

An Equal Opportunity Employer

Phone: 296-2428



STATE OF MINNESOTA  
MUNICIPAL BOARD

Suite 165 Metro Square  
7th & Robert Streets  
St. Paul, Minnesota 55101

February 14, 1983

Mr. Robert Yochum  
Faribault City Administrator  
Faribault City Hall  
208 Northwest 1st Avenue  
Faribault, Minnesota 55021

Re: Docket Number A-3978

Ordinance Number 82-35

City of Faribault

Dear City Administrator:

The Minnesota Municipal Board has now processed and approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

According to law, this annexation ordinance must be filed with the Township Clerk, County Auditor, Secretary of State and the Municipal Board. (Since the ordinance has already been filed with the Municipal Board, no additional copies are required.) We also recommend that you file the ordinance with the County Recorder.

The annexation is final upon the date the ordinance is approved by the Board, which is the date of this letter.

Sincerely,

MUNICIPAL BOARD

*Patricia D. Lundy*  
Patricia D. Lundy  
Assistant Executive Director

PDL:mem

cc: ✓ Secretary of State  
County Auditor  
Township Clerk  
Attorney  
Municipality

(REVISED 1/81)

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 17 1983

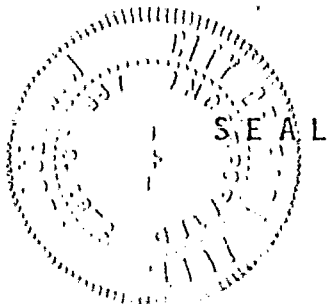
*Patricia D. Lundy*  
Secretary of State  
# 34388


State of Minnesota )  
County of Rice ) ss

CERTIFICATION

I, Robert H. Yochum, City Administrator of the  
City of Faribault, Minnesota, do hereby certify that the attached  
Ordinance is a true and exact copy as duly passed by the City Council  
of the City of Faribault, Minnesota, and recorded in the minutes of a  
Regular meeting held at 7:30 o'clock P.M.  
on November 23, 1982, at which meeting there was present  
a quorum of the Council.

Dated: December 6, 1982



  
ROBERT H. YOCHUM  
City Administrator

ORDINANCE 82-35

ORDERLY ANNEXATION OF SWANSON PROPERTY IN WARSAW TOWNSHIP

WHEREAS, an annexation plan 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 all of the property identified herein is adjoined to the City of Faribault, Minnesota and abutts upon the city limits of the same on all boundaries thereof, and;

WHEREAS, 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.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Territory annexed. Of the corporate limits of the City of Faribault are hereby extended to include the unplatted property 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 2. Filing. The City Administrator is hereby directed to file certified copies of this ordinance with the Minnesota Municipal Commission, the Secretary of State, the Rice County Auditor, and the Town Clerk of Warsaw Township and serve notice of this ordinance upon property owners annexed hereto.

Section 3. Effective Date of Annexation. This ordinance will take effect and be in full force from and after its passage and publication and filing of certified copies as directed in Section 2.

First Reading: November 9, 1982  
Second Reading: November 23, 1982

Gary A. Kindseth  
Mayor

ATTEST:

Robert H. Yorkum  
City Administrator

EXHIBIT A

Owner: Mrs. William Swanson

Parcel: 14-12-00-00-003 and further described as follows to wit:

All that part of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 12, Township 109 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota; described as follows, to wit: Beginning at a point in the North Line of said Northeast Quarter (NE $\frac{1}{4}$ ) of Section 12, a distance of 566.59 feet Westerly from the Northeast corner thereof; thence Southerly at right angles to said North line of Northeast Quarter (NE $\frac{1}{4}$ ), 218.00 feet; thence Westerly parallel with and 218.00 feet Southerly from said North line of Northeast Quarter (NE $\frac{1}{4}$ ) 200.00 feet; thence Northerly at right angles to said North line of Northeast Quarter (NE $\frac{1}{4}$ ) 218.00 feet to a point in said North line of Northeast Quarter (NE $\frac{1}{4}$ ); thence Easterly, along said North line of Northeast Quarter (NE $\frac{1}{4}$ ) 200.00 feet to the point of beginning; subject to County State Aid Highway No. 18, over the Northerly side thereof; containing 1.00 acres more or less, including highway right of way and containing 0.85 acres, more or less, excluding highway right of way.

JOINT RESOLUTION BETWEEN THE TOWNSHIP OF  
WELLS AND THE CITY OF FARIBAULT  
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 inadequate 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. Yoshum  
Administrator  
by

Gary A. Kuideth  
Mayor

TOWNSHIP OF WELLS

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

Attest:

M. J. Dudknecht  
Town Clerk  
by

William Hopkins  
Its Chairman

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 17 1983  
Secretary of State

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-C (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

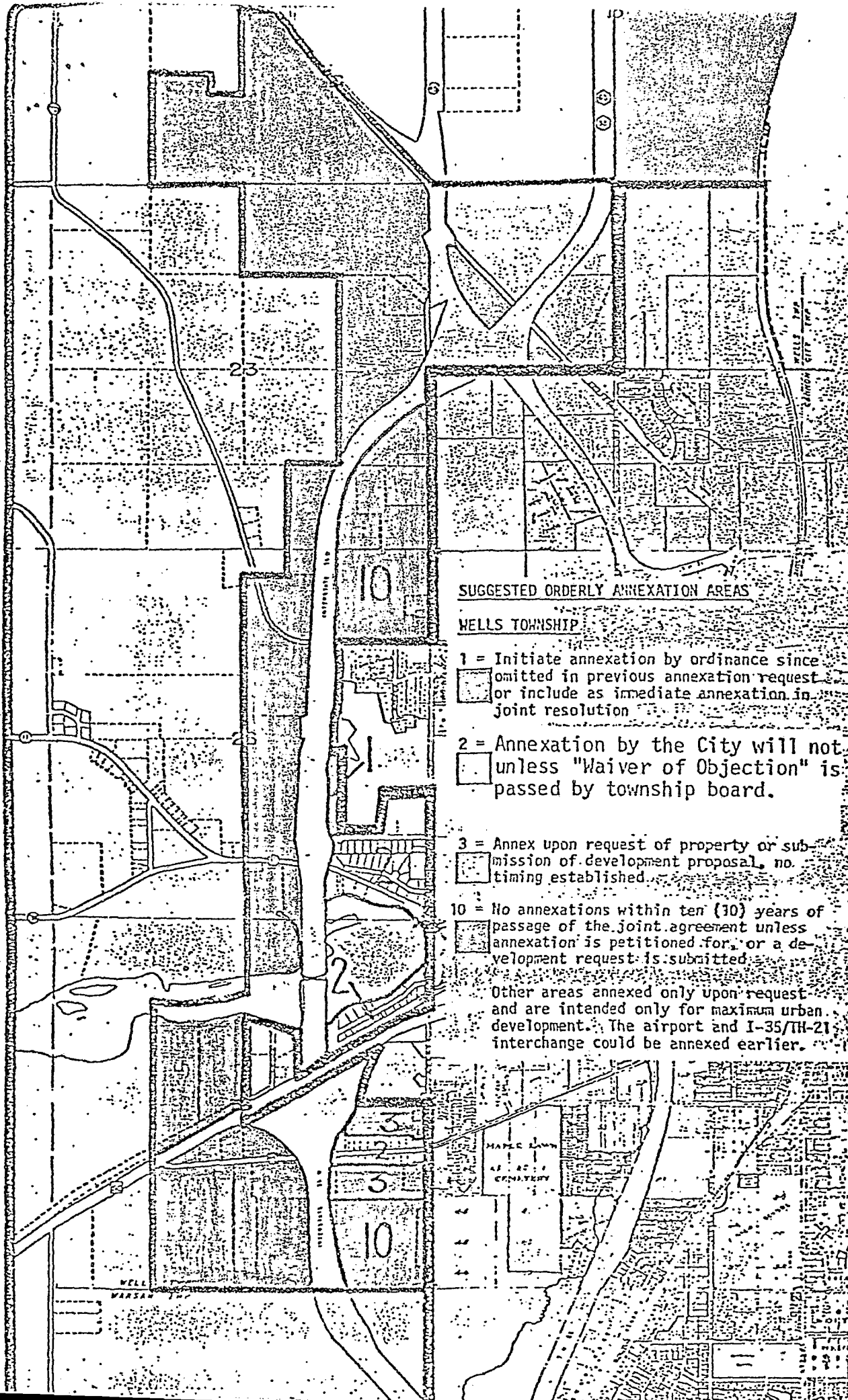
"Green" Parcels not to be annexed for 10 years:

- 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.



**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/TH-21 interchange could be annexed earlier.