

RECEIVED

by OAH on May 21, 2018

CITY OF FARIBAULT

ORDINANCE NO. 2018-1

**ANNEXING CERTAIN LANDS FROM WARSAW TOWNSHIP AND ZONING SUCH
LANDS IN THE R1 DISTRICT**

THE CITY OF FARIBAULT ORDAINS:

WHEREAS, On September 26, 2017, the city of Faribault (the "City") received a petition for annexation of 0.9 acres of real property that is legally described on Exhibit A attached hereto and depicted on Exhibit B attached hereto (the "Identified Land"); and

WHEREAS, On March 27, 2018 in accordance with Minnesota Statutes, Section 414.033, subd. 2b, the City held a public hearing, giving 30 days' notice thereof by certified mail to Warsaw Township and all landowners within and contiguous to the Identified Land; and

WHEREAS, the Identified Land abuts the City, is less than 120 acres, is not presently served by public wastewater facilities and such facilities are not otherwise available, and the annexation petition was submitted by the sole owner of the Identified Land; and

WHEREAS, the Identified Land is not contiguous to any property that was either simultaneously proposed to be annexed or previously annexed within the preceding 12 months; and

WHEREAS, the Identified Land is about to become urban or suburban in character; and

WHEREAS, all conditions required under Minnesota Statutes, Section 414.033, subd. 2(3) have been met; and

WHEREAS, the City also provided the petitioner with written notice that the cost of electric utility service may change if the land is annexed into the City and such notice included an estimate of the changes in such service.

NOW, THEREFORE, the city council of the city of Faribault does hereby ordain as follows:

Section I. The above recitals are incorporated into this ordinance as if fully set forth herein.

Section II. In accordance with Minnesota Statutes, Section 414.033, subd. 2(3), the city council hereby declares by ordinance that the Identified Land, as legally described on Exhibit A and depicted on Exhibit B, is annexed to the City.

Section III. Taxes payable to Warsaw Township in 2018 on the Identified Land total \$97.91 and those 2018 taxes shall be paid to Warsaw Township. In addition, the City shall pay Warsaw Township a cash amount of \$100.00 which shall compensate Warsaw Township for any future special assessment payments attributable to the Identified Land, as well as for future lost property

tax revenues.

Section IV. There are no special assessments assigned by Warsaw Township to the Identified Land, nor is there any debt incurred by Warsaw Township attributable to the Identified Land.

Section V. The city administrator is directed to promptly file a copy of this ordinance with the Office of Administrative Hearings (Chief Administrative Law Judge), the Warsaw Township clerk, the Rice County Auditor's Office, and the Minnesota Secretary of State.

Section VI. Upon annexation to the City, the Identified Land shall be zoned R-1, Single Residential District on the Official Zoning Map as shown on Exhibit C and attached hereto.

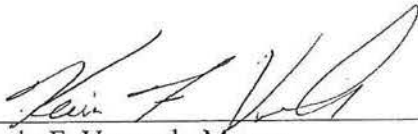
Section VII. This ordinance shall be effective 90 days after its publication and the annexation is final on the date of approval by the Chief Administrative Law Judge.

Section VIII. City Staff shall, upon an affirmative vote of no fewer than five of seven City Council Members, have the following summary printed in the official City newspaper in lieu of the complete ordinance:

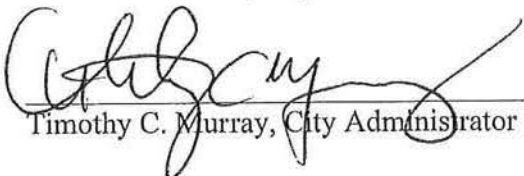
On April 10, 2018 the City Council adopted Ordinance 2018-1 annexing certain land located at 1101 Faribault Road and zoning said land R-1 Single Family Residential District as described and illustrated in the ordinance on file at City Hall, 208 NW 1st Avenue, Faribault, Minnesota and available for public review during normal business hours.

Read by the City Council of the City of Faribault on this 27th day of March, 2018.

Read and passed by the City Council of the City of Faribault on this 10th day of April, 2018.



Kevin F. Voracek, Mayor



Timothy C. Murray, City Administrator

ATTEST:

(SEAL)

EXHIBIT A

Ordinance 2018-1

Legal Description of the Identified Land

THAT PART OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 109 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 4 IN THE PLAT OF TOWN'S EDGE, FARIBAULT, RICE COUNTY, MINNESOTA, SAID POINT BEING IN THE NORTH LINE OF SAID NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SOUTHWEST QUARTER (SW $\frac{1}{4}$); THENCE NORTH 89°50'50" WEST, ASSUMED BEARING ALONG THE SOUTH LINE OF SAID BLOCK 4 AND SAID NORTH LINE OF NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SOUTHWEST QUARTER (SW $\frac{1}{4}$), 161.41 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY LINE OF MINNESOTA TRUNK HIGHWAY 65; THENCE SOUTHERLY, ALONG SAID HIGHWAY RIGHT OF WAY LINE, ON A NON-TANGENTIAL CURVE, CONCAVE EASTERLY (CURVE DATA: RADIUS EQUALS 3634.72 FEET; DELTA ANGLE EQUALS 5°35'00"; CHORD BEARING AND DISTANCE EQUAL SOUTH 2°53'58" WEST, 354.06 FEET), AN ARC DISTANCE OF 354.20 FEET; THENCE CONTINUE ALONG SAID HIGHWAY RIGHT OF WAY LINE SOUTH 89°53'32" EAST, 60.03 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY; THENCE NORTHERLY, ALONG SAID RAILWAY COMPANY RIGHT OF WAY LINE, ON A NON-TANGENTIAL CURVE, CONCAVE EASTERLY (CURVE DATA: RADIUS EQUALS 1959.86 FEET; DELTA ANGLE EQUALS 10°55'04"; CHORD BEARING AND DISTANCE EQUAL NORTH 18°39'29" EAST, 372.89 FEET), AN ARC DISTANCE OF 373.45 FEET TO SAID POINT OF BEGINNING; CONTAINING 0.871 ACRES; TOGETHER WITH AN EASEMENT FOR DRIVEWAY PURPOSES OVER AND ACROSS THE SOUTHERLY 200 FEET OF VACATED FARIBAULT ROAD IN SAID TOWN'S EDGE PLAT, LYING 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT IN SAID SOUTH LINE OF BLOCK 4, A DISTANCE OF 142.42 FEET, NORTH 89°50'50" WEST FROM SAID SOUTHEAST CORNER OF BLOCK 4; THENCE SOUTH 3°17'49" EAST, 10.00 FEET TO THE TRUE POINT OF BEGINNING OF THE EASEMENT CENTER LINE TO BE HEREIN DESCRIBED; THENCE NORTH 3°17'49" WEST, 82.66 FEET; THENCE NORTH 6°57'22" EAST, 104.38 FEET; THENCE NORTH 31°14'31" EAST, 40.00 FEET AND THERE TERMINATING.

EXHIBIT B

Depiction of the Identified Land

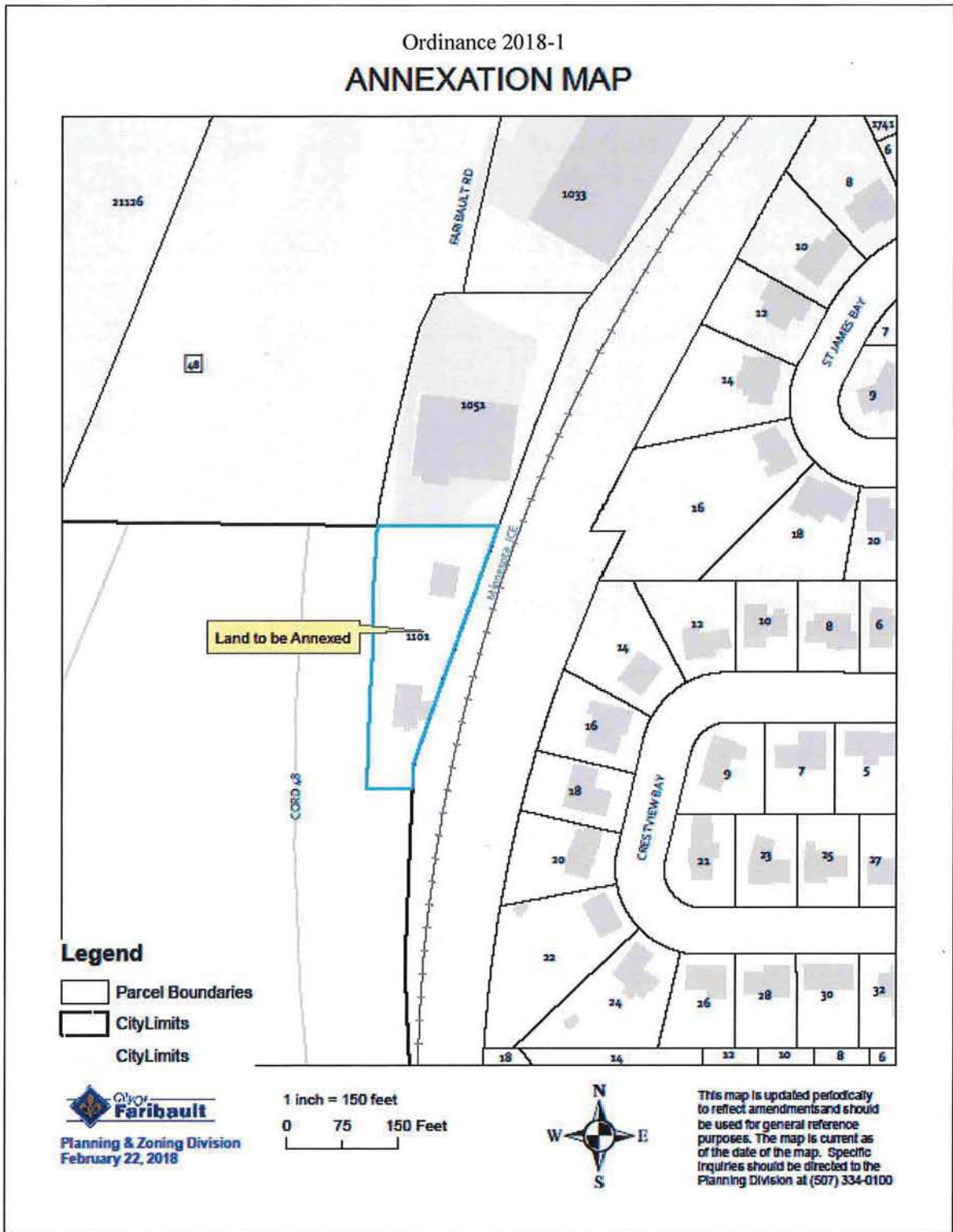
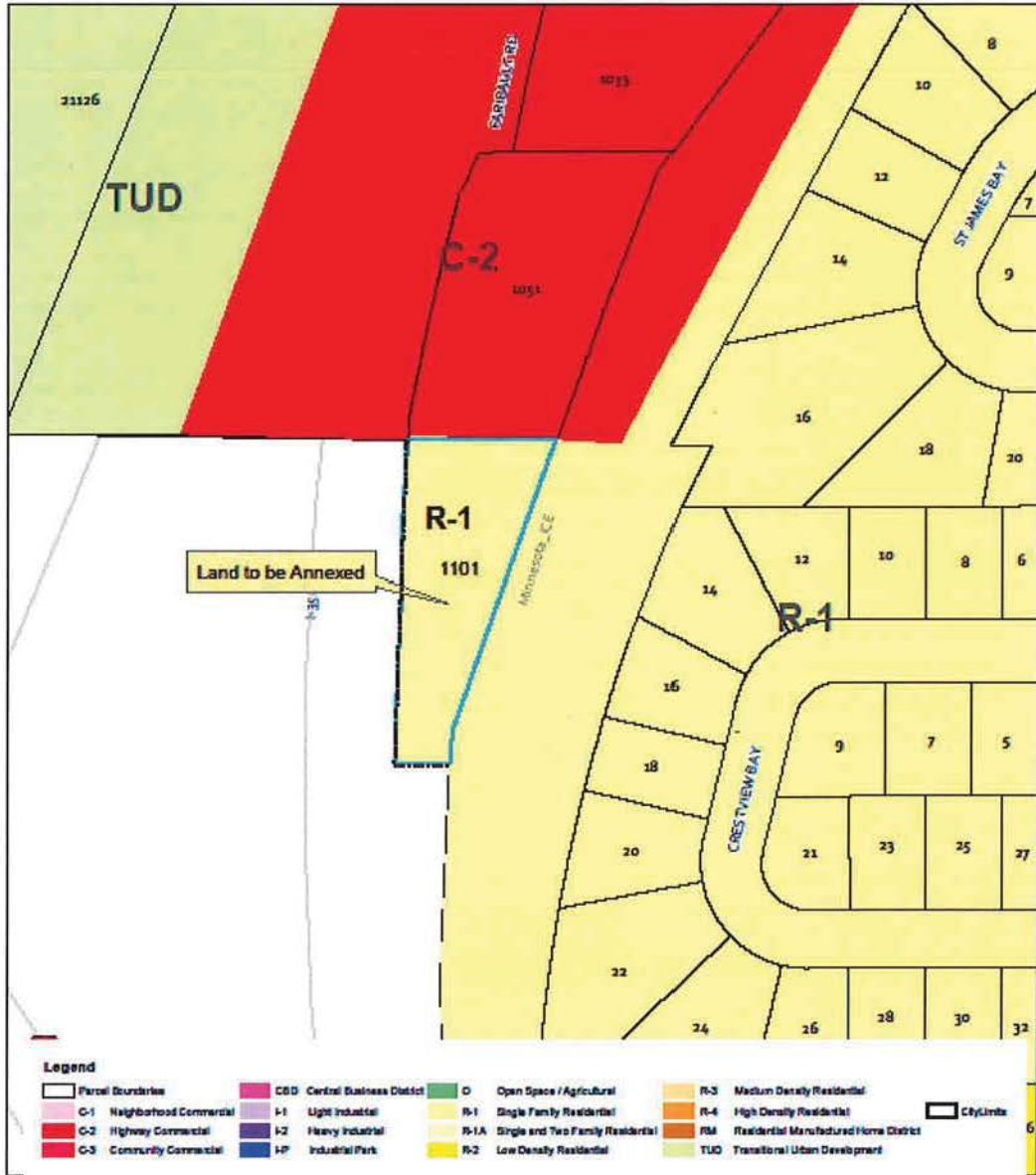


EXHIBIT C
Official Zoning Map

OFFICIAL ZONING MAP
Ordinance 2018-1

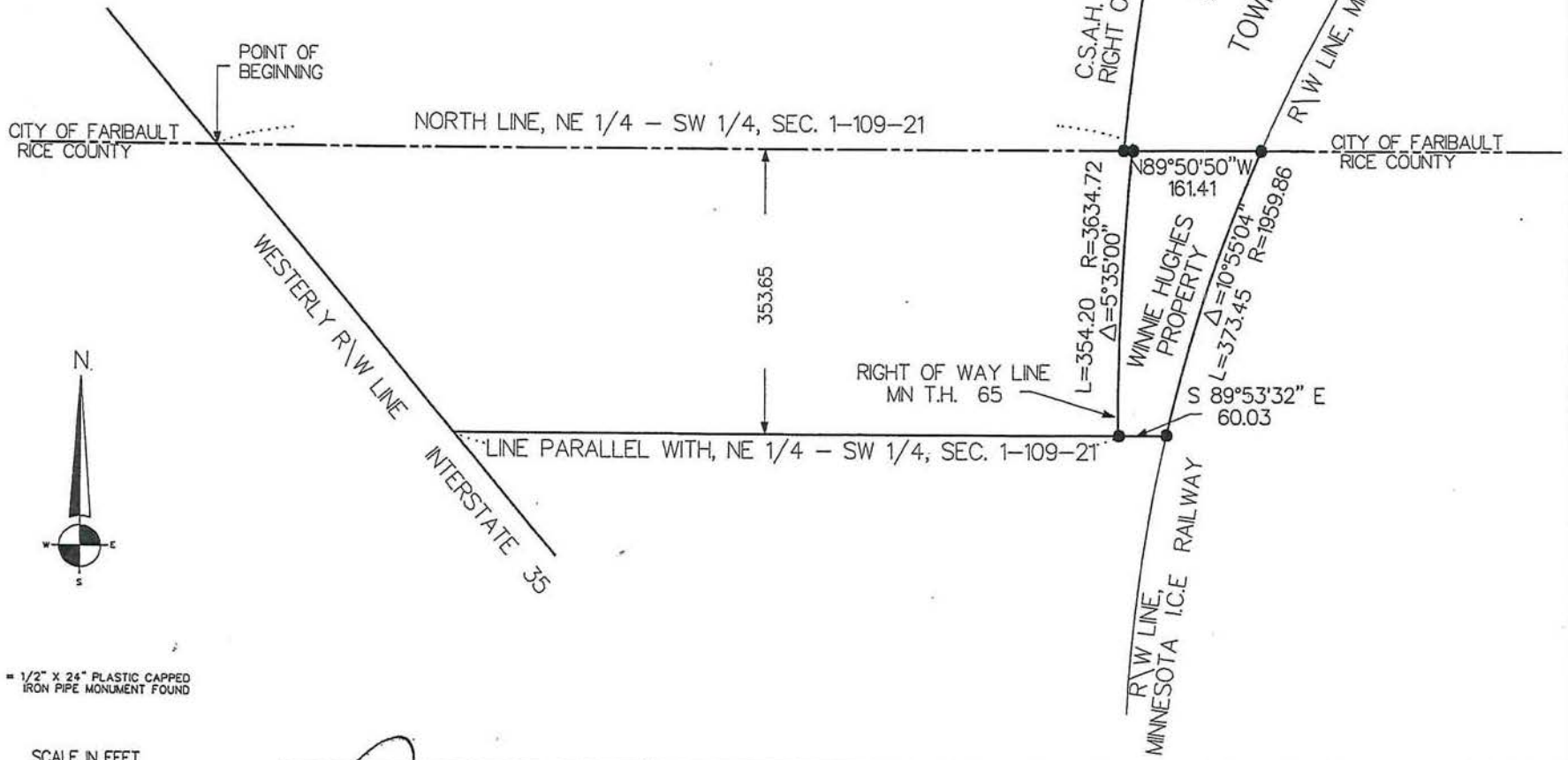


City of Faribault
Planning & Zoning Division
March 23, 2018

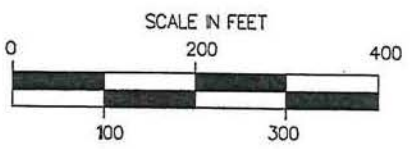
1 inch = 150 feet
0 75 150 Feet



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 inquiries should be directed to the Planning Division at (507) 334-0100



● = 1/2" x 24" PLASTIC CAPPED IRON PIPE MONUMENT FOUND



I hereby certify that this description, survey, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Professional Land Surveyor under the laws of the State of Minnesota.

Charles R. Allen
 CHARLES R. ALLEN
 Date: 11-30-2017 License Number 22660

ANNEXATION SURVEY
 WINNIE HUGHES PROPERTY
 PART OF SW 1/4, SEC. 1-109-21
 RICE COUNTY, MINNESOTA

SCALE: 1" = 200'	PROJECT #: 478-004	DATE: NOVEMBER 30, 2017
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LAKE COUNTRY
 LAND PROFESSIONALS
 3701 A HIGHWAY 60 WEST
 Faribault, MN 55021
 507-332-7449
 REGISTERED LAND SURVEYORS