

REC'D BY
MMB NOV 14 1990

IN THE MATTER OF THE JOINT RESOLUTION OF THE TOWNSHIP OF
WALCOTT AND THE CITY OF FARIBAULT DESIGNATING AN
UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND
CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA
MUNICIPAL BOARD PURSUANT TO M.S. 414.0235

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

1. That the following described area in Walcott Township is subject to orderly annexation pursuant to M.S. 414.0325, and the parties hereto designate this area for orderly annexation, containing 563.3 acres, (phases I, II and III) more or less:

(attached Exhibit A)

2. That the Township of Walcott 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 the area within a reasonable time, and the existing township form of government is not adequate to protect the public health, safety or welfare, and the annexation would be in the best interests of the area proposed for annexation.

3.1. These properties will be immediately annexed to the City of Faribault. The area (Phase I) contains 185.65 acres, more or less, and is described as follows:

(attached Exhibit B)

3.2. These properties will be annexed by January 1, 1995, or upon petition by the ownership of one third (1/3) of the land area, containing 156.15 acres, more or less, described as follows: (Phase II)

(attached Exhibit C)

3.3. These properties are eligible for annexation upon the annexation and completion of required public improvements throughout the properties described by sections 3.1. and 3.2., and attached Exhibits B and C of this agreement. These properties contain 221.5 acres, more or less, and are described as follows: (Phase III)

(attached Exhibit D)

4. 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.

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

6. That planning throughout the orderly annexation area shall be pursuant to Minnesota Statutes 414.0325.

7. With specific regard to Phase I annexation within the orderly annexation area, the parties agree to the following division of financial assets and obligations, as per the conditions set forth below and the "Agreement For the Construction of Public Improvements in Walcott Township" mutually entered into and executed on May 22, 1990:

7.1. The Township and the City pursuant to resolutions adopted April 17, 1990 entered into an agreement entitled "Glynview Improvement Agreement," in which the parties agreed to undertake a series of steps for the installation of public improvements and ultimate annexation of portions of Walcott Township. Said agreement outlines the duties and responsibilities to be undertaken by the respective parties, for the purpose of establishing these specific responsibilities and terms of performance of the parties.

7.2. The Township agrees to finance the construction of the improvements in the project area through the Small Cities Development Grant funds to be received by the Township through the Minnesota Department of Trade and Economic Development, and the sale of the Township's general purpose bonds.

7.3. The City agrees to act as the Township's consulting engineer for the purpose of performing civil engineering duties necessary to design, let for bids, and construct the improvements contemplated by this agreement.

7.4 The City shall develop a mutually agreed upon program, schedule and construction budget, and shall prepare drawings and other documents illustrating improvements.

7.5. The City shall submit to the Township drawings and other documents to fix and describe the size and character of the improvements as to architectural, structural, mechanical systems, materials and such other elements as may be appropriate.

7.6 The City shall prepare construction documents consisting of drawings, specifications setting forth in detail the requirements for the construction of the improvements and

prepare the necessary bidding information, bidding forms, the conditions of the contract, and the form of the agreement between the Township and the contractor.

7.7. The City shall advertise for bids, review bids and proposals, and make recommendations to the Township with respect to awarding bids, and the City shall prepare the contracts for construction.

7.8 The City shall administer the contract for construction, representing the Township during construction until final payment to the contractor is due. The City shall have the authority to act on behalf of the Township only to the extent provided in this agreement unless otherwise modified by written instrument.

7.9. Implementation of this agreement shall be handled by the City Engineer and his designees. All design work shall be consistent with generally accepted engineering practices and standards, and shall comply with all applicable State, Federal and local regulations.

7.10. The City shall assist the Township in preparing necessary public notices, documents and budgets, and attending any necessary public hearings to comply with State and Federal laws regarding the issuance of bonds for such projects and the levying of assessments against benefited properties in the Township.

7.11. The City shall monitor the progress and quality of the work completed and shall have authority to reject work which does not conform to the contract documents. Whenever the City considers it necessary or advisable for implementation of the intent of the contract documents, the City may require additional inspection or testing of the work, including the use of outside testing professionals.

7.12. Based upon the City's observations, and evaluations of the contractors applications for payment, the City shall review and certify the amounts due the contractor.

7.13. The City shall review and approve change orders and construction change directives.

7.14. The City shall receive from the project funds an engineering fee of ten percent (10%) of the cost of improvements for its services under this agreement.

7.15. The City shall provide financial management services to the Township to administer funds provided by the Township for the construction of the improvement as set forth in Article III of the Glynview Improvement agreement and this agreement.

7.16. The City shall prepare and monitor the budget for the improvements and notify the Township of the amount needed to be raised by the issuance of bonds to finance the improvements in a timely manner.

7.17. The proceeds of the bonds shall be deposited by the City and managed and disbursed as needed for the construction of the improvements in accordance with law.

7.18. The City shall maintain records of all funds administered by it under this agreement in accordance with applicable laws and regulations, and shall account to the Township for the funds.

7.19. The City shall receive the budgeted administrative fees from the Small Cities Development Grant and, in addition, shall be paid a sum of \$9,500 as the fee for the administrative services performed pursuant to this agreement.

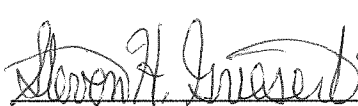
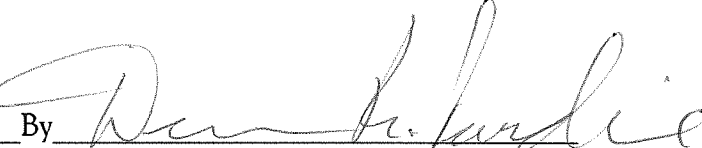
8. With specific regard to Phase II and Phase III annexations, the parties agree to mutually discuss and determine the division of financial assets and obligations, in general conformance to the conditions set forth and pertaining to Phase I annexation.

9. No consideration of the board is necessary.

City of Faribault, Minnesota

Passed and adopted by the City Council of The City of Faribault this 9th day of October, 1990.

Attest:

 By 
City Administrator Mayor

Township of Walcott

Passed and adopted by the Town Board of the Township of Walcott this Eighth day of October, 1990.

Attest:



 By 
Clerk Chairman

Exhibit A

RECD. BY
MMB NOV 14 1990

Part of the South One-half of Section 6, Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Northeast corner of said South One-half of Section 6; thence westerly, along the North line of said South One-half of Section 6 to the Northeast corner of the plat of FOUR SEASONS, FARIBAULT, RICE COUNTY, MINNESOTA; thence southerly, along the East line of said FOUR SEASONS to the Southeast corner of said plat; thence southwesterly, along the southerly line of said FOUR SEASONS to the Southwest corner of said plat, said point being in the West line of the Southwest Quarter of said Section 6; thence southerly, along said West line of Southwest Quarter to a point in the southerly line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad (now City of Faribault Property); thence easterly, along said southerly line of former railroad to a point in a line 283.37 feet westerly from and parallel with the East line of said Southwest Quarter; thence southerly, along said parallel line, 643.85 feet; thence easterly, at right angles to said East line of Southwest Quarter, 283.37 feet to a point in said East line of Southwest Quarter, 746.46 feet northerly from the Southeast corner of said Southwest Quarter of Section 6; thence southerly, along said East line of Southwest Quarter and West line of Southeast Quarter of Section 6, a distance of 391.96 feet to a point in a line 354.50 feet northerly from the Southwest corner of said Southeast Quarter; thence easterly, parallel with the South line of said Southeast Quarter of Section 6 to a point in the center line of Glynnview Trail; thence southeasterly, along said center line of Glynnview Trail to a point in the East line of said Southeast Quarter of Section 6; thence northerly, along said East line of Southeast Quarter to said point of beginning; containing about 184.5 acres.

Part of the North One-half of Section 7, Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Northeast corner of the Northeast Quarter of said Section 7; thence southerly, along the East line of said Northeast Quarter to the Southeast corner of the North Three-fourths of the East 82 acres of said Northeast Quarter; thence westerly, along the South line of said North Three-fourths of East 82 acres of Northeast Quarter to the Southwest corner thereof; thence southerly, along the East line of the West 78 acres of said Northeast Quarter to the South line of said Northeast Quarter; thence westerly, along said South line of Northeast Quarter to the Southwest corner thereof, said point being the Southeast corner of the Northwest Quarter of said Section 7; thence westerly, along the South line of said Northwest Quarter to the Southwest corner thereof; thence northerly, along the West line of said Northwest Quarter to the Southwest corner of the North One-fourth of said Northwest Quarter; thence easterly, along the South line of said North One-fourth of Northwest Quarter to the Southeast corner thereof; said point being in the West line of said Northeast Quarter of Section 7; thence southerly, along said West line of Northeast Quarter to the Northwest corner of the South 40 acres of the West 78 acres of said Northeast Quarter; thence easterly, along the North line of said South 40 acres of West 78 acres of Northeast Quarter to the Northeast corner thereof; thence northerly, along the East line of said West 78 acres of Northeast Quarter to the Northeast corner thereof; thence easterly, along the North line of said Northeast Quarter to said point of beginning; containing about 221.5 acres.

Part of the West One-half of the Southwest Quarter of Section 5, part of the Southeast Quarter of Section 6, part of the North One-half of Section 7, and part of the Northwest Quarter of the Northwest Quarter of Section 8, all in Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the West line of said West One-half of Southwest Quarter of Section 5, a distance of 307.02 feet southerly from the Northwest corner of said West One-half of Southwest Quarter, said point being in the center line of the Straight River; thence southerly, along said West line to a point in the center line of Glynnview Trail; thence northwesterly, along said center line of Glynnview Trail to a point in a line 354.50 feet northerly from and parallel with the South line of said Southeast Quarter of Section 6; thence westerly, along said parallel line to a point in the West line of said Southeast Quarter; thence southerly, along said West line of Southeast Quarter to the Southwest corner of said Southeast Quarter, said point also being the Northeast corner of the Northwest Quarter of said Section 7; thence westerly, along the North line of said Northwest Quarter of Section 7 to the Northwest corner thereof; thence southerly, along the West line of said Northwest Quarter of section 7, a distance of 659.92 feet to the Southwest corner of the North One-fourth of the Northwest Quarter of said Section 7; thence easterly, along the South line of said North One-fourth of Northwest Quarter of Section 7 to the Southeast corner thereof, said point being in the West line of the Northeast Quarter of said Section 7; thence southerly, along said West line of Northeast Quarter of Section 7 to the Northwest corner of the South 40 acres of the west 78 acres of said Northeast Quarter; thence easterly, along the North line of said South 40 acres of West 78 acres of Northeast Quarter to the Northeast corner thereof; thence northerly, along the East line of said West 78 acres of Northeast Quarter to the Northeast corner thereof; thence easterly, along the North line of said Northeast Quarter of Section 7 to the Northeast corner thereof, said point being the Northwest corner of said Northwest Quarter of Northwest Quarter of Section 8; thence southerly, along the West line of said Northwest Quarter of Northwest Quarter of Section 8, a distance of 1150.17 feet to the most southerly corner of GALE'S ADDITION, RICE COUNTY, MINNESOTA; thence northeasterly, along the southeasterly line of said GALE'S ADDITION to the most easterly corner thereof, said point being in the center line of said Glynnview Trail; thence northwesterly, along said center line of Glynnview Trail (for basis of bearings for the following courses, the center line of Glynnview Trail is assumed North 48°33'14" West), a distance of 109.00 feet; thence North 29°20'41" East, 285.93 feet; thence North 11°41'14" East, 101.49 feet; thence North 40°40'22" East, 265.18 feet to a point in the North line of said Northwest Quarter of Northwest Quarter, a distance of 384.38 feet westerly from the Northeast corner of said Northwest Quarter of Northwest Quarter; thence North 42°10'22" East, 308.20 feet; thence North 62°10'22" East, 205.00 feet to a point in the East line of said West One-half of Southwest Quarter of Section 5; thence North 0°40'22" East, along said East line of West One-half of Southwest Quarter, 410.33 feet to a point in the center line of said Straight River; thence northwesterly, along said center line of Straight River to said point of beginning; containing about 157.3 Acres.

Exhibit B

REC'D. BY
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(Phase I)

Part of the South One-half of Section 6, Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Northeast corner of said South One-half of Section 6; thence westerly, along the North line of said South One-half of Section 6 to the Northeast corner of the plat of FOUR SEASONS, FARIBAULT, RICE COUNTY, MINNESOTA; thence southerly, along the East line of said FOUR SEASONS to the Southeast corner of said plat; thence southwesterly, along the southerly line of said FOUR SEASONS to the Southwest corner of said plat, said point being in the West line of the Southwest Quarter of said Section 6; thence southerly, along said West line of Southwest Quarter to a point in the southerly line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad (now City of Faribault Property); thence easterly, along said southerly line of former railroad to a point in a line 283.37 feet westerly from and parallel with the East line of said Southwest Quarter; thence southerly, along said parallel line, 643.85 feet; thence easterly, at right angles to said East line of Southwest Quarter, 283.37 feet to a point in said East line of Southwest Quarter, 746.46 feet northerly from the Southeast corner of said Southwest Quarter of Section 6; thence southerly, along said East line of Southwest Quarter and West line of Southeast Quarter of Section 6, a distance of 391.96 feet to a point in a line 354.50 feet northerly from the Southwest corner of said Southeast Quarter; thence easterly, parallel with the South line of said Southeast Quarter of Section 6 to a point in the center line of Glynnview Trail; thence southeasterly, along said center line of Glynnview Trail to a point in the East line of said Southeast Quarter of Section 6; thence northerly, along said East line of Southeast Quarter to said point of beginning; containing about 184.5 acres.

And;

Lot 1 and Lot 22, Block 2, and that part of Buckingham Path lying between said Lot 1 and Lot 22, Block 2, all in THIRD ADDITION TO COUNTRY SIDE ADDITION, RICE COUNTY, MINNESOTA; containing 1.15 acres, more or less.

(Phase II)

Part of the West One-half of the Southwest Quarter of Section 5, part of the Southeast Quarter of Section 6, part of the North One-half of Section 7, and part of the Northwest Quarter of the Northwest Quarter of Section 8, all in Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the West line of said West One-half of Southwest Quarter of Section 5, a distance of 307.02 feet southerly from the Northwest corner of said West One-half of Southwest Quarter, said point being in the center line of the Straight River; thence southerly, along said West line to a point in the center line of Glynnview Trail; thence northwesterly, along said center line of Glynnview Trail to a point in a line 354.50 feet northerly from and parallel with the South line of said Southeast Quarter of Section 6; thence westerly, along said parallel line to a point in the West line of said Southeast Quarter; thence southerly, along said West line of Southeast Quarter to the Southwest corner of said Southeast Quarter, said point also being the Northeast corner of the Northwest Quarter of said Section 7; thence westerly, along the North line of said Northwest Quarter of Section 7 to the Northwest corner thereof; thence southerly, along the West line of said Northwest Quarter of section 7, a distance of 659.92 feet to the Southwest corner of the North One-fourth of the Northwest Quarter of said Section 7; thence easterly, along the South line of said North One-fourth of Northwest Quarter of Section 7 to the Southeast corner thereof, said point being in the West line of the Northeast Quarter of said Section 7; thence southerly, along said West line of Northeast Quarter of Section 7 to the Northwest corner of the South 40 acres of the west 78 acres of said Northeast Quarter; thence easterly, along the North line of said South 40 acres of West 78 acres of Northeast Quarter to the Northeast corner thereof; thence northerly, along the East line of said West 78 acres of Northeast Quarter to the Northeast corner thereof; thence easterly, along the North line of said Northeast Quarter of Section 7 to the Northeast corner thereof, said point being the Northwest corner of said Northwest Quarter of Northwest Quarter of Section 8; thence southerly, along the West line of said Northwest Quarter of Northwest Quarter of Section 8, a distance of 1150.17 feet to the most southerly corner of GALE'S ADDITION, RICE COUNTY, MINNESOTA; thence northeasterly, along the southeasterly line of said GALE'S ADDITION to the most easterly corner thereof, said point being in the center line of said Glynnview Trail; thence northwesterly, along said center line of Glynnview Trail (for basis of bearings for the following courses, the center line of Glynnview Trail is assumed North 48°33'14" West), a distance of 109.00 feet; thence North 29°20'41" East, 285.93 feet; thence North 11°41'14" East, 101.49 feet; thence North 40°40'22" East, 265.18 feet to a point in the North line of said Northwest Quarter of Northwest Quarter, a distance of 384.38 feet westerly from the Northeast corner of said Northwest Quarter of Northwest Quarter; thence North 42°10'22" East, 308.20 feet; thence North 62°10'22" East, 205.00 feet to a point in the East line of said West One-half of Southwest Quarter of Section 5; thence North 0°40'22" East, along said East line of West One-half of Southwest Quarter, 410.33 feet to a point in the center line of said Straight River; thence northwesterly, along said center line of Straight River to said point of beginning; containing about 157.3 Acres.

Excepting therefrom the following;

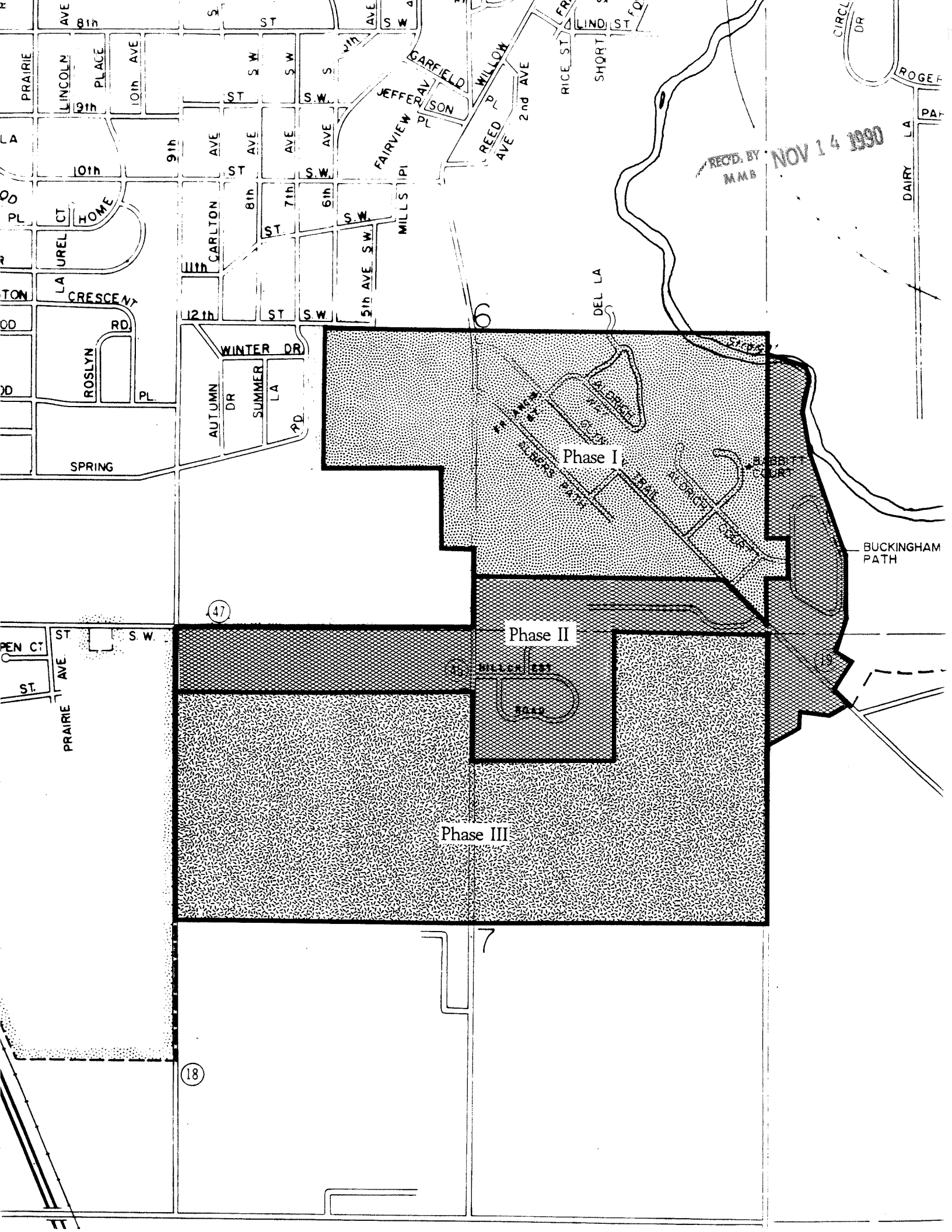
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Exhibit D

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(Phase III)

Part of the North One-half of Section 7, Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Northeast corner of the Northeast Quarter of said Section 7; thence southerly, along the East line of said Northeast Quarter to the Southeast corner of the North Three-fourths of the East 82 acres of said Northeast Quarter; thence westerly, along the South line of said North Three-fourths of East 82 acres of Northeast Quarter to the Southwest corner thereof; thence southerly, along the East line of the West 78 acres of said Northeast Quarter to the South line of said Northeast Quarter; thence westerly, along said South line of Northeast Quarter to the Southwest corner thereof, said point being the Southeast corner of the Northwest Quarter of said Section 7; thence westerly, along the South line of said Northwest Quarter to the Southwest corner thereof; thence northerly, along the West line of said Northwest Quarter to the Southwest corner of the North One-fourth of said Northwest Quarter; thence easterly, along the South line of said North One-fourth of Northwest Quarter to the Southeast corner thereof; said point being in the West line of said Northeast Quarter of Section 7; thence southerly, along said West line of Northeast Quarter to the Northwest corner of the South 40 acres of the West 78 acres of said Northeast Quarter; thence easterly, along the North line of said South 40 acres of West 78 acres of Northeast Quarter to the Northeast corner thereof; thence northerly, along the East line of said West 78 acres of Northeast Quarter to the Northeast corner thereof; thence easterly, along the North line of said Northeast Quarter to said point of beginning; containing about 221.5 acres.



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Phase I

Phase II

Phase III

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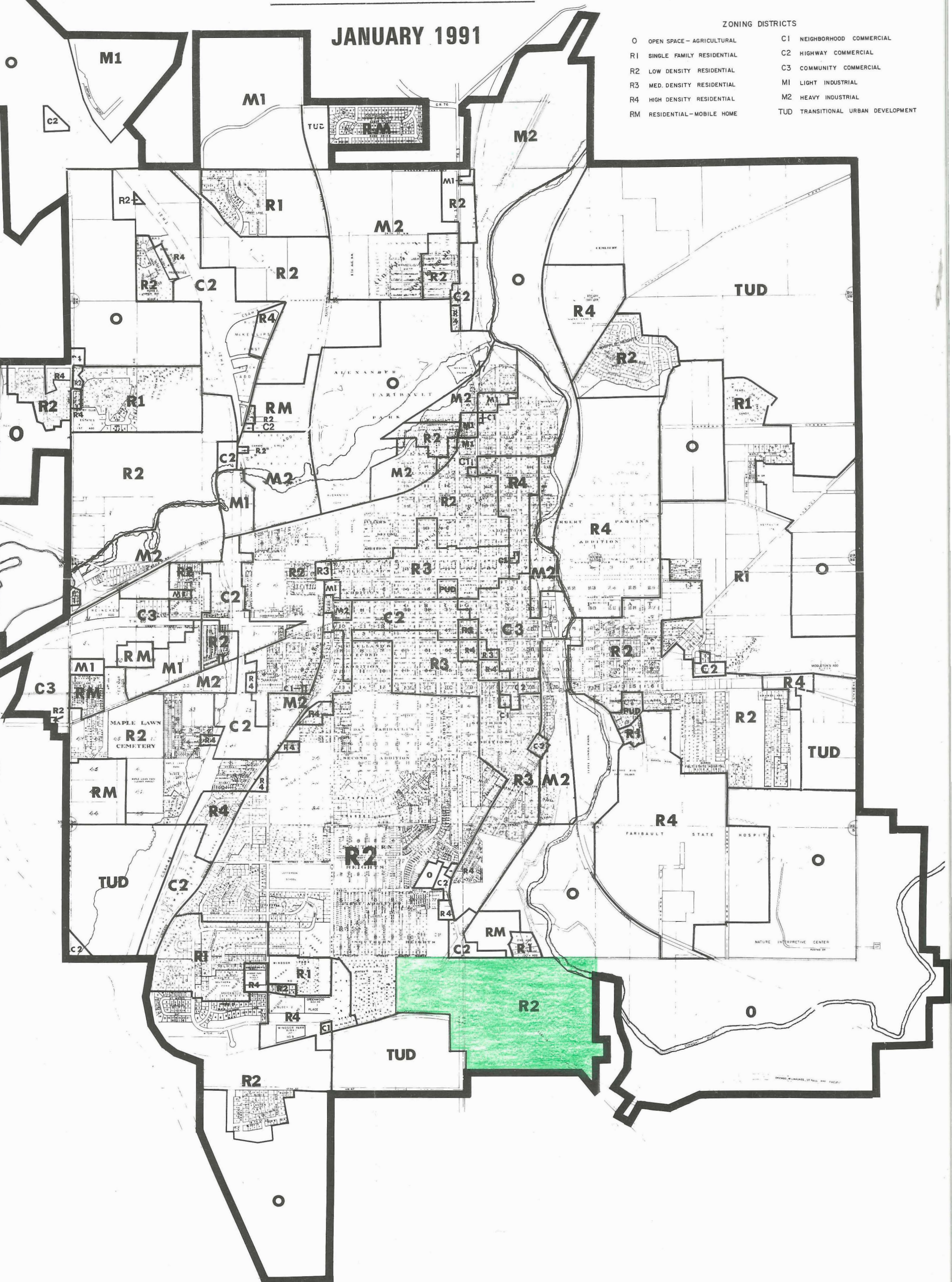
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City of Faribault

JANUARY 1991

ZONING DISTRICTS

- | | | | |
|----|---------------------------|-----|--------------------------------|
| O | OPEN SPACE - AGRICULTURAL | C1 | NEIGHBORHOOD COMMERCIAL |
| R1 | SINGLE FAMILY RESIDENTIAL | C2 | HIGHWAY COMMERCIAL |
| R2 | LOW DENSITY RESIDENTIAL | C3 | COMMUNITY COMMERCIAL |
| R3 | MED. DENSITY RESIDENTIAL | M1 | LIGHT INDUSTRIAL |
| R4 | HIGH DENSITY RESIDENTIAL | M2 | HEAVY INDUSTRIAL |
| RM | RESIDENTIAL-MOBILE HOME | TUD | TRANSITIONAL URBAN DEVELOPMENT |



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