

City of Wells Resolution
CITY OF FARIBAULT RESOLUTION 83-08

Rec'd
6-28-83

AMENDING ORDERLY ANNEXATION AGREEMENT

JOINT RESOLUTION AMENDING JOINT RESOLUTION AS TO ORDERLY
ANNEXATION: TOWN OF WELLS, CITY OF FARIBAULT

WHEREAS, the Town of Wells and the City of Faribault have entered a joint resolution as to orderly annexation pursuant to Chapter 414 of Minnesota Statutes, such resolution being filed with the Minnesota Municipal Board on _____, and

WHEREAS, it is the desire of the Town of Wells and the City of Faribault to amend such Orderly Annexation Agreement to allow annexation by the City of Faribault of property located in the designated orderly annexation area pursuant to M.S. 414.033 (by ordinance adopted by the City of Faribault) in the event the Township consents to such annexation and the following conditions are met: the land is city owned, the land is totally surrounded by land within the municipal limits, all of the property owners have petitioned for the annexation, or the township has waived any objection in accordance with the time table provided in the joint resolution for orderly annexation, and;

WHEREAS, the City of Faribault did annex certain land (described in Exhibit A of the orderly annexation agreement) to the City of Faribault by ordinance duly adopted on November 9, 1982, and;

WHEREAS, the orderly annexation agreement did not specify the manner in which annexation should be accomplished;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the following paragraph is added to such Orderly Annexation Agreement:

"Notwithstanding any other provision of the Orderly Annexation Agreement to the contrary, the City may annex by Ordinance any tract of land located in the area designated for orderly annexation at such time as Township consents to such annexation and one or all of the following conditions have been met: the land is city owned, the land is totally surrounded by land within the municipal limits, all of the property owners have petitioned for the annexation, or the township has waived any objection in accordance with the time table provided in the joint resolution for orderly annexation. In the event the Township consents to such annexation, the City may proceed to annex such tract of land pursuant to Minnesota Statutes 414.033, and it is hereby expressly agreed that under such circumstances, the Minnesota Municipal Board has jurisdiction over such proceedings for annexation pursuant to the provisions for annexation by ordinance M.S. 414.033, and the ordinance heretofore adopted by the City of Faribault on November 9, 1982, annexing the following described land, to wit:

(See Exhibit A)

is hereby consented to and in all respects ratified as being the original intent of the joint resolution for orderly annexation adopted by the City of Faribault and the Town of Wells, respectively on April 13, 1982, and August 9, 1982.

This amendment is to take full force and effect on the date of its adoption by the City of Faribault and the Town of Wells and upon Minnesota Board approval.

Adopted: January 11, 1983

ATTEST:

Robert H. Vorhies
For the City (City Administrator)

M R Geddes
For the Township

Robert H. Vorhies
For the City (Mayor)

William H. Harkins
For the Township

Legal Description of the Portion of Wells Township
to be Annexed

"Red"

Parcels for immediate annexation:

- 1-A SE 1/4W of RR except to Ry 131 AC 13-110-21
Owner: Donald Meillier
- 1-B (1) (Part of) All SE 1/4 S & W of Rd except to Hwy. & W1/2 of
SW1/4 & NW1/4 of SW1/4 14-110-21
Owner: City of Faribault
- (2) NE 1/4 of NE 1/4 & NW 1/4 of NE 1/4 80.64 AC 23-110-21
Owner: City of Faribault (airport)
- (3) Part of the SE 1/4 of NE 1/4 except to city & except to
Mtg. 316 P.354 CALC. AC: 1.8 23-110-21
Owner: City of Faribault
- (4) Part of SE 1/4 of NE 1/4 as per Dd Rec. 294 P. 53+ Dd
AC: 4.0 23-110-21
Owner: Grand American Raceway, Inc.
- (5) Part of SE 1/4 of NE 1/4 & part of NE 1/4 of SE 1/4 as per
mtg. 316 P.354 Deed Ac: 45.6 23-110-21
Owner: Dennis Gustafson
- (6) As per deed rec. 239 p.26, 29.94 AC 24-110-21 Deed 239
All those parts of Sec. 24 Twn. 110, North, Range 21 West
of the 5th Principal Meridian, Rice County, MN described as
follows: All that part of the West 1/2 of the NW 1/4 of said
Section 24, except the N 40 rods thereof lying south & west
of the center line of Shieldsville Road (also known as
Temporary Trunk Hwy 21); & lying westerly, northerly & north-
westerly of the northwesterly right of way line of MN Trunk
Hwy 390 (also known as I Hwy. 35); subject to MN T.H. 21
through the south westerly & westerly part thereof; & also,
All that part of the Southeast 1/4 of the NW 1/4, of said
Sec. 24, lying north & west of this northwesterly right of
way line of MN T.H. 390 (also known as I35).
Owner: City of Faribault
- (1) Part of NW 1/4 of SE 1/4 as per deed 292 p. 351 Calc.
AC .3 26-110-21
That part of the South One-half of the Northeast Quarter and
the North One-half of the Southeast Quarter in Section 26,
Township 110 North, Range 21 West of the Fifth Principal
Meridian, in the City of Faribault and Rice County, Minnesota,
described as follows: Beginning at the Southwest corner of
Lot 6, Block Eight in the plat of Birn Hill, First Addition,
Faribault, Minnesota; thence South 0°21'28" West, along the
southerly prolongation of the West line of said Block Eight
(for purposes of this description bearing of said West line
is assumed South 0°21'28" West), a distance of 551.92 feet;

thence South 89°21'16" East, 78.76 feet; thence South 36°30'57" East, 183.53 feet; thence South 49°36'43" West, 101.50 feet; thence South 20°50'54" East, 208.37 feet; thence southwesterly along a nontangential curve, concave southeasterly (curve data: radius equals 60.00 feet; delta angle equals 31°13'49"; chord bearing and distance equal South 49°34'23" West, 32.30 feet), an arc distance of 32.70 feet; thence North 53°31'31" West, 201.67 feet; thence North 89°38'32" West, about 157.7 feet to a point in the easterly right of way line of Interstate Highway 35; thence northerly along said easterly right of way line to the Southwest corner of Outlot "A" in said plat of Birn Hill, First Addition; thence South 89°21'16" East, along the South line of said Outlot "A", 112.76 feet to said point of beginning; subject to a transmission line easement over and across the herein described parcel; containing 3.884 acres, more or less.
Owner: City of Faribault

- ② That part of NW 1/4 of SE 1/4 lying Ely off Hwy. 35 4.4 AC
26-110-21
Owner: Birn Hill, Inc.

"Yellow"

Parcels requiring "Waiver of Objection".

- 2-A The SE 1/4 of SE 1/4 of Section 26 & part of the SW 1/4 of SE 1/4 of Section 26 known as Western Heights subdivision &
The SE 1/4 of NE 1/4 of Se 1/4 of 26.
- 2-B Part of the NE 1/4 of NE 1/4 of Sec. 35 & part of the SE 1/4 of NE 1/4 of Sec. 35 & part of the SW 1/4 of NE 1/4 of Sec. 35 known as Smisek's Scully.
- 2-C The middle 1/3 of the NE 1/4 of SE 1/4 of Sec. 35 known as Tramel's subdivision.

"Purple"

Parcels annexed upon request of property or submission of development proposal.

- 3-A The north 1/3 of the NE 1/4 of SE 1/4 of Sec. 35.
- 3-B The south 1/3 of the NE 1/4 of SE 1/4 of Sec. 35

"Green"

Parcels not to be annexed for 10 years:

- 10-A NW 1/4 of Sec. 24 except for that portion of land owned by the City of Faribault between Hwy. 21 & the gravel road & ex. for land used for the I-35 interchange.
- 10-B The NE 1/4 of SE 1/4 of Sec. 23 &
the SE 1/4 of SE 1/4 of Sec. 23 &
the E 1/2 of SW 1/4 of SE 1/4 of Sec. 23 &
the NE 1/4 of NE 1/4 of Sec. 26 &
the NW 1/4 of NE 1/4 of the NW 1/4 of NE 1/4 of Sec. 26 &
the S 1/2 of NE 1/4 of the NW 1/4 of NE 1/4 of Sec. 26 &
the S 1/2 of NW 1/4 of the NW 1/4 of NE 1/4 of Sec. 26 &
the S 1/2 of NW 1/4 of NE 1/4 of Sec. 26 &

the SW 1/4 of the NE 1/4 of Sec. 26 &
part of the NW 1/4 of the SE 1/4 of Sec. 26 except for
property listed as 1-C ① & ② &
the SE 1/4 of NE 1/4 of SE 1/4 of Sec. 26 &
the SW 1/4 of SE 1/4 of Sec. 26 excluding the west part
of property listed as 2A known as Western Heights &
the NE 1/4 of NE 1/2 of Sec. 35 except for property listed
as 2B known as Smisek's Skully. &
the NW 1/4 of NE 1/4 of Sec. 35 &
part of the SE 1/4 of NE 1/4 of Sec. 35 except for property
listed as 2B known as Smisek's Skully & except for that
part within the city limits &
the SE 1/4 of NW 1/4 of Sec. 35 &
the NE 1/4 of SW 1/4 of Sec. 35 &
NW 1/4 of SE 1/4 of Sec. 35 &
SE 1/4 of SW 1/4 of Sec. 35 &
the SW 1/4 of SE 1/4 of Sec. 35

10-C The SE 1/4 of SE 1/4 of Sec. 35.

JOINT RESOLUTION BETWEEN THE TOWNSHIP OF

WELLS AND THE CITY OF FARIBAULT

REC'D. BY
MMR

DEC 10 1982

DESIGNATING AN AREA FOR ORDERLY ANNEXATION

The Township of Wells and the City of Faribault hereby jointly agree to the following:

1. That the following described area in Wells Township is subject to orderly annexation pursuant to Minnesota Statutes 414.032, and the parties hereto designate this area for orderly annexation:

See Attached Exhibit A.

2. That the Township of Wells does, upon passage of this resolution and its adoption by the City Council of the City of Faribault, Minnesota, and upon acceptance by the Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the various provisions contained in this agreement.

3. Certain properties abutting the City of Faribault are presently urban or suburban in nature or are about to become so. Further, the City of Faribault is capable of providing services to this area within a reasonable time, or the existing township form of government is not adequate to protect the public health, safety, or welfare, or the annexation would be in the best interests of the area proposed for annexation. Therefore, these properties should be immediately annexed to the City of Faribault. This area is described as follows:

See Attached Exhibit A. Areas designated "Red".

4. Other properties within the orderly annexation area are not urban or suburban in nature and are not about to become so, and/or the City of Faribault is not capable of providing services within a reasonable time, or the existing township form of government is adequate to protect the public health, safety, or welfare, or the annexation would not be in the best interests of the area proposed for annexation. These properties shall not be subject to annexation for ten (10) years from the effective date of this agreement except under the following circumstances.

a. Annexation by the City will not occur unless "Waiver of Objection" is passed by township board.

1. Smisek Addition - Western Avenue to I-35. (See Attached Exhibit A, Areas designated Yellow)

2. Old Fourth Street extension - Western Avenue to I-35 and properties adjoining Fourth Street S.W. (See Attached Exhibit A, designated Yellow)

3. Skyline Drive vicinity - Western Avenue to I-35 and Skyline Drive to the Cannon River. (See Attached Exhibit A, Areas designated Yellow)

b. A petition of 51% of the property owners in other areas, or annexation requested by the Township and consented to by the City, or land is being requested for subdivision approval and development. (See Attached Exhibit A, Areas designated Purple)

5. Certain other areas are presently agricultural/open space/rural residential/etc., and, therefore, should not be subject to annexation for ten (10) years (See Attached Exhibit A, Areas designated Green) unless the conditions listed in Paragraph 4 above warrant annexation. This area is generally that area lying west of Interstate 35.

6. That the City agrees to investigate the possibility of sharing facilities, equipment, and personnel with the Township to forestall the duplication of facilities and to reduce the overall costs of government in the area.

7. That the effect of annexations on population shall be resolved whether possible by agreement of parties. If there is failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

8. That planning throughout the orderly annexation area shall be accomplished through the current Rice County Zoning Ordinance to be administered by the Rice County Planning Commission. Upon such time as this ordinance be modified, the City and Township shall assume planning authority as provided in Minnesota Statutes 414.0325.

9. In all annexations within the orderly annexation area, the parties agree to the division of financial assets and obligations.

10. Notwithstanding any other provisions of this agreement, any lands annexed to the City which may be identified as "rural" under M.S. 272.67 shall be classified by the City as rural and shall be taxed at 100% of the City mill rate until such time as the land is no longer rural as defined in MS 272.67.

11. That any person owning lands annexed to the City pursuant to this agreement shall have obligations with regard to the payment of assessments and hook-up charges on projects previously completed by the City which may be assessable against said annexed property.

12. That both parties agree to work jointly to secure any federal grants-in-aid which might be available.

13. As assessment policies are developed by the City which may potentially affect the orderly annexation area, the Township will be offered the opportunity to review and comment on such policies.

14. That all parties to this resolution hereby agree to annually review the status of the designated area in relationship to the joint agreement.

CITY OF FARIBAULT

Passed and adopted by the City Council
of the City of Faribault this 13th
day of April 1982.

Attest:

Robert H. Yorkum
Administrator
by

Gary A. Kneibeth
Mayor

TOWNSHIP OF WELLS

Passed and adopted by the Town Board
of the Town of Wells this 9th
day of August 1982.

Attest:

W. J. Duden
Town Clerk

by
William Hopkins
Its Chairman

REC'D. BY
MMB DEC 10 1982RECEIVE AND FILE ORDERLY ANNEXATION AGREEMENT WITH WELLS
TOWNSHIP AND INITIATE ANNEXATION OF AIRPORT AND ADJACENT PROPERTIES

WHEREAS, a joint resolution between the Township of Wells and the City of Faribault designating an area for orderly annexation has been entered into, and;

WHEREAS, said joint resolution identifies certain properties abutting the City of Faribault which are presently urban or suburban in nature or are about to become the same, and;

WHEREAS, the City of Faribault is capable of providing services to this area within a reasonable time and the existing township form is not adequate to protect the public health, safety, or welfare, and;

WHEREAS, the majority of the property identified in said joint resolution is under the municipal ownership of the City of Faribault, Minnesota and abutts upon the city limits of the same at the north-erly and westerly boundaries thereof.

NOW, THEREFORE, THE CITY OF FARIBAULT RESOLVES:

Section 1. The City Council hereby determines. (1) the annexation will be in the best interest of the City of Faribault and the territory affected; (2) the territory described herein abutts upon the city limits and is about to become urban and suburban in character; (3) the majority of the property is under the municipal ownership of the City of Faribault, Minnesota; and (4) none of said property is now included within the limits of any city, village, or burough.

Section 2. Territory annexed. Of the corporate limits of the City of Faribault are hereby extended to include the unplatted described as follows and the same is hereby annexed to include it within the City of Faribault, Minnesota as effectively as if it had originally been a part thereof: (See attached Exhibit A)

Section 3. Filing. The City Administrator is hereby directed to file certified copies of this resolution with the Minnesota Municipal Commission, the Secretary of State, the Rice County Auditor, and the Town Clerk of Wells Township and serve notice of this resolution upon property owners annexed hereto.

Section 4. Effective Date of Annexation. This resolution will take affect and be in full force from an after its passage and publication and filing and serving of certified copies as directed in Section 3.

Adopted: August 24, 1982

Edward D. O'Brien
President Pro Tem

ATTEST:

Robert H. Yochum
City Administrator

EXHIBIT "A"

SE 1/4W of RR except to Ry 313 AC 13-110-21
Owner: Donald Meillier

(Part of) All SE 1/4 S & W of Rd except to Hwy. & W1/2 of SW1/4 &
NW1/4 of SW1/4 14-110-21
Owner: City of Faribault

NE 1/4 of NE 1/4 of NE 1/4 80.64 AC 23-110-21
Owner: City of Faribault (airport)

Part of the SE 1/4 of NE 1/4 except to city & except to Mtg. 316
P. 354 CALC. AC: 1.8 23-110-21
Owner: City of Faribault

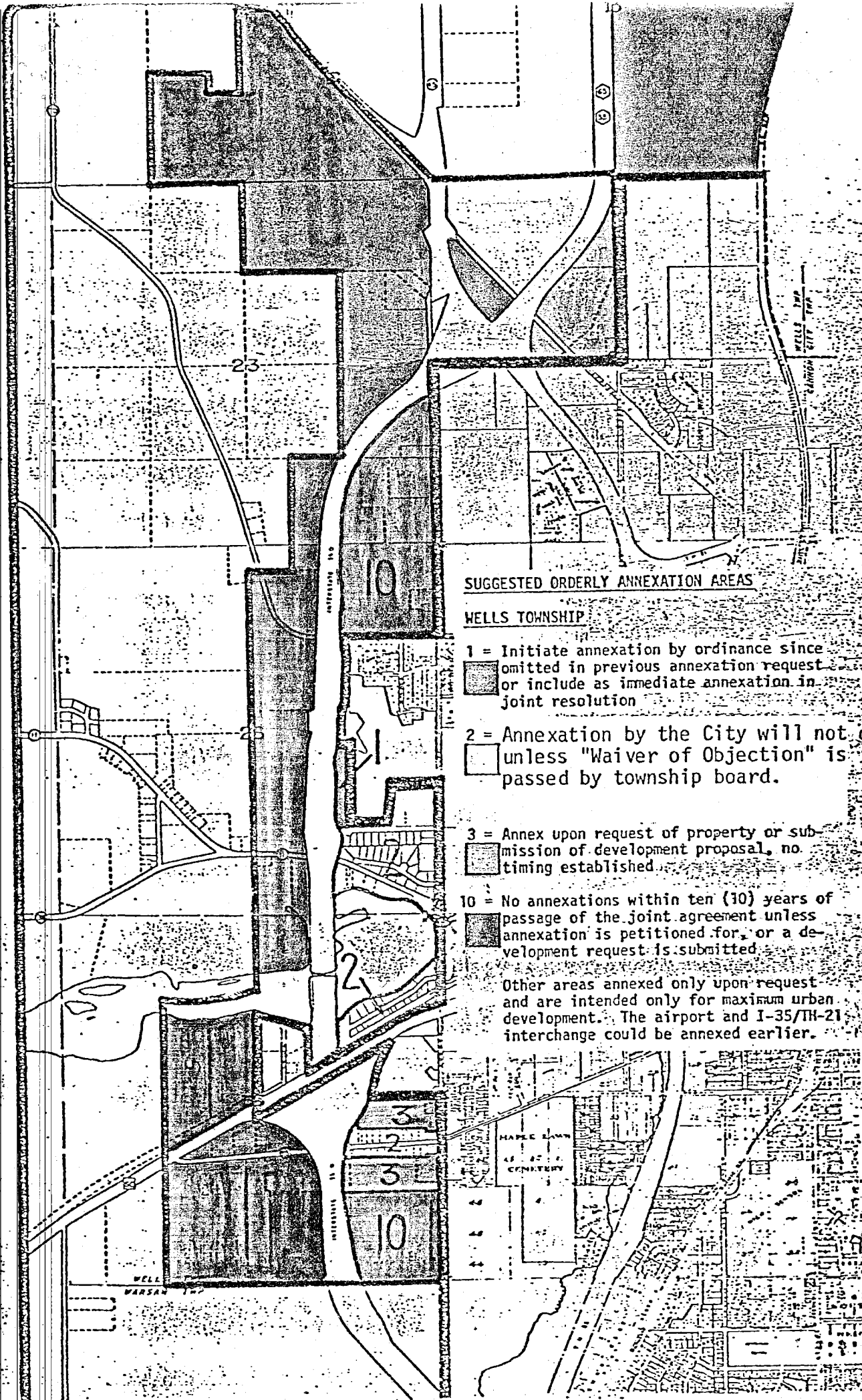
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Owner: Grand American Raceway, Inc.

Part of SE 1/4 of NE 1/4 & part of NE 1/4 of SE 1/4 as per mtg. 316
P. 354 Deed Ac: 45.6 23-110-21
Owner: Dennis Gustafson

As per deed rec. 239 p. 26, 29.94 AC 24-110-21 Deed 239
All those parts of Sec. 24 Twn. 110, North, Range 21 West of the 5th
Principal Meridian, Rice County, MN described as follows: All that
part of the West 1/2 of the NW 1/4 of said Section 24, except the N
40 rods thereof lying south & west of the center line of Shieldsville
Road (also known as Temporary Trunk Hwy 21); & lying westerly, northerly &
northwesterly of the northwesterly right of way line of MN Trunk Hwy 390
(also known as I Hwy. 35); subject to MN T.H. 21 through the south
westerly & westerly part thereof; & also, All that part of the Southeast
1/4 of the NW 1/4, of said Sec. 24, lying north & west of this north-
westerly right of way line of MN T.H. 390 (also known as I35).
Owner: City of Faribault

Part of NW 1/4 of SE 1/4 as per deed 292 p. 351 Calc. AC .3 26-110-21
That part of the South One-half of the Northeast Quarter and the North
One-half of the Southeast Quarter in Section 26, Township 110 North,
Range 21 West of the Fifth Principal Meridian, in the City of Faribault
and Rice County, Minnesota, described as follows: Beginning at the
Southwest corner of Lot 6, Block Eight in the plat of Birn Hill, First
Addition, Faribault, Minnesota; thence South 0°21'28" West, along the
southerly prolongation of the West line of said Block Eight (for
purposes of this description bearing of said West line is assumed South
0°21'28" West), a distance of 551.92 feet; thence South 89°21'16" East,
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49°36'43" West, 101.50 feet; thence South 20°50'54" East, 208.37 feet;
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chord bearing and distance equal South 49°34'23" West, 32.30 feet), an
arc distance of 32.70 feet; thence North 53°31'31" West, 201.67 feet;
thence North 89°38'32" West, about 157.7 feet to a point in the easterly
right of way line of Interstate Highway 35; thence northerly along said
easterly right of way line to the Southwest corner of Outlot "A" in said
plat of Birn Hill, First Addition; thence South 89°21'16" East, along
the South line of said Outlot "A", 112.76 feet to said point of beginning;
subject to a transmission line easement over and across the herein
described parcel; containing 3.884 acres, more or less.
Owner: City of Faribault

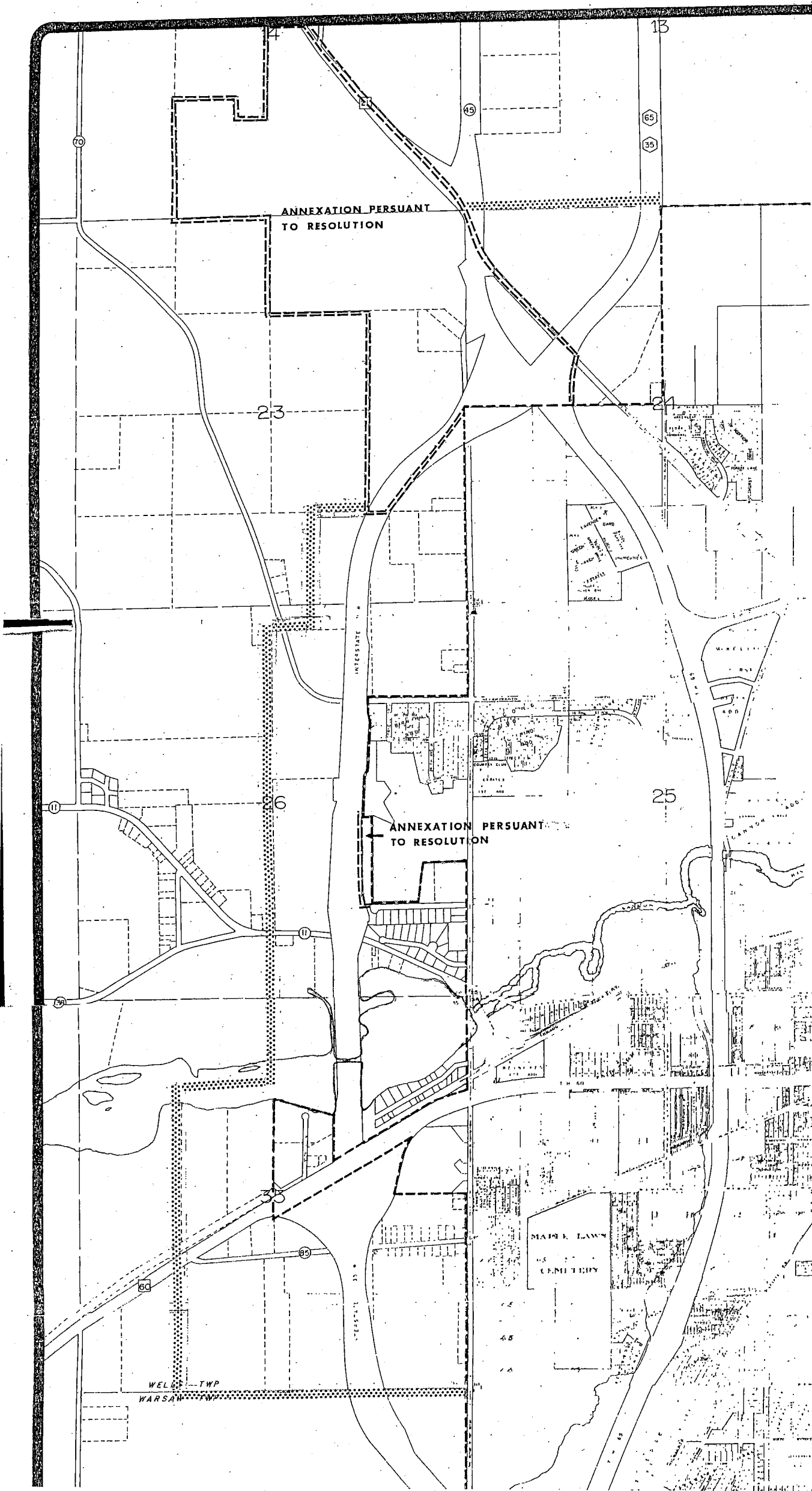
That part of NW 1/4 of SE 1/4 lying Ely off Hwy. 35 4.4 AC 26-110-21
Owner: Birn Hill, Inc.



SUGGESTED ORDERLY ANNEXATION AREAS

WELLS TOWNSHIP

- 1 = Initiate annexation by ordinance since omitted in previous annexation request or include as immediate annexation in joint resolution
 - 2 = Annexation by the City will not occur unless "Waiver of Objection" is passed by township board.
 - 3 = Annex upon request of property or submission of development proposal, no timing established.
 - 10 = No annexations within ten (10) years of passage of the joint agreement unless annexation is petitioned for, or a development request is submitted.
- Other areas annexed only upon request and are intended only for maximum urban development. The airport and I-35/IH-21 interchange could be annexed earlier.



FARIBAULT - fringe area study

----- ANNEXED AREAS

HIGHWAY RIGHT-OF-WAYS SHOWN ARE APPROXIMATE

○ COUNTY □ STATE ○ FEDERAL

..... ORDERLY ANNEXATION BOUNDARY

0 500 1000 2000



rieke carroll muller
associates inc.