



## SPECIAL CITY COUNCIL MEETING AGENDA

PUBLIC MEETING ROOM

TUESDAY, JULY 19, 2022

6:00 PM

### 1. Call to Order/Roll Call

### 2. Items for Discussion

- A. Ordinance 2022-22 Annexing Certain Lands from Cannon City Township and Zoning Such Lands in the I-1, Light Industrial District and the P/I, Public/Institutional District – First Reading

### 3. Adjournment

*(The Council may meet as a group for dinner)*

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#### NOTE:

**CC** Closed Captioning of Council meetings available on FCTV.

Please contact the City Administrator's Office if you need special accommodations related to a disability while attending the City Council meeting.



## Request for Council Action

**TO:** Mayor and City Council  
**THROUGH:** Tim Murray, City Administrator  
**FROM:** Deanna Kuennen, Community & Economic Development Director  
**MEETING DATE:** July 19, 2022  
**SUBJECT:** Ordinance 2022-22 Annexing Certain Lands from Cannon City Township and Zoning Such Lands in the I-1, Light Industrial District and the P/I, Public/Institutional District – First Reading

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### Background:

The Minnesota Office of Administrative Hearings notified the City of Faribault that a portion of the former Trunk Highway 218 right-of-way easement adjacent to the former Faribault Foods spray fields is in Cannon City Township, not the City of Faribault. Consequently, on June 23, 2022, Rice County submitted a petition to the City of Faribault requesting that roughly 2.3 acres of the property legally described and depicted in the attached Ordinance 2022-22 be annexed from Cannon City Township to the City of Faribault. The annexation is required to facilitate the CANNON RIVER VIEW plat, which the Faribault Council approved per Resolution 2022-102 on May 10, 2022.

The City properly noticed Rice County's annexation petition in accordance with Minnesota Statutes, and the City has scheduled a public hearing and the second reading of Ordinance 2022-22 for July 26, 2022.

### Recommendation:

Approve the first reading of Ordinance 2022-22.

### Attachments:

1. Ordinance 2022-22 Annexing Certain Lands from Cannon City Township and Zoning Such Lands I-1, Light Industrial and PI, Public Institutional - First Re

**CITY OF FARIBAULT  
ORDINANCE NO. 2022-22**

**ANNEXING CERTAIN LANDS FROM CANNON CITY TOWNSHIP AND ZONING SUCH  
LANDS IN THE I-1, LIGHT INDUSTRIAL DISTRICT AND THE P/I,  
PUBLIC/INSTITUTIONAL DISTRICT**

**THE CITY OF FARIBAULT ORDAINS:**

**WHEREAS**, on June 23, 2022, the City of Faribault (the "City") received a petition for annexation of 2.3 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 July 26, 2022, in accordance with Minnesota Statutes, section 414.033, subd. 2b, the City will hold a public hearing, giving 30 days' notice thereof by certified mail to the owner of the Identified Land, Cannon City 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 duly submitted by the fee 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**, the Identified Land is not located within a floodplain or shoreland area; 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.** The Identified Land is in the former Trunk Highway 218 right-of-way easement deeded to the City of Faribault in 1998. The Faribault City Council adopted Ordinance 2022-10 on May 10, 2022, which vacated said easement. No taxes related to the Identified Land were paid to Cannon City Township in 2022. Consequently, no cash payment from the City of Faribault to Cannon City Township is due related to the annexation of the Identified Land.

**Section IV.** There are no special assessments assigned by Cannon City Township to the Identified Land, nor is there any debt incurred by Cannon City 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 Cannon City Township clerk, the Rice County Auditor's Office, and the Minnesota Secretary of State. The City Administrator is directed to perform any additional actions that are deemed necessary to effectuate the intent of this ordinance.

**Section VI.** Upon annexation to the City and the recording of the CANNON RIVER VIEW plat, the Identified Land shall be zoned I-1, Light Industrial and P/I, Public Institutional per Ordinance 2022-9, approved by the Faribault City Council on May 10, 2022. The City of Faribault is not required to republish the Zoning Map to reflect the zoning approved by this Ordinance. However, the City Planner must appropriately indicate the rezoning on the City's Official Zoning Map. Upon annexation to the City and the recording of the CANNON RIVER VIEW plat, the City's Journey to 2040 Comprehensive Plan will guide the Identified Land for Commercial/Industrial/Mixed-Use and Institutional use per Resolution 2022-086, approved by the Faribault City Council on April 26, 2022.

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

First Reading: July 19, 2022

Second Reading and Public Hearing: \_\_\_\_\_

Publication Date: \_\_\_\_\_

**Faribault City Council**

\_\_\_\_\_  
Kevin F. Voracek, Mayor

**ATTEST:**

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Timothy C. Murray, City Administrator

## EXHIBIT A

### Legal Description of the Identified Land

All that area within the east half of the NE ¼ of section 20, Township 110 North, Range 20 West of the 5th P.M., Rice County, MN of the proposed highway, as set forth in that certain Final Certificate, recorded in Book 225 of Deeds, on pages 48-62, in the office of the County Recorder, Rice County, Minnesota, lying south of the southerly right-of-way of Faribault Blvd, excepting land already within the city and located within the following real property:

Part of the East One-half of Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Faribault, Rice County, Minnesota, described as follows: Beginning at a point in the South line of the Northeast Quarter of said Section 19 (for purposes of this description bearings are assumed and based on said South line being South 89°34'24" East), a distance of 264.00 feet easterly from the Southwest corner of said Northeast Quarter; thence North 0°31'10" East, along a line 264.00 feet easterly from and parallel with the West line of the South One-half of said Northeast Quarter, 1089.00 feet; thence North 89°34'24" West, 264.00 feet to a point in said West line; thence North 0°31'10" East, along said West line 222.40 feet to the Northwest corner of said South One-half of Northeast Quarter; thence South 89°30'45" East, along the North line of said South One-half of Northeast Quarter, 1556.69 feet to a point in the northwesterly right of way line of the Chicago Great Western Railway Company (now abandoned); thence South 25°44'12" West, along said northwesterly right of way line of abandoned railway, 596.02 feet; thence North 89°35'38" West, 707.68 feet to a point in the southeasterly line of an easement for Trunk Highway construction and maintenance acquired by the State of Minnesota, as stated in the final certificate, filed and of record in the County Recorder's Office in Book 225 of Deeds, pages 48 to 62; thence southwesterly, along said highway easement line, on a curve, concave easterly (curve data; radius = 3729.72 feet; delta angle = 3°40'32"; chord bearing and distance = South 10°00'22" West, 239.23 feet), an arc distance of 239.27 feet; thence southwesterly, along a offset spiral curve of increasing radius (center line of spiral curve data: degree of curve = 1°07'30"; length of curve = 150.00 feet; spiral offset = 90.00 feet) chord bearing and distance = 7°24'58" West, 148.23 feet; thence South 7°02'36" West, 720.50 feet to a point in the South line of the North One-fourth of the North One-half of the Southeast Quarter of said Section 19; thence North 89°35'38" West, along the South line of said North One-fourth of the North One-half of Southeast Quarter, 32.15 feet; to a point in the center line of First Avenue N.W. as said road is built and traveled; thence North 6°39'37" East, along said center line of First Avenue N.W. as traveled, 164.02 feet; thence North 89°34'24" West, 177.34 feet to a point in a line 264.00 feet easterly from and parallel with the West line of the Southeast Quarter of said Section 19; thence North 0°30'28" East, along said parallel line, 165.00 feet to said point of beginning, subject to Minnesota Trunk Highway 3 over the Westerly side, 27th Street over the southerly side, First Avenue N.W. over the southeasterly side; and subject to an easement for Trunk Highway construction and maintenance through said above described parcel; EXCEPT parcel numbered 202 on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 66-4 in the office of the County Recorder.

EXHIBIT B  
Depiction of the Identified Land

