

CITY OF FARIBAULT
ORDINANCE NO. 2010-13

REC'D BY
MBA

SEP 21 2010

ANNEXING CERTAIN LANDS
FROM WELLS TOWNSHIP

WHEREAS, municipalities may annex unincorporated property pursuant to Minnesota Statutes, section 414.033, subdivision 2(3) in certain circumstances involving 120 acres or less of land; and

WHEREAS, the owner of the property described in Exhibit A and shown on the map contained in Exhibit B (the "Property"), which are attached and made part of this Ordinance, have petitioned the City requesting annexation of such Property into the corporate limits of the City of Faribault; and

WHEREAS, the City Council hereby finds, determines, and deems the Property: is urban or suburban in character or about to become so; abuts the City boundary; the parcels included in the Property to be annexed, including those previously annexed under Minnesota Statutes, section 414.033, subd. 2(3), does not cumulatively exceed 120 acres; the Property is not presently served by public wastewater facilities and such services are not otherwise available; and

WHEREAS, the City served notice of its intent to annex the Property upon the Town Board and the Chief Administrative Law Judge; and

WHEREAS, the Planning Commission, on the 17th day of August, 2010, reviewed the request and adopted a recommendation to proceed with the annexation, including rezoning of the property to C-3, Community Commercial District; and

WHEREAS, the Council for the City of Faribault (the "City") provided notice and conducted a public hearing on the 24th day of August, 2010 regarding the proposed annexation and zoning of the Property; and

WHEREAS, the petitioning owners received notice of the cost of electric utility service or waived the notice requirement.

NOW, THEREFORE, BE IT RESOLVED, that, based upon the above findings and determinations,

THE CITY COUNCIL OF THE CITY OF FARIBAULT HEREBY ORDAINS:

Section 1. Pursuant to Minnesota Statutes, section 414.033, subdivision 2 (3), the City Council hereby annexes the Property described in Exhibit A, and shown in Exhibit B, into the City.

Section 2. The City Council hereby directs that the City's zoning map be amended to include the Property as shown on the attached Exhibit C.

Section 3. The City Administrator is directed to promptly file a copy of this Ordinance with the Chief Administrative Law Judge, the Town Clerk, the Rice County Auditor, and the Minnesota Secretary of State.

Section 4. The City shall begin levying taxes on the annexed Property starting in the year following annexation.

Section 5. As the Town has not disclosed the existence of any special assessments on, or any portion of debt attributable to, the Property, the City will not make any reimbursement payments to the Town for such purposes. However, the City shall make reimbursement payments to the Town for the taxable portions of the Property annexed pursuant to this Ordinance. The payments shall be based upon the amount of property taxes payable to the Town from the Property in the year of annexation ("Town Taxes"). The City shall make five annual payments to the Town, each payment totaling 55% of the Town Taxes, beginning in the first year after the annexation is effective, as demonstrated in the attached Exhibit D. The City shall make its payment to the Town by September 1 each year.

Section 6. This Ordinance is effective pursuant to City Charter Section 3.09 and the annexation is final on the date of approval by the Chief Administrative Law Judge.

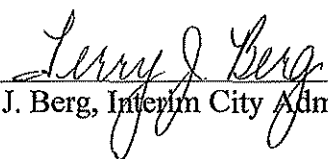
First Reading: August 24, 2010

Second Reading: September 14, 2010

Published: September 18, 2010



John R. Jasinski, Mayor

Attest: 
Terry J. Berg, Interim City Administrator

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EXHIBIT A

Legal Description of the Property

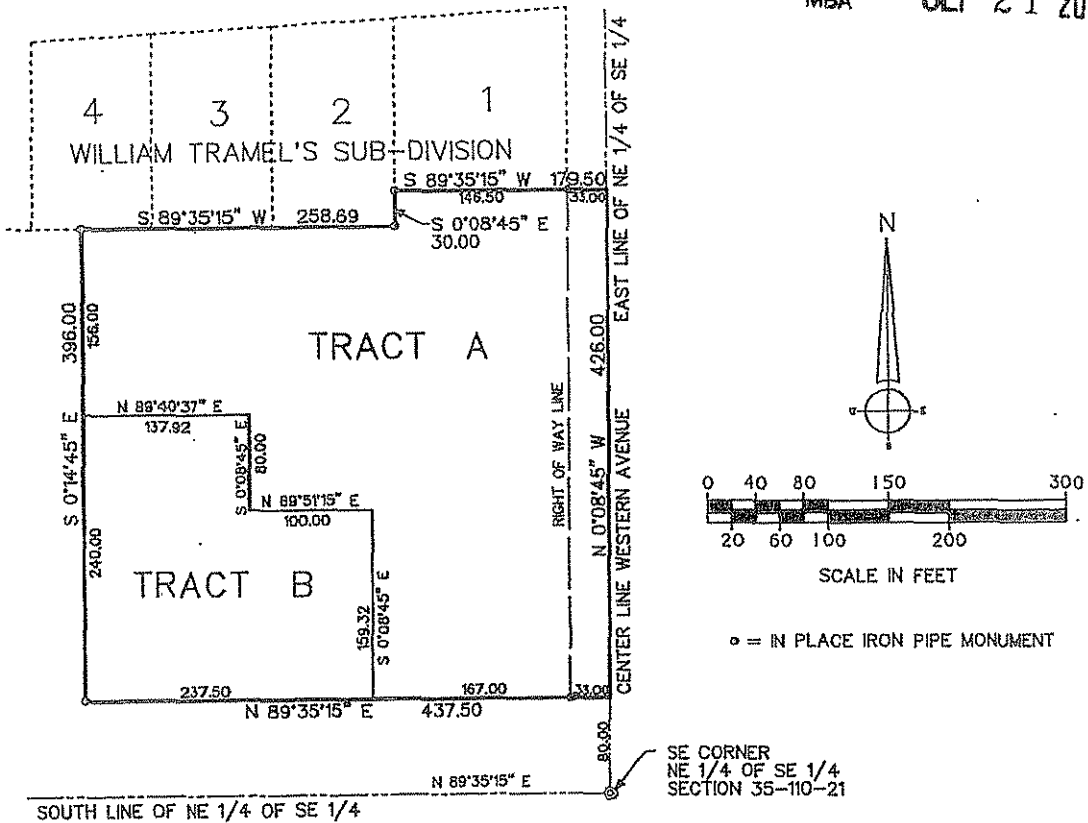
Tract B, Registered Land Survey No. 4, Rice County, Minnesota

EXHIBIT B

REGISTERED LAND SURVEY NO. 4

REC'D BY
MBA

SEP 21 2010



I hereby certify that in accordance with the provisions of Chapter 50B, Minnesota Statutes of 1949, as amended, I have surveyed the following described property in the County of Rice, State of Minnesota, to wit:

Part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 110 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Northeast Quarter of Southeast Quarter (for purposes of this description bearing of said East line of Northeast Quarter of Southeast Quarter is assumed North 0°08'45" West), a distance of 80.00 feet northerly from the Southeast corner of said Northeast Quarter of Southeast Quarter; thence North 0°08'45" West, along said East line of Northeast Quarter of Southeast Quarter, 426.00 feet to the Southeast corner of the plot of "William Tramel's Sub-Division"; thence South 89°35'15" West, along the South line of said "William Tramel's Sub-Division" and parallel with the South line of said Northeast Quarter of Southeast Quarter, 179.50 feet to the Southwest corner of Lot 1 and a point in the East line of Lot 2 in said plot of "William Tramel's Sub-Division"; thence South 0°08'45" East, along said East line of said Lot 2, a distance of 30.00 feet to the Southeast corner thereof; thence South 89°35'15" West, along the South line of said plot, 258.89 feet; thence South 0°14'45" East, 396.00 feet to a point in a line 80.00 feet northerly from and parallel with said South line of Northeast Quarter of Southeast Quarter; thence North 89°35'15" East, along said parallel line, 437.50 feet to the point of beginning; subject to County Road 93 over the easterly side; containing 4.104 acres, more or less, including Road right of way.

I hereby certify that this Registered Land Survey is a correct delineation of said survey.

Dated this 9th day of September, 1997.

Thomas Taylor
Thomas Taylor
Registration No. 6507
Registered Land Surveyor

We do hereby certify that on the 9th day of September, 1997, the County Board of Commissioners of Rice County, Minnesota approved this Registered Land Survey.

Milton Pleasance
Milton Pleasance
Chairman

I hereby certify that all taxes for 1997 on the land described are paid, and no delinquent taxes due and entered this 25th day of September, 1997.

Lorraine Nelson
Lorraine Nelson
County Auditor/Treasurer
Rice County, Minnesota

Document Number 22723

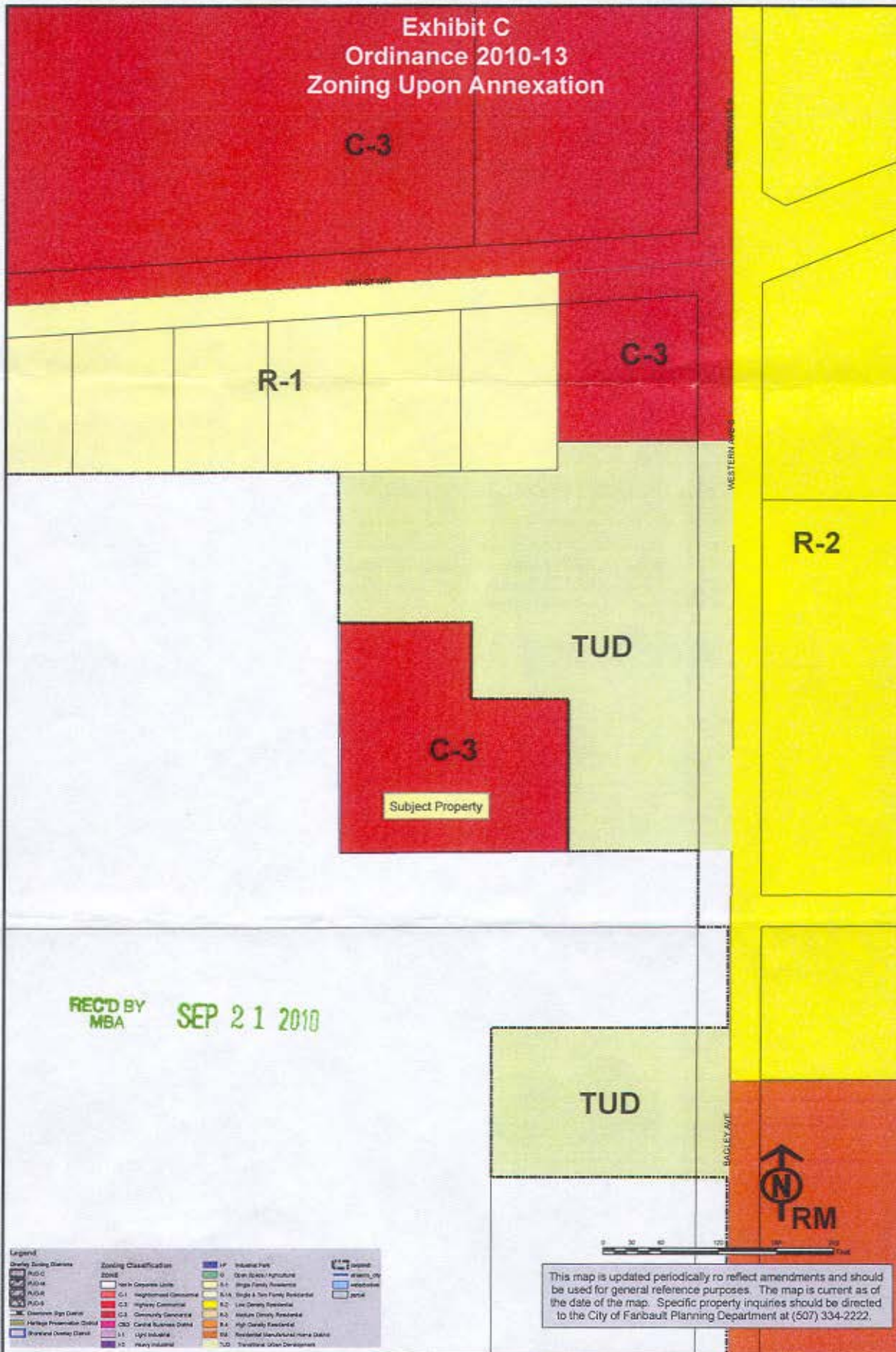
I hereby certify that this instrument was filed in the Office of the Registrar of Titles for record on this 21 day of Sept, 1997, at 11:01 o'clock A. M., and was duly recorded as Document No. 22723

Linda Lamont
Linda Lamont
Chief Deputy/Acting Registrar of Titles
Rice County, Minnesota

City of Faribault Official Zoning Map

August 6, 2010

Exhibit C Ordinance 2010-13 Zoning Upon Annexation



REC'D BY
MBA SEP 21 2010

Overlay Zoning District	Zoning Classification	Industrial Park	Special
PUD-C	Open Space	IP	Special
PUD-M	Open Space/ Agriculture	IO	Special
PUD-R	Open Space/ Agriculture	IS-1	Special
PUD-S	Open Space/ Agriculture	IS-2	Special
Heritage Preservation District	Heritage Preservation	IS-3	Special
Shoreland Overlay District	Shoreland Overlay	IS-4	Special
		IS-5	Special
		IS-6	Special
		IS-7	Special
		IS-8	Special
		IS-9	Special
		IS-10	Special
		IS-11	Special
		IS-12	Special
		IS-13	Special
		IS-14	Special
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		IS-43	Special
		IS-44	Special
		IS-45	Special
		IS-46	Special
		IS-47	Special
		IS-48	Special
		IS-49	Special
		IS-50	Special

This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific property inquiries should be directed to the City of Faribault Planning Department at (507) 334-2222.

EXHIBIT D

(55% annually for 5 years)

Total 2010 Township Tax
 x .55
Annual Tax Reimbursement

Year 1	2011	Total 2010 Township Tax x .55
Year 2	2012	Total 2010 Township Tax x .55
Year 3	2013	Total 2010 Township Tax x .55
Year 4	2014	Total 2010 Township Tax x .55
Year 5	2015	Total 2010 Township Tax x .55
<u>Total Reimbursement</u>		