is not presently included within the corporate limits of any incorporated city, village or borough; and

WHEREAS, the City of Austin is the owner of the land described below and said premises adjoin the City of Austin and is deemed to be urban in character;

THE COMMON COUNCIL OF THE CITY OF AUSTIN HEREBY ORDAINS:

SECTION 1: The corporate limits of the City of Austin, Minnesota, are hereby extended to include the territory described as follows:

(1) Beginning at a point 478 feet north of the Southwest corner of Section 35, Township 193 North, Range 18 West and in the west line of said Section thence North 1086 feet; thence East 455 feet more or less to the West line of the Chicago Great Western Railroad right-of-way; thence southwesterly along the Chicago Great Western right-of-way to the place of beginning; also the South 14.6 rods of the North half of the Southeast quarter Section 26, Township 193 North, Range 18 West; also the Southwest quarter of the southeast quarter of Section 26, Township 193 North, Range 18 West, and all that part of the Southeast quarter of the Southeast quarter of Section 26, Township 193 North, Range 18 West lying on the West side of the Chicago Great Western Right-of-way all in Township 193 North, Range 18 West, possession given March 1, 1926.

(2) Beginning at the NE corner of the NE 1/4 Section 9, Township 192 North, Range 18 West, Mower County, Minnesota, thence southerly along the east line of the said quarter section to a point where this line intersects the centerline of Turtle Creek, thence northwesterly along the centerline of Turtle Creek to a point where said centerline intersects the north line of said quarter section, thence easterly along the north line of said quarter section to the point of beginning.

WHEREAS, certain territory described below is not presently included within the corporate limits of any incorporated city, village or borough, and

WHEREAS, this territory is 75 percent or more bordered on three sides by the City of Austin, and is deemed to be urban in character,

WHEREAS, the Common Council of the City of Austin served notice of intention upon the Board of Supervisors of Austin Township and Lansing Township, Mower County, Minnesota on May 27, 1969.

WHEREAS, no objections to the annexation have been received from either Town Board, within the 60 day period as required by Chapter 414.03, Subdivision 2, Minnesota Statutes 1967:

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THE COMMON COUNCIL OF THE CITY OF AUSTIN DO ORDAIN:

SECTION 2: The corporate limits of the City of Austin are hereby extended to include the unplatted land described as follows and the same is annexed to and included within the City of Austin as if it had originally been a part thereof:

- (1) Commencing at the NW corner of the SE $\frac{1}{4}$ of Section 5, Township 102 North, Range 18 West, Mower County, Minnesota, thence southerly 639.1 feet along the west line of said quarter, thence easterly at a deflection angle to the left of 90° 22' a distance of 35 feet to the point of beginning; this point also being on the east property line of 31st Street S.W., thence 300 feet easterly along this same line, thence northerly at a deflection angle to the left of 89° 38' a distance of 275 feet to where it intercepts the south property line of Phillips Petroleum property, thence easterly at a deflection angle to the right of 89° 38' a distance of 2081.2 feet, thence southerly at a deflection angle to the right of 90° 00' a distance of 130 feet, thence easterly at a deflection angle to the left of 90° 00' a distance of 350 feet plus or minus to a point which lies on the west property line of 24th Street S.W., thence southeasterly along the west property line of 24th Street S.W. to a point where this line intercepts the northeast corner of Lot 1, Block 1, Nob Hill 1st Addition to the City of Austin, this point also lying on the north boundary of Nob Hill 1st and 2nd Additions, thence westerly along this north boundary line to the northwest corner of Lot 3, Block 1, Nob Hill 1st Addition, thence southerly 132 feet along the west property line of said Lot 3, this point also being on the north right-of-way line of 5th Ave. N.W., thence westerly 66 feet along this north right-of-way to the southeast corner of Lot 1, Block 5, Nob Hill 1st Addition, thence northerly 132 feet along the east line of said lot to the north boundary line of Nob Hill First and Second Additions, thence westerly along this north boundary line to the NW corner of Lot 10, Block 6, Nob Hill Second Addition, Mower County, Minnesota, thence southerly along the west line of said Lot 10, to the north right-of-way line 5th Avenue S.W., thence westerly along the north right-of-way of 5th Avenue S.W. to where it intersects the east right-of-way of 31st Street S.W., thence northerly along this east right-of-way of 31st Street S.W. to the point of beginning.
- (2) Commencing 639.1 feet south of the NW corner of the SE $\frac{1}{4}$ of Section 5, Township 102 North, Range 18 West, Mower County, Minnesota, thence 33 feet easterly at a deflection angle of 90° 22' left to the point of beginning, this point also being on the east right-of-way line of 31st Street S.W., thence 300 feet easterly on this same line, thence northerly at a deflection angle to the left of 89° 38' a distance of 275.0 feet, thence westerly at a deflection angle to the left of 90° 22' a distance of 300 feet, this point being on the east property line of 31st Street S.W., thence southerly along this east property line of 31st Street S.W. a distance of 275.0 feet to the point of beginning.
- (3) That part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 102 North, Range 18 West, described as follows: Commencing at the NW corner of the SE $\frac{1}{4}$ of section 5, Township 102 North, Range 18 West, Mower County, Minnesota, thence east 833.17 feet on the east and west quarter lines of said section, to the point of beginning, thence southerly 360.47 feet at a deflection angle of 130° 45' right, thence easterly 250 feet at a deflection angle of 90° 30' left, thence northerly at a deflection angle to the left of 90° 00', a distance of 353.32 feet to the east and west quarter line of said section, thence westerly along said section line to the point of beginning.

(4) Beginning at a point that is 1341.85 feet west of the NE corner of the SW $\frac{1}{4}$ of Section 5, Township 102 North, Range 18 West, Mower County, Minnesota, thence deflecting left 90° 00' off the quarter section line a distance of 331.65 feet, thence left at a deflecting angle of 90° 00' a distance of 59.0 feet, thence right at a deflection angle of 90° 00' a distance of 360.7 feet, thence right at a deflection angle of 99° 00' a distance of 330.3 feet, thence right at a deflection angle of 90° 00' a distance of 601.65 feet, this point being on said quarter section line, thence easterly on said quarter section line a distance of 288.0 feet to the point of beginning.

(5) TRACT A:

All that part of the south half of the NE $\frac{1}{4}$ of Section 34, Township 103 North, Range 18 West, Mower County, Minnesota lying and being east of the centerline of the main channel of the Cedar River as winds and turns except that portion included in the plat of Schlausner and Mortson's Addition to the City of Austin and excepting the following described parcel:

Commencing at the SE corner of the NE $\frac{1}{4}$ of Section 34, Township 103 North, Range 18 West, Mower County, Minnesota, thence west 995 feet along the south line of said quarter, thence northerly 15 feet to the point of beginning, thence north 183 feet along the west boundary line of Schlausner and Mortson Addition, thence west 83 feet parallel to the south boundary of said addition, thence south 183 feet parallel to the west boundary of said addition, thence east 83 feet to the point of beginning:

TRACT B:

Commencing at the SW corner of Schlausner and Mortson Addition to the City of Austin, Minnesota, this point also being on the north line of the SE $\frac{1}{4}$ of Section 34, Township 103 North, Range 18 West, Mower County, Minnesota, thence westerly along the north line of said quarter 75 feet plus or minus, to where it intercepts the north-south right-of-way line of federal highway #90, this point being the point of beginning, thence continuing westerly along said north line to where it intercepts the east boundary of Oakwood Cemetery, thence southerly along the east boundary of Oakwood Cemetery to where it intercepts Federal Highway #90 right-of-way thence easterly and northerly along Federal Highway #90 right-of-way to the point of beginning.

TRACT C:

Commencing at the SE corner of the NE $\frac{1}{4}$ of Section 34, Township 103 north, Range 18 West, Mower County, Minnesota, thence west 995 feet along the south line of said quarter, thence northerly 15 feet to the point of beginning, thence north 183 feet along the west boundary of Schlausner and Mortson Addition to the City of Austin, thence west 83 feet parallel to south boundary of said Addition, thence south 183 feet parallel to the west boundary of said addition, thence east 83 feet to the point of beginning.

SECTION 3: The City Recorder is directed to file certified copies of this Ordinance with the Secretary of State, the County Auditor of the County in which the property is located, and the Township Clerks of the Townships in which the property is located, and the Minnesota Municipal Commission.

SECTION 4: This Ordinance takes effect upon passage and publication and filing certified copies as directed in Section 3.

Passed by a vote of Yeas and Nays this 2nd day of February, 1970.

YEAS 6

NAYS 0

APPROVED:

Robert J. Ernigh
Mayor

ATTEST:

Darrell Stacy
City Recorder

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STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

JUN 18 1970

Joseph P. Peterson
Secretary of State

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