



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, APRIL 18, 2022

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
 - A. Variances from setback requirements for parking surfaces/driveways and trash enclosure screening in front of the building for Bauer Restoration at 933 Hulett Ave.
 - B. Overview of Public Hearings related a Proposed Rice County Public Safety Center
 - 1 Ordinance 2022-x Approve Zoning Provisions for the Wild and Scenic River Overlay District
 - 2 Resolution 2022-x Approve a Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW
 - 3 Ordinance 2022-xxx Rezone Property East of State Highway 3 and 30th Street NW
 - 4 Ordinance 2022-x Approve the Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW
 - 5 Resolution 2022-xxx Approve the Preliminary and Final Plat of CANNON RIVER VIEW
4. Adjournment

Please contact the Departments of Community & Economic Development at 507-334-0100 if you need special accommodations to participate in this meeting.



PLANNING COMMISSION MEETING MINUTES

MONDAY, March 21, 2022

6:00 PM

1. Call to Order/Roll Call

Members Present: Dave Albers, David Campbell, Barton Jackson, Steve White and Chair Ackman

Members Absent: Faysal Ali and Samuel Temple

2. Approve the March 7, 2022 Regular Meeting Minutes.

A motion was made by Commissioner Albers and seconded by Commissioner Jackson to approve the minutes of March 7, 2022 as presented.

Motion passed on a 5/0 vote.

Chair Ackman makes an announcement regarding procedures and background and then turned it over to David Wanberg for presentation.

3. Public Hearings

- A. Resolution 2022-xxx Approve a Conditional Use Permit for the Development of an Enclosed Loading Dock in the Shoreland Management District at the Faribault Woolen Mill at 1500 NW 2nd Avenue

Wanberg began his presentation with Paul Mooty (the Applicant, who was present), on behalf of Adrian Mill Holdings, LLC (the Owner), requested a conditional use permit to develop an enclosed loading dock on the east side of the Faribault Woolen Mill building at 1500 NW Second Avenue. The subject property is in the I-2, Heavy Industrial District and the Shoreland Management District. The Shoreland Management District requires a conditional use for industrial development in the district to help ensure that development does not adversely affect the quality of adjacent surface waters. In this case, the proposed enclosed loading dock would be constructed over the top of existing impervious material. Therefore, the proposed dock will not increase impervious coverage and stormwater runoff to the adjacent river.

City Staff notified the Minnesota Department of Natural Resources (DNR) of the proposed loading dock. DNR Staff noted that the proposed development would not adversely affect the adjacent river. However, the DNR encourages the Owner to

provide additional green space and stormwater management practices when and where feasible. The Owner has indicated a desire to green the property further and will work with City Staff on plans in the near future.

City Staff supports the Applicant's conditional use permit request. The proposed addition will be consistent with the appearance and character of the existing building. The existing loading dock on the east side of the Faribault Woolen Mill requires trucks to back into the dock from 2nd Avenue NW, which is not ideal from a traffic safety point of view. The proposed loading dock would eliminate the need for trucks to back into the dock from 2nd Avenue NW. Consequently, the proposed dock will improve truck circulation and reduce the chance of traffic conflicts on 2nd Avenue NW.

Although the proposed dock would eliminate parking spaces in this area, the Applicant believes there is sufficient parking elsewhere on the site, so parking should not be a problem. Furthermore, the Applicant is coordinating with City Staff on other site improvements, including refined parking and additional green space. Given the traffic safety concerns with the existing dock, City Staff supports the City's approval of the proposed dock now, while allowing City Staff and the Applicant to work on other site improvements.

After Wanberg's presentation, Chair Ackman opened the matter up for discussion. No one spoke.

Chair Ackman then opened the matter up for public hearing at 6:06 p.m. Mr. Mooty came forward to briefly offer his appreciation for this realizing it is a safety issue.

Carol Jannsen, 333 14th Street then came forward to speak as wondering if it was going to affect her property. Chair Ackman explained the reason she received the letter and Mr. Mooty and Ms. Jansen then spoke at the TV screen for a moment. Chair Ackman then closed the public hearing at 6:09 p.m. Commissioner White then saluted them for fixing the safety issue.

A motion was made by Commissioner White and seconded by Commissioner Jackson having met the findings recommends approval for the Development of an Enclosed Loading Dock in the Shoreland Management District at the Faribault Woolen Mill at 1500 NW 2nd Avenue as presented.

Motion passed on a 5/0 vote.

5. Adjournment

Chair Ackman requested a motion to adjourn. Commissioner Jackson made a motion to adjourn seconded by Commissioner Campbell. Meeting was adjourned at 6:10 p.m. Motion carried unanimously.

Dated March 21, 2022.

By _____
Kari Casper, Recording Secretary



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: April 18, 2022
SUBJECT: Variances from setback requirements for parking surfaces/driveways and trash enclosure screening in front of the building for Bauer Restoration at 933 Hulett Ave.

Background:

Bruce Bauer on behalf of Miller Bauer Properties LLC (property owner) is seeking variances from setback requirements for parking area / driveway pavement and for a trash enclosure screen in front of the building at 933 Hulett Ave. The site is located in the Shoreland Protection District and I-2 Heavy Industrial zoning district.

The pavement was installed in part to protect underground utilities along this property line. The site plan was originally approved with a front yard trash enclosure, but the approved location was not workable in that it interfered with access to the rear of the building. Upon receipt of the required as-built drawing for the development on this site, City Staff noted some improvements that did not follow the site plan approved with the CUP in Resolution 2015-098 and variance applications were suggested as the best solution to address this situation. Accordingly, the property owners have submitted the variance application in this case.

The attached Staff Report to the Planning Commission will provide specific details of the request and notes that the City Staff is recommending approval in this case.

Recommendation:

Approve findings in support of the applications presented in this case subject to the recommended conditions of approval and based the findings listed in the draft resolution granting the proposed variances for Bauer Restoration at 933 Hulett Avenue.

Attachments:

1. Draft Resolution for Variances - Bauer Restoration - 933 Hulett Ave
2. Staff Report to Planning Commission

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2022-_____

APPROVE VARIANCES FOR A FRONT YARD TRASH ENCLOSURE AND SIDE SETBACK REQUIREMENTS FOR PARKING AND DRIVEWAY PAVEMENT AT 933 HULETT AVENUE

WHEREAS, Bruce Bauer, (Applicant) on behalf of Miller Bauer Properties LLC (Owners) has requested variances from the Unified Development Ordinances to permit the placement of a trash enclosure screen in the front yard area and permit pavement for a driveway and parking area within the required setback area of the property located at 933 Hulett Avenue legally described on Exhibit A; and

WHEREAS, the subject property is in I-2 Heavy Industrial District and Shoreland Protection Overlay District; and

WHEREAS, on May 26, 2015, the City adopted Resolution 2015-098 approving a Conditional Use Permit for development of the site in the Shoreland Overlay District; and

WHEREAS, the parking lot pavement and driveway were built less than two (2) feet from the side property line, as shown on the as-built drawing found in Exhibit B; and

WHEREAS, the City's Unified Development Ordinance (UDO) Sec. 12-110 requires properties in the I-2 District are required to maintain a parking lot and driveway setback of five (5) feet from the side and rear property lines; and

WHEREAS, The City's Unified Development Ordinance Sec. 6-40 requires

trash enclosures if provided, to be enclosed on at least three (3) sides by opaque screening at least six (6) feet in height. The open side of the enclosure shall not face any street or the front yard of any abutting property; and

WHEREAS, the trash container on this site is placed in front of the building and only screened on one side rather than on three sides as required; and

WHEREAS, City Staff has completed a review of the Applicant's variance application and presented a report and recommendation on the variance request to the Planning Commission; and

WHEREAS, the Planning Commission, on the 18th day of April, 2022, following proper notice, held a public hearing regarding the Applicant's variance application; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the requested variance based on the following findings as required by Section 2-460 of the City of Faribault, Unified Development Ordinance:

- 1. The variance is in harmony with the general purposes and intent of the City's ordinances.** The subject property is in a Heavy Industrial zoning district with adjoining uses which are similar in nature or more intensive in use. The Subject property as built minimizes the impact on the shoreland area following the overall intent of the ordinances.
- 2. The variance is consistent with the Comprehensive Plan.** The Journey to 2040 Comprehensive Plan guides the subject property for industrial uses. This variance is consistent with the plans goals or promoting business and protecting the natural environment.
- 3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.** The pavement placement and single sided trash screening addition do not adversely affect neighboring properties or the public and is sensitive to the site's location in floodplain and shoreland area. For these reasons, the requested variance is reasonable.
- 4. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other**

- circumstances over which the owner of the property has not had control.** The subject property is uniquely shaped, is impacted by the floodplain and adjoining river shoreline making the site unique.
- 5. The variance does not alter the essential character of the neighborhood.** The pavement and trash screening do not stand out as an unusual condition in this industrial area and does not alter the neighborhood's character.
- 6. The variance requested is the minimum variance which would alleviate the practical difficulties.** The owner's effort to keep the site improvement as far from the river as possible created a practical difficulty in siting the trash enclosure in front and precludes fully enclosing the container on three sides.
- 7. Economic conditions alone do not constitute practical difficulties.** The variance request is not based on economic conditions.

WHEREAS, the City Council, on the 26th day of April 2022, at a public meeting considered the Applicant's variance request, reviewed City Staff's report to the Planning Commission, and considered the results of the public hearing; and

WHEREAS, the City Council concurs with Planning Commission's recommendation and findings as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY FARIBAULT, MINNESOTA AS FOLLOWS:

Section 1: Incorporation of Recitals and Exhibits. The recitals set forth in this resolution and the exhibits attached hereto are incorporated into and made a part of this resolution.

Section 2: Approval of the Variance. The Faribault City Council hereby approves the requested variances for the parking lot and driveway pavement setbacks and for a front yard trash enclosure with screening on one side as shown on the as-built drawing attached as Exhibit B.

Section 3: Conditions of Approval. The variance's approval is subject to conditions listed herein as authorized under Section 2-470 of City's Unified

Development Ordinance, all of which are necessary to comply with the standards established by the City's ordinances, or to reduce or minimize the effect of such variance upon other properties in the area and to better carry out the intent of the variance. The conditions of the variance approval are as follows:

1. The Owner's must enter into a stormwater maintenance agreement with the City for the site.
2. The Owner's shall adhere to all requirements of City Ordinances and the conditional use permit as specified in Resolution 2015-098.
3. Outside storage of materials must be screened from view of the street and otherwise meet the development standards specified in City ordinances.
4. Trailers and vehicles must be parked/stored on paved surfaces at the site.
5. No additional pavement area shall be installed at the site without first received site plan approval from the City.

Section 4: Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: April 26, 2021

Faribault City Council

Kevin F. Voracek, Mayor

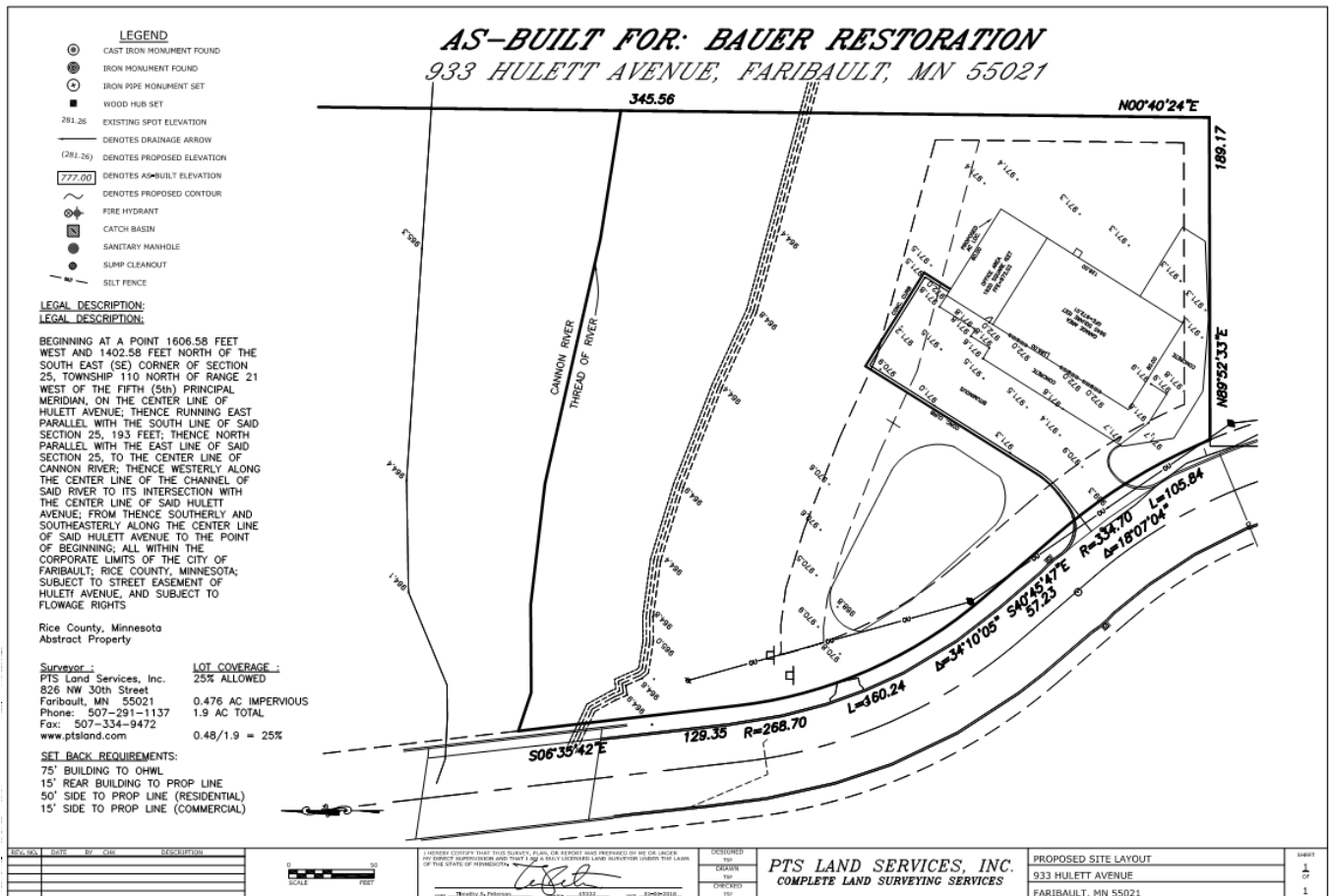
ATTEST:

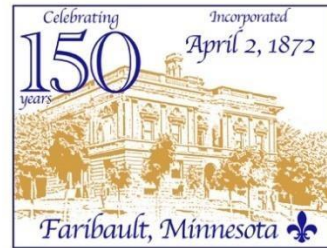
Timothy C. Murray, City Administrator

Exhibit A:
Legal Description

Beginning at a point 1606.58 feet West and 1402.58 feet North of the South East (SE) Corner of Section 25, Township 110 North of Range 21 West of the Fifth (5th) Principal Meridian, on the center line of Hulett Avenue; thence running East parallel with the South line of said Section 25, 193 feet; thence North parallel with the East line of said Section 25, to the center line of Cannon River; thence Westerly along the center line of the channel of said river to its intersection with the center line of said Hulett Avenue; from thence Southerly and Southeasterly along the center line of said Hulett Avenue to the point of beginning; all within the corporate limits of the City of Faribault, Rice County, Minnesota; Subject to street easement of Hulett Avenue, and subject to flowage rights.

Exhibit B:





Staff Report

TO: Planning Commission
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: April 18, 2022
SUBJECT: Variances from setback requirements for parking surfaces/driveways and trash enclosure screening in front of the building for Bauer Restoration at 933 Hulett Ave.

Background:

Bruce Bauer on behalf of Miller Bauer Properties LLC (property owner) is seeking variances from setback requirements for parking area / driveway pavement and for trash enclosure screen in front of the building at 933 Hulett Ave. The site is located in the Shoreland Protection District and I-2 Heavy Industrial zoning district.

The pavement was installed in part to protect underground utilities along this property line. The site plan was originally approved with a front yard trash enclosure, but the approved location was not workable in that it interfered with access to the rear of the building.



Surrounding uses include industrial uses to the south, east and west. The Cannon River adjoins the site on the north.

Project Summary:

Zoning Districts. The property is zoned I-2, Heavy Industrial District and is within the Shoreland Overlay District for the Cannon River.

A conditional use permit (CUP) was for development within the Shoreland Overlay District when the site first developed in 2014.

Comprehensive Plan. The property is guided by the 2040 Comprehensive Plan for Industrial Uses. The application fits within the guided uses specified in the plan.



Conditional Use Permit. A Conditional Use Permit (CUP) is required for any development within the Shoreland Overlay District area. In its review of the CUP application, the State DNR has no objections or noted concerns. The application meets all ordinance development standards for the Shoreland Overlay District.

Development Plan / As Built Drawings. The site was generally constructed as planned and approved by Resolution _____. The owners had added some concrete drive areas beyond that shown on the approved plans and had to move the trash enclosure as noted above due to access issues.

Impervious Surface Calculations. Approximately 26% of the total area is hard surface covered at this time. Shoreland Overlay District requirements allow up to 70% impervious surface coverage for the area within its boundaries.

Stormwater Management. The subdivision proposal includes the provision of stormwater management for the development on site. The property is required to enter into a stormwater maintenance agreement for this site.

Deadline for Action. The complete applications for the variance applications were received by the City on March 15, 2022. The deadline for action is May 15, 2022, unless extended by the City.

Development Review Comments:

The Development Review Committee (DRC) discussed the application in this at a work session meeting held April 5, 2022. The DRC did not object to the approval of the variance applications at the site. The DRC comments were as follows:

1. A stormwater management agreement with the City is required and will be needed as condition of approval in this case.
2. The Minnesota DNR provided review comments regarding the CUP for Shoreland Development and had no objections with the request
3. The applicant indicated that the cement ground cover in this case is of benefit in that it helps protect underground utilities in this area of the site
4. The DRC recognizes the practical limitations of the site, and notes that owner has kept improvements as far from the shore as possible.
5. Although the application does not clearly meet all required findings listed in the UDO, the DRC members felt the variances can be justified under the circumstances.

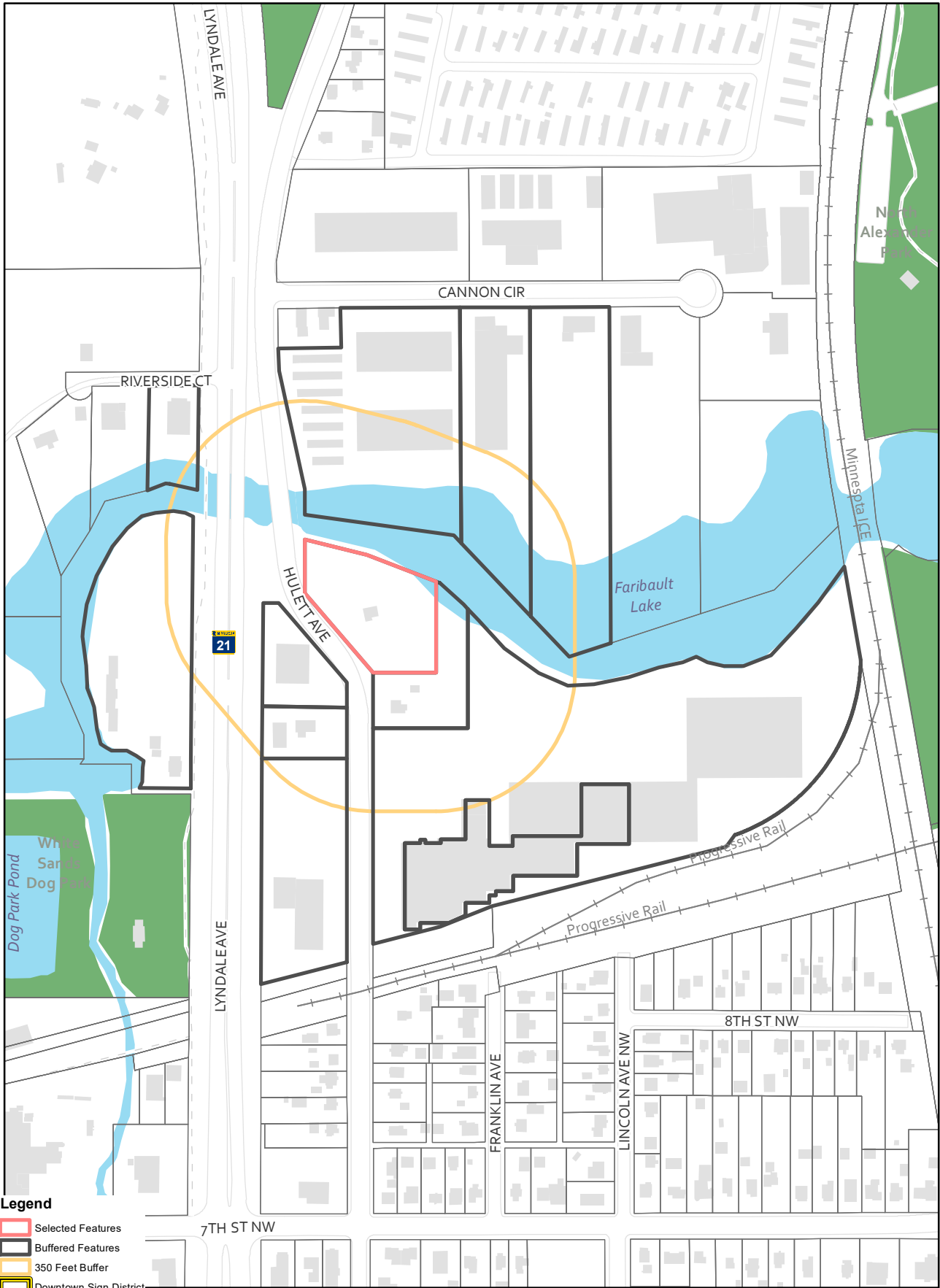
Recommendation:

Staff recommends approval of the variances as requested for parking and driveway setbacks and to locate the trash enclosure screening in the front yard of the site.

Attachments:

- Draft Resolution in support of the requested variances.
- Application and As-built Plan
- Maps

933 Hulett Ave - Bauer Restoration Variances



- Legend**
- Selected Features
 - Buffered Features
 - 350 Feet Buffer
 - Downtown Sign District

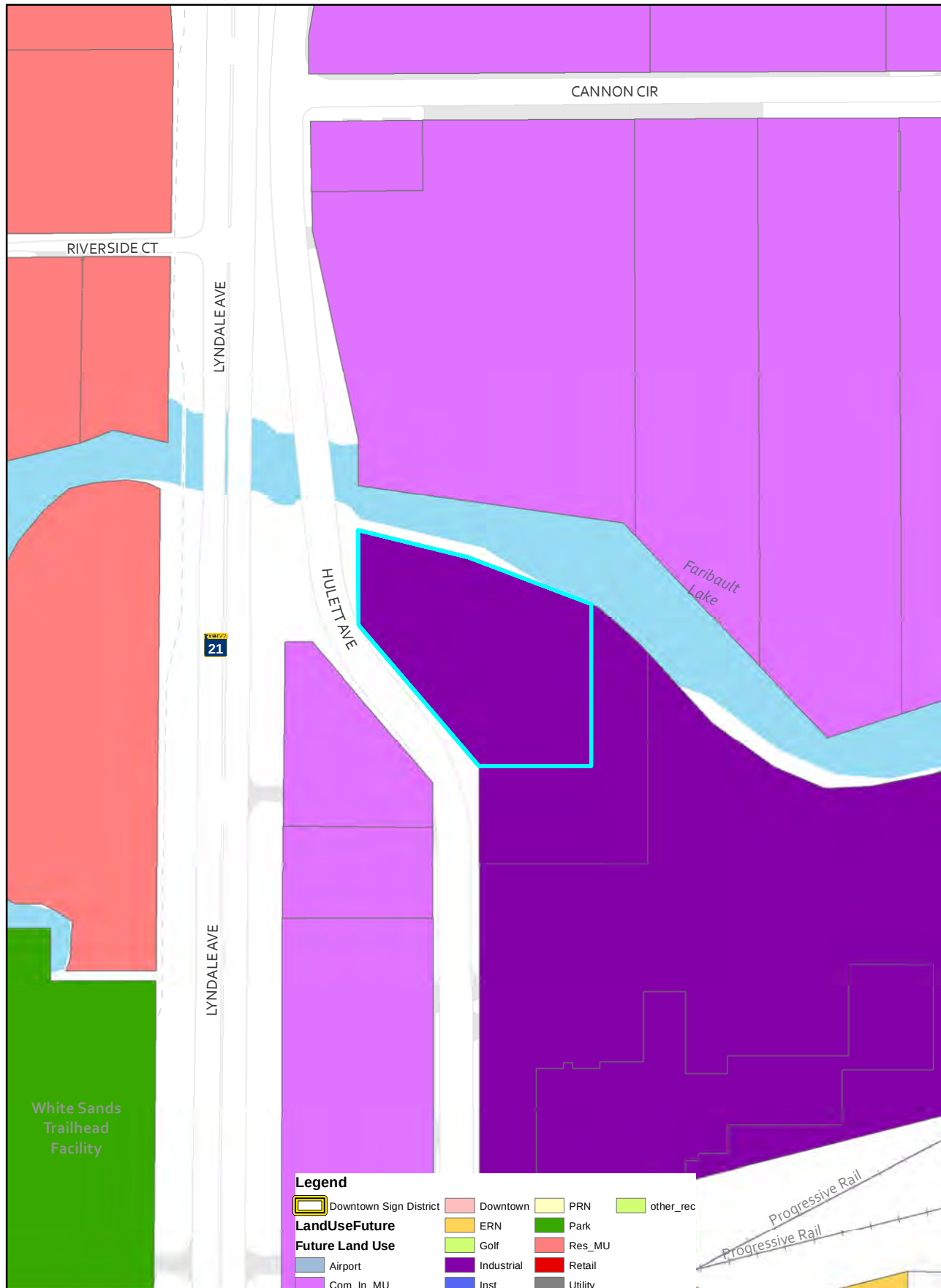
April 04, 2022

1 in = 354 ft
0 87.5 175 350 Feet



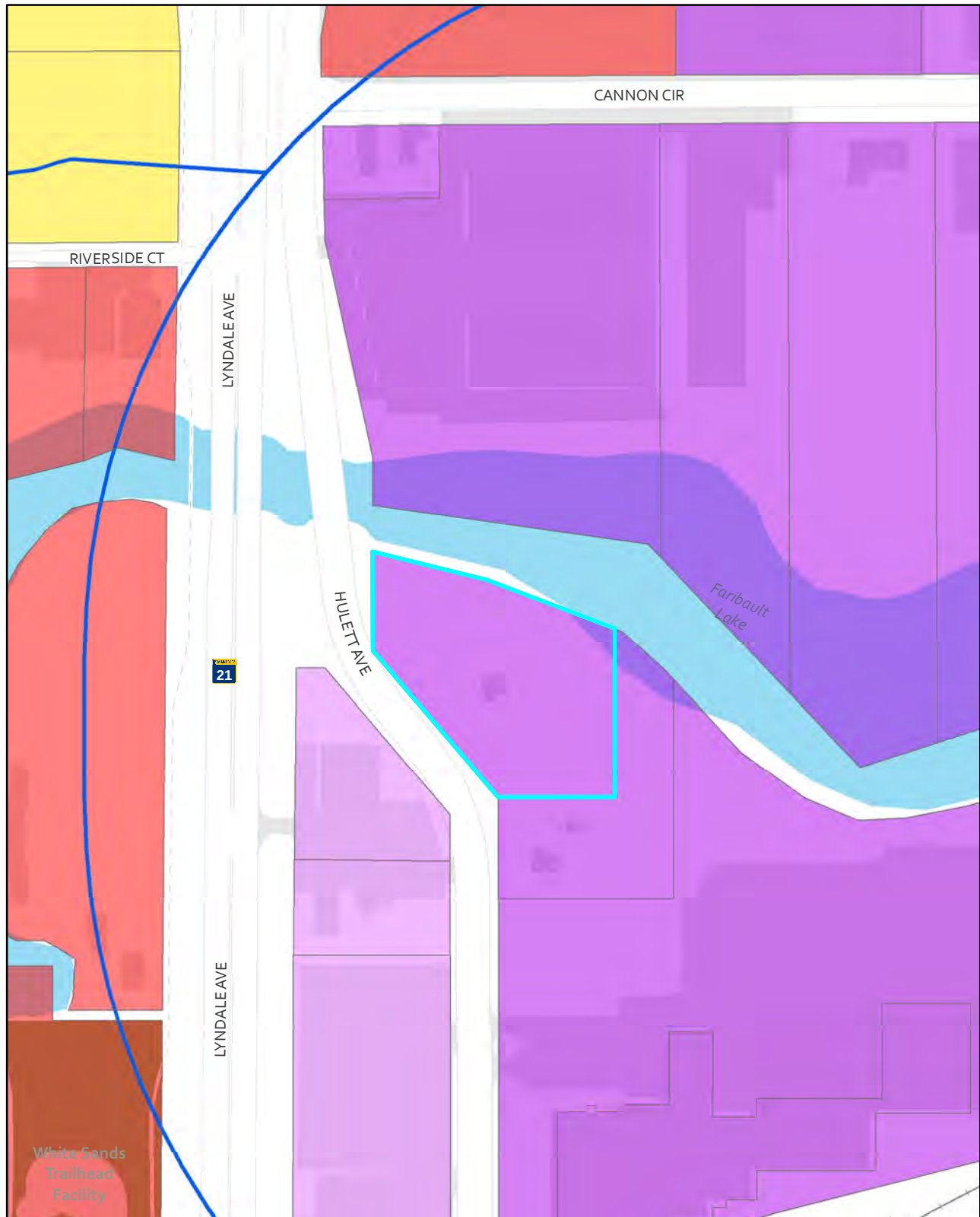
This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific inquiries should be directed to the Planning Division at (507) 334-0100

933 Hulett Avenue - Variance Applications Comprehensive Plan Map



933 Hulett Avenue - Variance Applications

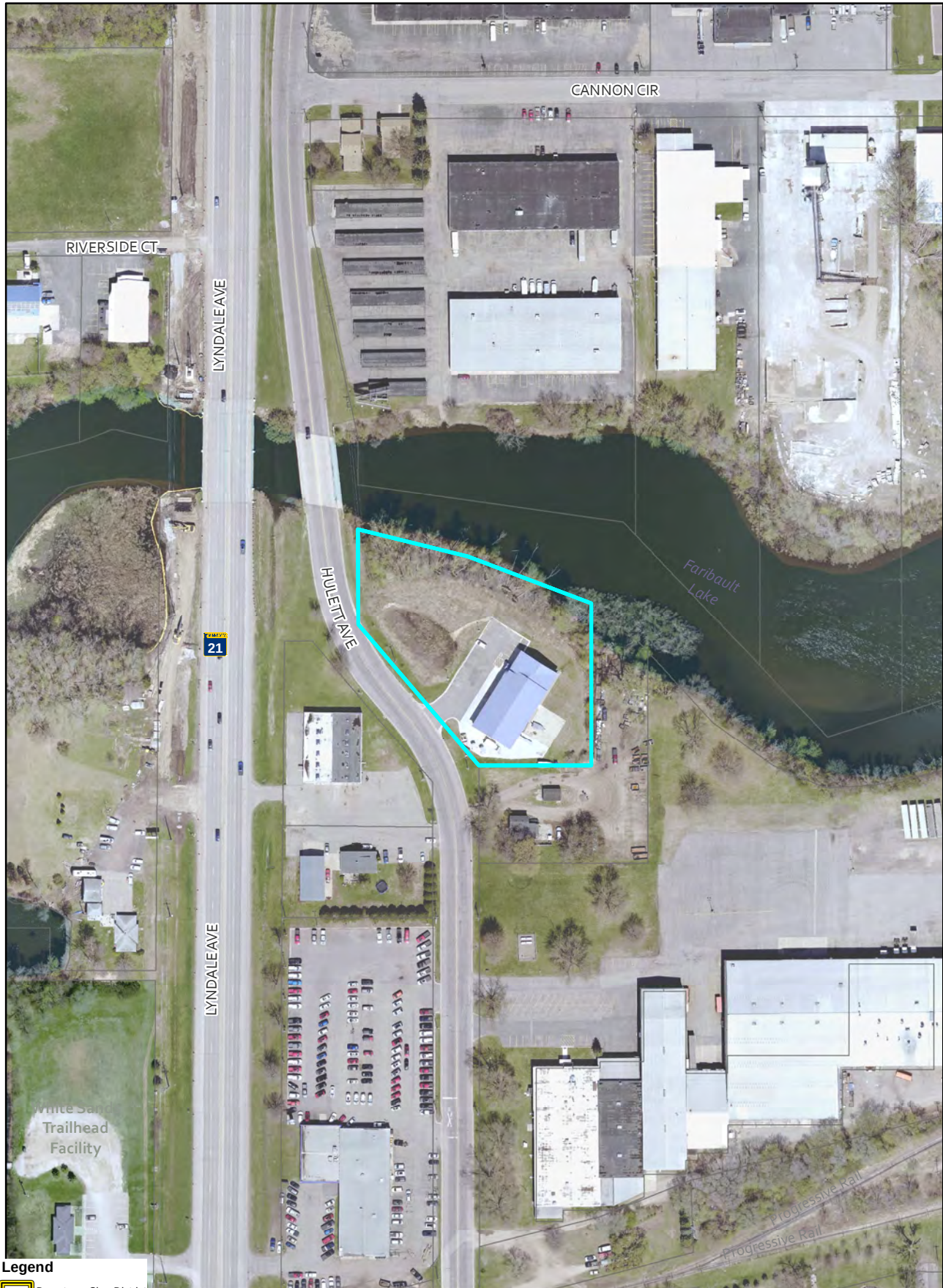
Zoning Map



Legend

Shoreland Overlay District	Single Family Residential	Residential Manufactured Home	Central Business District	Other
Zoning	Single and Two Family Residential	Commercial	Heavy Industrial	Agriculture/Open Space
<all other values>	Low Density Residential	Community Commercial	Industrial Park	Transitional Urban Development
Residential	Medium Density Residential	Highway Commercial	Light Industrial	Downtown Sign District
High Density Residential	Neighborhood Commercial			

933 Hulett Avenue - Variance Applications



Legend

 Downtown Sign District



- LEGEND**
- CAST IRON MONUMENT FOUND
 - ⊙ IRON MONUMENT FOUND
 - ⊕ IRON PIPE MONUMENT SET
 - WOOD HUB SET
 - 281.26 EXISTING SPOT ELEVATION
 - ← DENOTES DRAINAGE ARROW
 - (281.26) DENOTES PROPOSED ELEVATION
 - 777.00 DENOTES AS-BUILT ELEVATION
 - ~ DENOTES PROPOSED CONTOUR
 - ⊗ FIRE HYDRANT
 - ▨ CATCH BASIN
 - SANITARY MANHOLE
 - SUMP CLEANOUT
 - SILT FENCE

LEGAL DESCRIPTION:
LEGAL DESCRIPTION:

BEGINNING AT A POINT 1606.58 FEET WEST AND 1402.58 FEET NORTH OF THE SOUTH EAST (SE) CORNER OF SECTION 25, TOWNSHIP 110 NORTH OF RANGE 21 WEST OF THE FIFTH (5th) PRINCIPAL MERIDIAN, ON THE CENTER LINE OF HULETT AVENUE; THENCE RUNNING EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 25, 193 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID SECTION 25, TO THE CENTER LINE OF CANNON RIVER; THENCE WESTERLY ALONG THE CENTER LINE OF THE CHANNEL OF SAID RIVER TO ITS INTERSECTION WITH THE CENTER LINE OF SAID HULETT AVENUE; FROM THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HULETT AVENUE TO THE POINT OF BEGINNING; ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF FARIBAULT; RICE COUNTY, MINNESOTA; SUBJECT TO STREET EASEMENT OF HULETT AVENUE, AND SUBJECT TO FLOWAGE RIGHTS

Rice County, Minnesota
Abstract Property

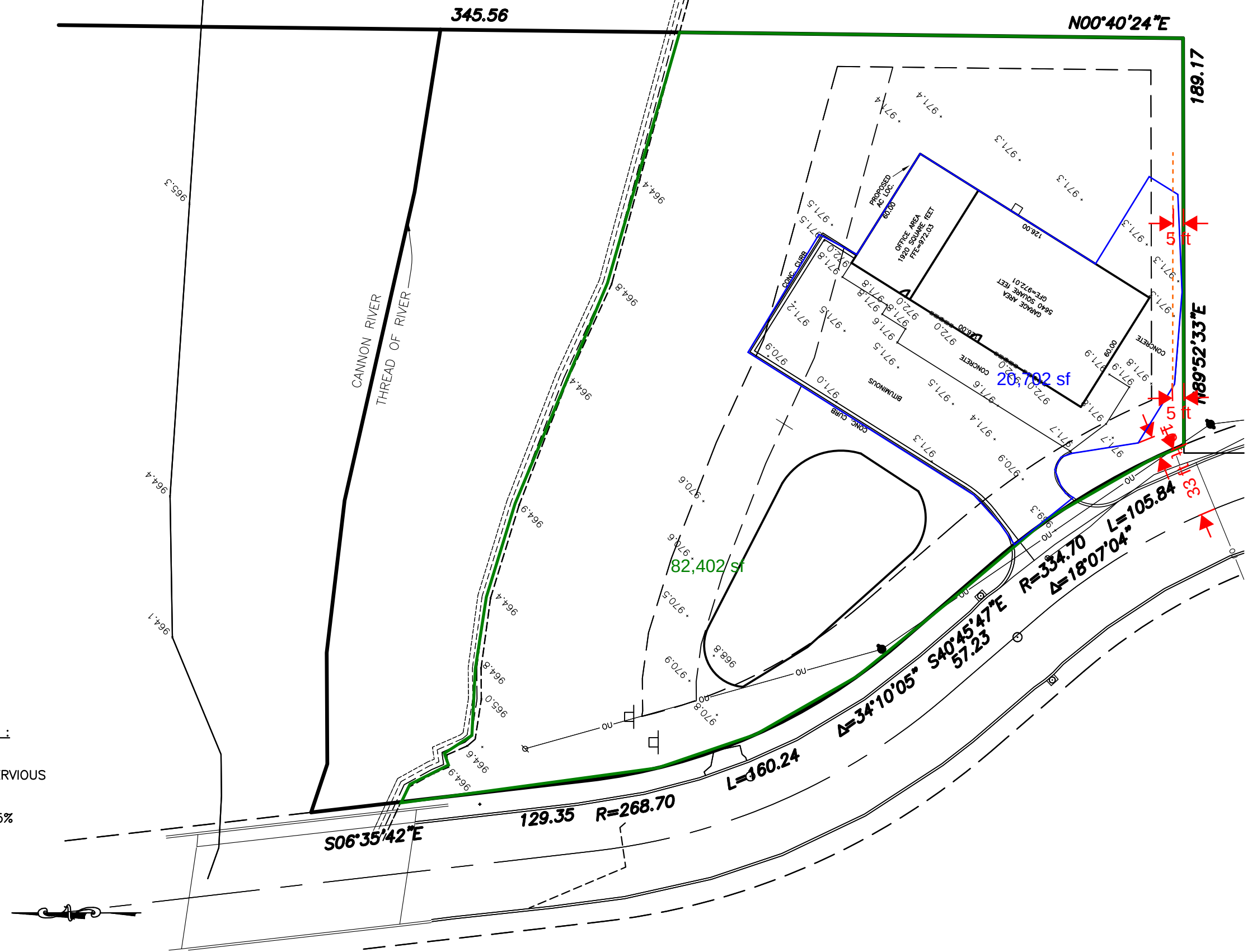
Surveyor :
PTS Land Services, Inc.
826 NW 30th Street
Faribault, MN 55021
Phone: 507-291-1137
Fax: 507-334-9472
www.ptsland.com

LOT COVERAGE :
25% ALLOWED
0.476 AC IMPERVIOUS
1.9 AC TOTAL
0.48/1.9 = 25%

SET BACK REQUIREMENTS:
75' BUILDING TO OHWL
15' REAR BUILDING TO PROP LINE
50' SIDE TO PROP LINE (RESIDENTIAL)
15' SIDE TO PROP LINE (COMMERCIAL)

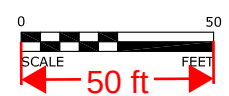
AS-BUILT FOR: BAUER RESTORATION

933 HULETT AVENUE, FARIBAULT, MN 55021



FILE: PTS 12006_1
PLOT DATE: 05-24-12 09:54

REV. NO.	DATE	BY	CHK	DESCRIPTION



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Timothy S. Peterson

NAME: Timothy S. Peterson
NO. 45332
DATE: 01-06-2018

DESIGNED
TSP
DRAWN
TSP
CHECKED
TSP

PTS LAND SERVICES, INC.
COMPLETE LAND SURVEYING SERVICES

PROPOSED SITE LAYOUT
933 HULETT AVENUE
FARIBAULT, MN 55021

SHEET
1
OF
1



Bruce Bauer – CEO – 507-333-9838 – bruce@bauerrestoration.com – 933 Huelett Ave., Faribault, MN 55021

March 15, 2022

Peter Waldock
Planning Coordinator
Community & Economic Development Department
208 1st Avenue NW
Faribault, MN 55021

Dear Peter Waldock,

I am writing you today to request a five-foot variance on the southern border of our property located at 933 Huelett Avenue, Faribault, MN 55021.

Prior to having Van Haren Construction pour the slab of concrete leading to the back section of our property in 2016, I received verbal confirmation that the additional cement pour was okayed. I had no intention of violating the city ordinance or evading the correct process. For this reason, I am grateful now to have the opportunity to formally request the variance.

I petition that we be granted a five-foot variance on the southern border of our property, because the purpose of the concrete slab was not to gain impervious land access but to protect our lift station and allow access to the industrial size air exchanger that we were required to include moving further into our 2016 building project.

Thank you for your time and assistance in working through this process. We appreciate your help and dedication in serving the City of Faribault and small businesses like ours. Please let us know if you have any questions regarding our variance request.

Regards,

Bruce Bauer, CEO





APPLICATION FOR REQUESTED ACTION
Variance

Planning Case # _____
Filing Fee _____
Hearing Date _____

APPLICANT Bauer Restoration E-MAIL Bruce@bauerrestoration.com

PHONE 952-200-3436 (H) _____ (W) 507-333-9838 (FAX) _____

APPLICANT ADDRESS 933 Hulett Ave Faribault

OWNER (if other than applicant) Miller Bauer Properties LLC

PHONE 612-669-8848 (H) _____ (W) 952-200-3436 (FAX) _____

OWNER'S ADDRESS PO Box 693 Faribault, MN 55021

ADDRESS OF PROPERTY 933 Hulett Ave, Faribault

LEGAL DESCRIPTION _____

ACREAGE/SIZE OF PROPERTY _____

CURRENT ZONING _____

EXISTING USE OF PROPERTY _____

PROPOSED USE OF PROPERTY _____
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES _____

SIGNATURE OF APPLICANT Bruce Bauer DATE 3/15/22
(Must submit proof of property control)

SIGNATURE OF THE OWNER _____ DATE _____
(if other than the applicant)

**PLEASE PROVIDE ALL INFORMATION REQUESTED ON THIS FORM
AND THE ATTACHED CHECKLIST.**

VARIANCE
Required Submittals

◆ **Site plan**

- ☒ Drawn to scale, with scale noted
- ☒ Date and North arrow
- ☒ Boundaries and dimensions shown graphically
- ☒ Location of any streets, public trails, railroads, or waterways
- ☒ Location of existing and proposed structures, with distance from property lines noted
- ☒ Location and dimensions of existing and proposed off-street parking and loading spaces, with distance from property lines noted (when applicable)

◆ **Required supplemental information**

- ☒ Written summary stating the specific variation requested, giving distances as needed
- ☒ Written summary stating exceptional conditions/peculiar difficulties which make the variance necessary
- ☒ Written statement as to why you feel a variance should be granted
- ☒ Other information as required

◆ **Filing fee**

SIGNATURE OF APPLICANT



DATE

3/15/22

Planning Case # _____



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: April 18, 2022
SUBJECT: Overview of Public Hearings related a Proposed Rice County Public Safety Center

Background:

Rice County (the "Applicant") acquired the former Faribault Foods spray fields east of State Highway 3 and 30th Street NW with the intention of developing a new Rice County Public Safety Center. Over the next several months, the Planning Commission will make recommendations on the Applicant's requests related to the proposed development. At this time, the Planning Commission should take action on the following requests:

1. Zoning provisions for the Wild and Scenic River Overlay District
2. Comprehensive Plan amendment related to future land use east of State Highway 3 and 30th Street NW
3. Rezoning property east of State Highway 3 and 30th Street NW
4. Vacation of the former State Highway 218 easement east of State Highway 3 and 30th Street NW
5. Preliminary and final plat of CANNON RIVER VIEW east of State Highway 3 and 30th Street NW

Refer to the attached planning and zoning overview, engineering overview, and the memorandum of understanding between Rice County and the City of Faribault for additional information. City Staff will provide an overview of the Applicant's requests, and the Applicant will be available to provide additional detail and answer questions that the Commission or the public may have. Staff recommends that the Commission open public hearings for all

requests, and then take separate actions on each request as noted in the recommendations below.

Recommendation:

Staff recommends that the Planning Commission take the following actions:

1. Recommend that the City Council approve Ordinance 2022-x Approve Zoning Provisions for the Wild and Scenic River Overlay District;
2. Recommend that the City Council approve Resolution 2022-xxx Approve a Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW;
3. Recommend that the City Council approve Ordinance 2022-x Rezone Property East of State Highway 3 and 30th Street NW;
4. Recommend that the City Council approve Ordinance 2022-x Approve Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW; and
5. Continue the public hearing until May 2, 2022, related to the preliminary and final plat of CANNON RIVER VIEW.

Attachments:

1. Planning Overview
2. Engineering Overview
3. Memorandum of Understanding

Rice County Public Safety Center and Related Applications

Planning and Zoning Overview for
April 18, 2022, Planning Commission Public Hearing
Prepared by David Wanberg, City Planner

Background:

Rice County acquired the former Faribault Foods spray fields east of State Highway 3 and 30th Street NW (see attached Location Map) with the intention of developing a new Rice County Public Safety Center at the site. In related matters, the City is working with MnDOT on a roundabout at the intersection of State Highway 3 and 30th Street NW, and owners of the Borchert Motors property at 18295 Faribault Blvd (State Highway 3) have petitioned to be annexed to the City of Faribault. These projects are moving forward simultaneously with the intention of starting infrastructure work this fall.

At this time, the Planning Commission should take action on the following requests:

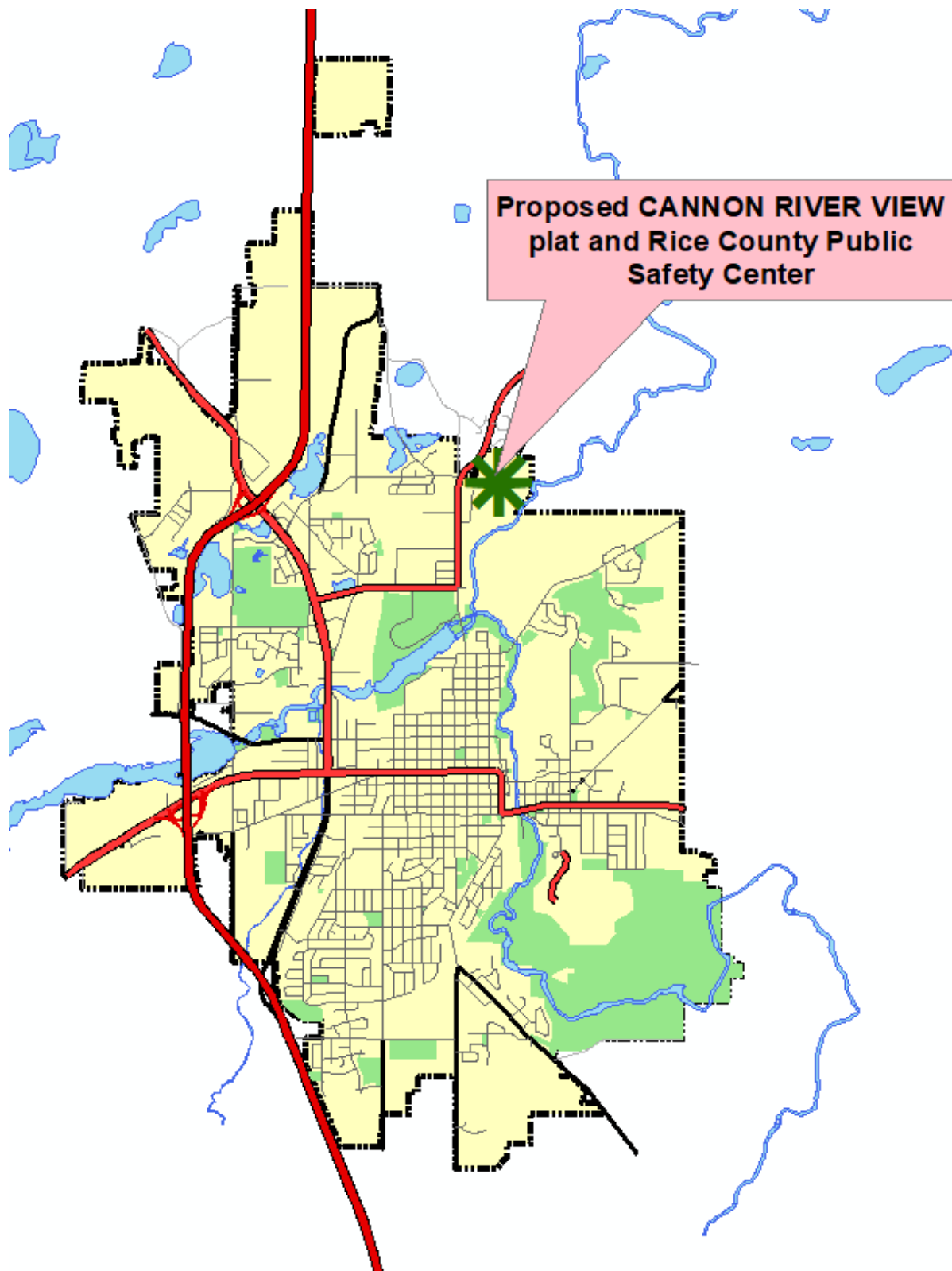
1. Zoning Provisions of the Wild and Scenic River Overlay District;
2. Comprehensive Plan amendment related to future land use east of State Highway 3 and 30th Street NW;
3. Rezoning property east of State Highway 3 and 30th Street NW;
4. Vacation of the former Highway 218 easement east of State Highway 3 and 30th Street NW; and
5. Preliminary and final plat approval of CANNON RIVER VIEW.

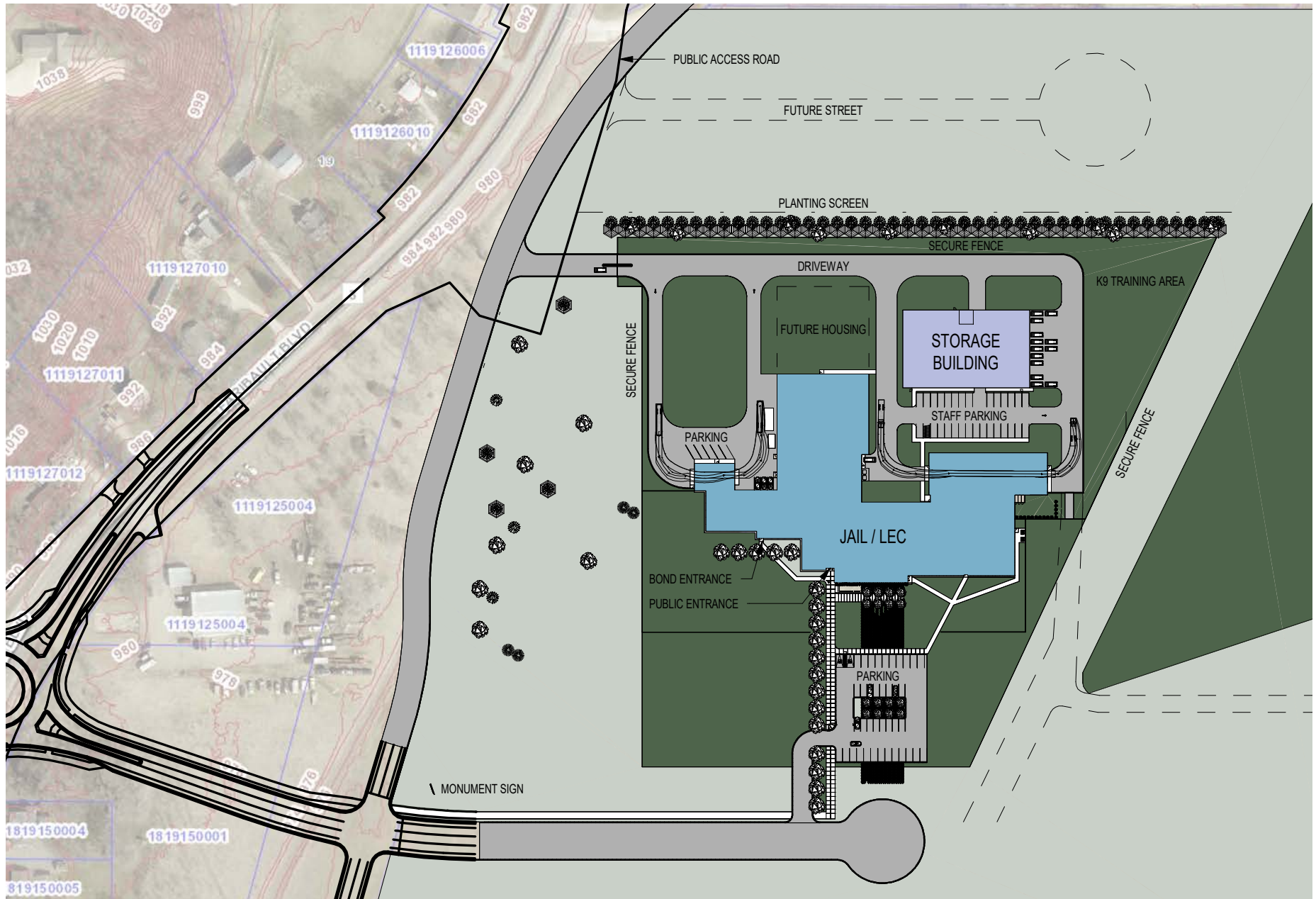
Upcoming applications will include a conditional use permit for the proposed jail in the proposed Rice County Public Safety Center and conditional use permits associated with the proposed limited development in the Wild and Scenic River Overlay District. Refer to the attached concept plans for additional information and to help provide context related to the above requests. However, the Planning Commission should not discuss the concept plans at the April 18 public hearing. The Planning Commission will hold a public hearing in May to review the final plans for the proposed public safety center.

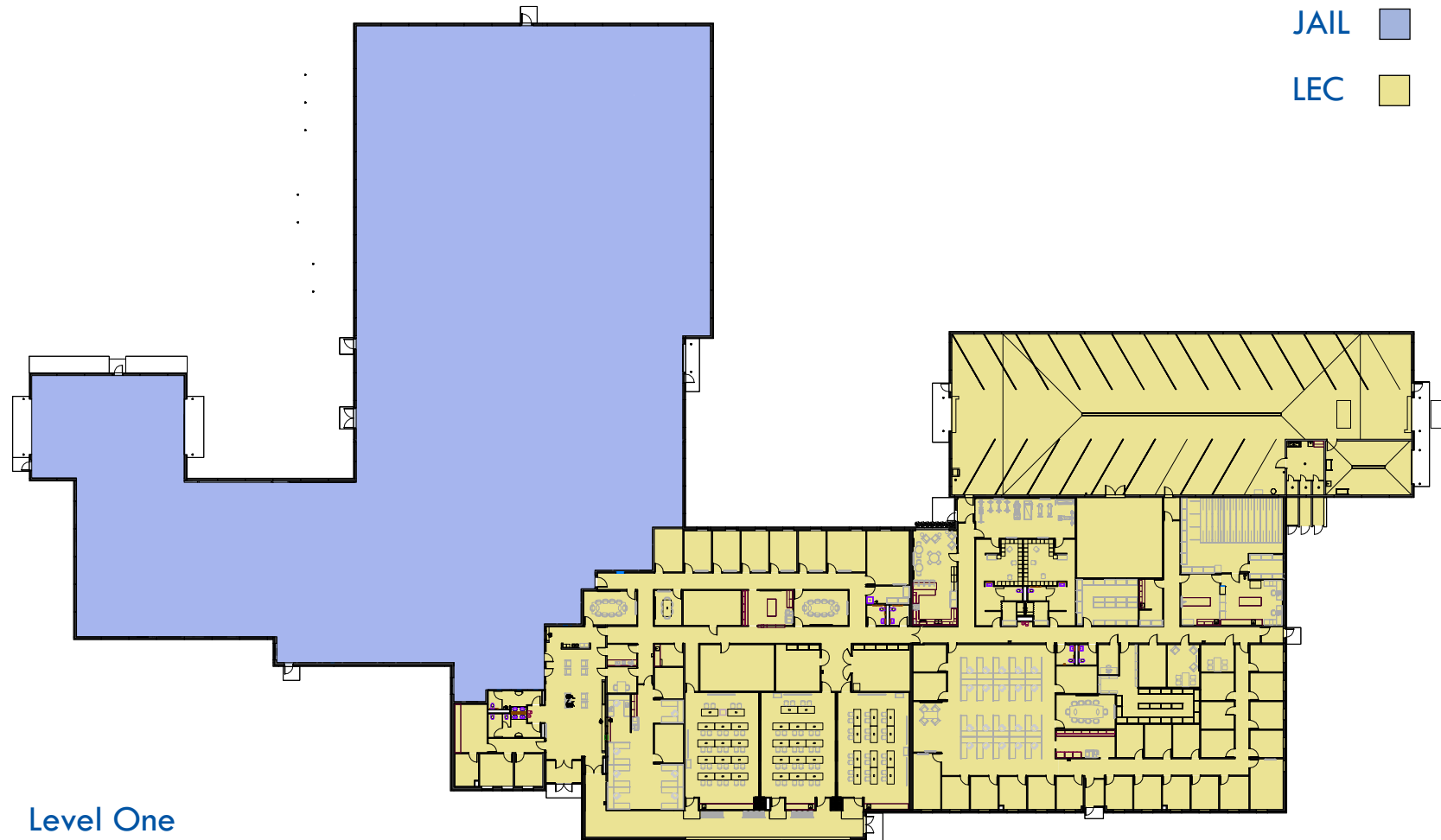
Attachments:

- Location Map
- Concept Plans for the Proposed Rice County Public Safety Center (for discussion at a future public hearing)

LOCATION MAP















Engineering Department Memorandum

TO: David Wanberg, City Planner

CC: Deanna Kuennen, Comm. and Econ. Development Director
Travis Block, Public Works Director
Jeanne Day, Finance Director

FROM: Mark DuChene, City Engineer

DATE: April 18, 2022

SUBJECT: Cannon River View Comprehensive Plan Amendment, Rezoning,
Preliminary Plat, Final Plat, & Easement Vacation

BACKGROUND

Rice County along with Steven & Joan Patee and Paul & Wanda Friesen the property owners and collectively the "Owners", have submitted a comprehensive plan amendment, rezoning, preliminary plat, final plat, and easement vacation applications for the lands commonly known as the former Faribault Foods spray fields and Borchert Motors properties to be platted as the Cannon River View subdivision. The sites are located in the NE ¼ of Section 19 Township 110, Range 20W whose parent parcels are a collective of six (6) metes and bounds parcels. The site is adjacent to Trunk Highway 3 to the west, the Cannon River to the east, industrial development to the south and rural residential/commercial uses to the north.

The parcel ownership and current zoning of the parcels is as follows:

PID	Ownership	Current Zoning	Torrens/Abstract
18.19.1.50.001	Rice County	I-1 Light Industrial	Abstract
18.19.1.25.001	Rice County	I-1 Light Industrial	Abstract
18.19.1.00.002	Rice County	I-1 Light Industrial	Abstract
18.19.1.00.001	Rice County	Open Space/Agriculture	Torrens
18.19.1.75.001	Rice County	Open Space/Agriculture	Torrens
11.19.1.25.004	Patee & Friesen	Limited Industrial (Rice Co.)	Abstract

The Patee & Friesen parcel is currently not within the City of Faribault corporate limits; however, a separate annexation request from the property owners has been submitted to the City and is being processed concurrently with the proposed Cannon River View plat.

Conditional Use Permit

A conditional use permit will be required for the proposed Rice County Public Safety Center development. The CUP will be processed at a later date once final plans for the RCPSC have been finalized.

The proposed development will be completed by:

Owners: Rice County, Steven & Joan Patee and Paul & Wanda Friesen
Developer: Rice County
Surveyor: Stonebrooke Engineering, Inc.
Engineer: Stonebrooke Engineering, Inc.

PLAT/COMPREHENSIVE PLAN AMENDMENT/REZONING

Developer has submitted a preliminary and final plat for Cannon River View. The preliminary and final plat contains five (5) lots and three (3) outlots. The City's Journey to 2040 Comprehensive Plan guided the parent parcels for City Park or Open Space and Commercial/Residential Mixed Use according to the adopted Staged Growth Plan. The Owners are requesting an amendment to the comprehensive plan to change the staged growth plan land use designations as indicated in the table below. Similarly, the Owners are requesting a change in zoning for some of the parcels.

The areas within the plat including their proposed use, comprehensive plan land use classification, and proposed zoning are as follows:

Lot	Area	Proposed Use
Lot 1, Block 1	1,770,692 sf (40.65 ac)	Rice County Public Safety Center
Lot 1, Block 2	169,178 sf (3.88 ac)	Commercial/Industrial Redevelopment
Lot 1, Block 3	89,310 sf (2.05 ac)	Commercial/Industrial Redevelopment
Lot 1, Block 4	150,814 sf (3.46 ac)	Existing Commercial/Industrial Development
Lot 2, Block 4	48,295 sf (1.11 ac)	Commercial/Industrial Redevelopment
Outlot A	130,624 sf (3.00 ac)	Park, Recreation, Open Space
Outlot B	301,443 sf (6.92 ac)	Future Residential Neighborhood
Outlot C	1,130,662 sf (25.96 ac)	City Park or Open Space
Rights-of-Way	204,270 sf (4.69 ac)	N/A
Total	3,995,288 sf (91.72 ac)	

Lot	Comp Plan Land Use	Zoning
Lot 1, Block 1	Institutional	P/I Public/Institutional
Lot 1, Block 2	Commercial/Industrial	I-1 Light Industrial
Lot 1, Block 3	Commercial/Industrial	I-1 Light Industrial
Lot 1, Block 4	Commercial/Industrial	I-1 Light Industrial
Lot 2, Block 4	Commercial/Industrial	I-1 Light Industrial
Outlot A	Other Park, Recreation, Open Space	O Open Space/Agriculture
Outlot B	Planned Residential Neighborhood	R-3 Medium Density Residential
Outlot C	City Park or Open Space	O Open Space/Agriculture

Lot 1 Block 1, Lot 2 Block 4 and Outlots A & B are to be retained by Rice County for the following purposes:

- Lot 1 Block 1 - Development of a new public safety center
- Lot 2 Block 4 – Redevelopment for commercial/industrial uses
- Outlot A – Preserved for open space
- Outlot B – Future medium density residential development

Lot 1 Block 4 is to be retained by its current owners for the continued use of the existing business or for redevelopment.

Lot 1 Block 2, Lot 1 Block 3 and Outlot C shall be deeded to the City of Faribault as part of the development agreement process as outlined in the Memorandum of Understanding (MOU) signed by the authorized agents of the Faribault City Council and Rice County Board of Commissioners on or about April 12, 2022 a copy of which is attached to this report. The intended use of the lots is as follows:

- Lot 1 Block 2 - Redevelopment for commercial/industrial uses
- Lot 1 Block 3 - Redevelopment for commercial/industrial uses
- Outlot C – Preserved for open space

Current title work has not been submitted with the final plat application and will be subject to the review of the City and City Attorney's office. A current tile commitment must be submitted meeting the requirements of the City Attorney and all easements and encumbrances of record shall be shown on the plat documents.

Plat shall be subject to review and approval by the MN Department of Transportation.

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

EXISTING SITE CONDITIONS

The existing site contains approximately 91.72 acres of land that that is mostly undeveloped agricultural land that was previously used for spray irrigation by a food processing company. There is one parcel at 18295 Faribault Road (PID 11.19.1.25.004) that contains an existing auto repair commercial business. The site is relatively flat and generally drains from west to east towards the Cannon River. The plat area is divided by an abandoned railroad bed and the eastern portion of the plat area lies within the Cannon River flood zone A.

EASEMENTS

Existing Easements

There are multiple existing easements on the site, including:

- 66-foot easement for drainage purposes in favor of the City of Faribault per Docs T9374. No changes to this easement are required.

- 100-200-ft Easement for public utility purposes in favor of the City of Faribault as shown per Doc 99964. No changes to this easement are required.
- Highway Easement transferred from the State of Minnesota to the City of Faribault per Doc 432078. This highway easement shall be vacated.

Proposed Easements

The proposed plat shows perimeter drainage and utility easements as required by City code. In addition to these easements the plat shall be revised or separate easement documents shall be required to show the following easements:

- A public drainage and utility easement encompassing the area of the proposed regional stormwater basin near the south east side of Lot 1 Block 1
- A public trail easement over the existing abandoned railroad bed within Outlot A and Lot 1 Block 1.
- A temporary roadway easement shall be placed over the temporary cul-de-sac on East View Drive. Said easement shall have a radius of at least 60-feet.

STREET AND SITE LAYOUT

East View Drive

The proposed plat includes the construction of East View Drive. East View Drive is proposed to be a future major collector and is planned to be constructed as a 44-foot wide (face of curb to face of curb), undivided urban roadway with no-parking on both sides and a center two-way left turn lane and is generally within an 80-foot right-of-way. East View Drive from Trunk Highway 3 through the 1st Avenue NW intersection will be 100% constructed and funded directly by the City under separate contract. East View Drive will connect to TH 3 via a new roundabout to be constructed under a separate City contract. The portion of East View Drive from its intersection of 1st Avenue NW to its terminus will be constructed by the Developers as part of the proposed plat improvements. Per the City's long-range transportation plans, East View Drive is planned to extend to the east and eventually cross the Cannon River and UPRR and connect to 14th Street NE.

As part of the proposed plat East View Drive is proposed to terminate in a temporary cul-de-sac at the end which has a paved radius of forty-five (45) feet and a temporary roadway easement radius of sixty (60) feet. A 10-foot multi-purpose trail is to be constructed on the north side of East View Drive.

The Developer is responsible for 100% of the equivalent costs of a standard 36-ft wide street including prepared/corrected subgrade, class 5 100% crushed aggregate base, bituminous pavement, B618 concrete curb and gutter, storm sewer, 5-foot wide concrete sidewalk, and turf restoration within the right-of-way. The City will reimburse the Developer the difference from the actual construction costs and those listed above plus 11% of the costs for engineering related services.

The City of Faribault has officially mapped the future right-of-way for East View Drive per Ordinance 2020-5 recoded as Doc A731135 for the future extension of East View Drive across the Cannon River to 14th Street NE. No private improvements shall be allowed within the East View Drive Official Map area without the express written consent of the City and the

Developer agrees to dedicate future right-of-way for East View Drive on Lot 1 Block 1 Cannon River View plat at no cost to the City.

1st Avenue NW

1st Avenue NW is proposed to be a local street and extended from its current terminus south of the proposed East View Drive to Ames Trail. 1st Avenue NW is proposed to be constructed as a 36-foot wide, undivided urban roadway with no parking on both sides and no sidewalk. 1st Avenue NW is proposed to be within a 66-ft right-of-way. The Developer is responsible for 100% of the costs to construct 1st Avenue NW from East View Drive to Ames Trail. 1st Avenue NW from its current terminus through the proposed intersection with East View Drive will be 100% constructed and funded directly by the City under separate contract.

Ames Trail

Ames Trail is an existing Cannon City Township road that connects to TH 3 near the northwest corner of the proposed plat. As part of the plat review process with MnDOT it was determined that the connection of Ames Trail to TH 3 should be terminated and Ames Trail should be connected to the extension of 1st Avenue NW. The Developer is responsible for securing all necessary permits with MnDOT for the closure of the Ames Trail connection and 100% of the costs of connecting Ames Trail to 1st Avenue NW.

PARKS AND TRAILS

Per the MOU the Developer shall satisfy their parkland dedication requirements for the plat including outlots by deeding to the City Outlot C, Cannon River View as well as the parcel with PID 18.19.4.25.001 which is not a part of the Cannon River View Plat. A 10-foot multipurpose trail shall be extended along the north side of East View Drive and the Developer shall dedicate a public trail easement over the existing abandoned railroad bed within Outlot A and Lot 1 Block 1.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The development is located within the Northeast drainage district as identified in the City's 2004 Surface Water Management Plan. Stormwater runoff generated within the site currently drains primarily to existing drainage channels and to the east which ultimately discharge to the Cannon River to the east.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems must be designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

The proposed site improvements include the addition of new and/or reconstructed impervious surfaces that exceed 1 acre. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit and the City's current Municipal Separate Storm Sewers permit will be incorporated into the final plans. The Developer and City have agreed to cooperate on the construction of a regional stormwater basin to serve the entire plat area. The stormwater treatment basin shall be placed within a public drainage and utility easement on Lot 1 Block 1 Cannon River View. The City shall be responsible for long term operations and maintenance of the basin. The Developer and City shall split the costs of the design and construction of the stormwater treatment basin based on contributing drainage areas or flows or another equitable distribution as agreed upon by both parties.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval for each parcel as it develops.

A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances for each parcel as it is developed.

UTILITIES

SANITARY SEWER

The development is proposed to be served by public sanitary sewer facilities. Eight-inch sanitary sewer mains shall be extended within East View Drive and twelve-inch sanitary sewer mains shall be extended within 1st Avenue NE to their respective termini or as directed by the City Engineer. The existing City-owned downstream facilities have sufficient capacity to serve the development. The Developer is responsible for all upfront costs associated with designing and constructing said sanitary sewer extensions within the portions of East View Drive and 1st Avenue NW being constructed by the Developer. Per the MOU the City will reimburse the Developer for 100% of the construction costs of the sanitary sewer extension within the public-right-of-way including sewer pipes and manholes upon certification and acceptance of the improvements by the City. Said reimbursement shall be on terms and conditions mutually acceptable to the City and County. Final utility locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

All future buildings within the plat area shall be charged the standard Sewer Access Charge (SAC) in effect at the time of building permit issuance. Per the MOU the SAC units for the

proposed Public Safety Center site (Lot 1 Block 1 Cannon River View) shall be calculated according to the "Police Station" business type category in the City's adopted classification table found here: <https://metro council.org/Wastewater-Water/Funding-Finance/Rates-Charges/Sewer-Availability-Charge/SAC-Pubs/Appendix-A-SAC-Criteria-for-Commercial-Properties.aspx>

WATERMAIN

The development is proposed to be served by public watermain facilities. Twelve-inch watermains shall be extended within 1st Avenue NW and Eastview Drive except eight-inch watermains shall be extended within 1st Avenue NW south of Eastview Drive. The Developer is responsible for all upfront costs associated with designing and constructing said watermain extensions within the portions of East View Drive and 1st Avenue NW being constructed by the Developer. Per the MOU the City will reimburse the Developer for 100% of the construction costs of the watermain extension within the public-right-of-way including watermain pipes, fittings, valves and hydrants upon certification and acceptance of the improvements by the City. Said reimbursement shall be on terms and conditions mutually acceptable to the City and County.

All future buildings within the plat area shall be charged the standard Water Access Charge (WAC) in effect at the time of building permit issuance. Per the MOU the WAC units for the proposed Public Safety Center site (Lot 1 Block 1 Cannon River View) shall be calculated according to the "Police Station" business type category in the City's adopted classification table found here: <https://metro council.org/Wastewater-Water/Funding-Finance/Rates-Charges/Sewer-Availability-Charge/SAC-Pubs/Appendix-A-SAC-Criteria-for-Commercial-Properties.aspx>

Final utility locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans. Final hydrant location and spacing shall be approved by the Fire Chief.

LIGHTING & ELECTRIC UTILITIES

The Developer shall be responsible for the cost of installing street lighting as required by City Council Resolution NO. 2003-198. Developer shall submit a proposed street light layout plan to the City for review and approval. Developer shall pay the electric company for the purchase of all components of the street lighting system as approved by the City and all costs incurred by the utility company for the installation of the street light system not covered in the electric utility company rate for this service. The City and electric company shall enter into a contractual agreement for the operation and maintenance of the street lighting system.

Per Section 15-380 of Appendix B (Unified Development Regulations) of the City Code of Ordinances, all utilities that serve newly developing areas are to be placed underground. The Developer shall be responsible for arranging and coordinating with the respective utility company and paying for any related costs for the movement of any existing overhead utilities within the proposed development (except for the existing overhead electric transmission lines)

underground in conjunction with the arranging of utility servicing for the newly created lots with the subdivision and the installation of street lights.

STORM SEWER

The development includes the construction of public storm sewer systems. Storm sewer facilities must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access.

RECOMMENDATION

Engineering recommends approval of the Comprehensive Plan Amendment, Rezoning, Preliminary Plat, Final Plat, & Easement Vacation, subject to the comments within this report and the following:

- Developer shall submit engineered drawings and cost estimate for the public street and utility improvements.
- Developer shall submit storm water drainage calculations.
- Developer shall submit a street lighting layout plan.
- An updated title commitment report shall be submitted for review.
- Developer shall revise plat submittal documents according to comments in this report and other comments provided under separate cover prior to the final plat being considered by the City Council.
- Developer shall enter into a development agreement prior to filing the final plat and issuance of any building permits consistent.

MEMORANDUM OF UNDERSTANDING
for Rice County Public Safety Center Related Improvements

WHEREAS, the County of Rice, acting by and through its Board of County Commissioners, hereinafter referred to as the “County”, and the City of Faribault, Minnesota, acting by and through its City Council, hereinafter referred to as the “City”, have negotiated the general terms and conditions for the cooperation of completing public improvements related to the construction of the new Rice County Public Safety Center; and

WHEREAS, the County and City have reviewed and discussed the proposed public improvements and have developed a preliminary understanding of terms and conditions to proceed with said public improvements; and

WHEREAS, the County and City wish to enter into this memorandum to establish the framework for completing the public improvements of the roadways and public infrastructure, to include the improvements to be made, amount and terms of compensation, and other requirements; and

NOW, THEREFORE, BE IT MUTUALLY AGREED, Rice County does hereby agree to:

- Deed to the City all of Rice County PID 18.19.4.25.001
- Deed to the City all of Rice County PID 18.19.1.75.001 south of the centerline of the City of Faribault Official Map No. 1 – East View Drive
- Deed to the City all of Rice County PID 18.19.1.50.001 south of the proposed right-of-way for the extension of East View Drive east of TH 3
- Dedicate to the City a trail and drainage and utility easements either via plat or separate easement document a width not to exceed 100-feet along the old railroad corridor from the centerline of the City of Faribault Official Map No. 1 – East View Drive to the northern limits of Rice County PID 18.19.1.75.001
- Rice County agrees to dedicate all necessary future public right of way for the extension of East View Drive east of its current proposed terminus as needed to facilitate the construction of a future street extension across the Cannon River as shown on the City of Faribault Official Map No. 1 – East View Drive
- Rice County shall select, contract and manage the construction contract including making payments directly to the selected contractor, and the hiring of a qualified design consultant for the extension of 1st Avenue NW and East View Drive roadway and public utility extensions outside of the City’s separate contract identified as SP 6612-102, SAP 125-010-017, City Contract 2023-04.
- Rice County agrees to cooperate with the City and the property owners at 18295 Faribault Boulevard, in the platting of the property PID 11.19.1.25.004, and dedicating the necessary right-of-way for the City improvement contract identified as SP 6612-102, SAP 125-010-017, City Contract 2023-04.
- Rice County shall select, contract and manage the construction contract including making payments directly to the selected contractor, and the hiring of a qualified design consultant for the design and construction of a regional stormwater basin and storm sewer infrastructure within the public roadways. County shall pay their prorated share of the design and construction of said regional stormwater basin based on a contributing share of acres drained to the basin. County shall also dedicate a public drainage and utility easement over said basin if deemed necessary.

- Rice County agrees to pay for the standard sewer access charge (SAC) and water access charge (WAC) fees for the new public safety center according to the rates and policies in effect at the time of building permit submittal. SAC/WAC units shall be calculated according to the “Police Station” business type category in the City’s adopted classification table found here: <https://metro council.org/Wastewater-Water/Funding-Finance/Rates-Charges/Sewer-Availability-Charge/SAC-Pubs/Appendix-A-SAC-Criteria-for-Commercial-Properties.aspx>
- If deemed necessary to serve the Rice County Public Safety Center and other adjacent land owned by the County identified for future redevelopment, Rice County agrees to pay for all costs related to the design and construction of a public lift station.
- Rice County agrees to acknowledge the City of Faribault as a partner in the development of the Rice County Public Safety Center Development as well as any future development on the surrounding lands served by the street and public infrastructure extensions.
- Rice County agrees in lieu of submitting a cash escrow for development review fees does hereby agree to reimburse the City for costs that would normally be paid from said escrow within 30 days of the City submitting an invoice to the County. City shall invoice the County for eligible expenses no more than monthly.

ALSO, BE IT MUTUALLY AGREED, the City of Faribault does hereby agree to:

- Reimburse the County for the construction costs of the extension of public sanitary sewer and watermain within 1st Avenue NW and East View Drive outside of the City’s separate contract identified as SP 6612-102, SAP 125-010-017, City Contract 2023-04. Said reimbursement shall be on terms and conditions mutually acceptable to the City and County.
- City agrees to quit claim deed to the County all City interest in any excess roadway easements related to the former TH 218 corridor.
- Reimburse the County based on their prorated share of the design and construction of said regional stormwater basin and storm sewer infrastructure within the public roadways based on a contributing share of acres drained to the basin. Said reimbursement shall be on terms and conditions mutually acceptable to the City and County.
- Reimburse the County for all construction oversizing costs of the public infrastructure including public utilities and street costs.
- City agrees to allow the County to dedicate a future public lift station if deemed necessary to the City and said lift station to become the property of the City and be operated and maintained by the City similar to other lift stations in the City. City also agrees to pay a prorated portion of the lift station design and construction costs if said lift station is determined to serve a service area in addition to lands owned by Rice County.
- City of Faribault agrees to acknowledge Rice County as a partner in the redevelopment of any of the parcels deeded to the City by the County.

ALSO, BE IT MUTUALLY AGREED, that said terms of this memorandum of understanding shall be the basis for the drafting and execution of a development agreement between Rice County and the City of Faribault and all other standard development agreement terms not included in this memorandum shall apply.

IN WITNESS OF THE ABOVE, the parties have caused this memorandum of understanding to be executed on the date and year written below.

COUNTY OF RICE

By: _____
Jim Purfeerst, Chairperson Date _____

By: _____
Sara Folsted, County Administrator Date _____

STATE OF MINNESOTA)
)ss
COUNTY OF RICE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by Jim Purfeerst and Sara Folsted, the chairperson and county administrator, respectively, of the County of Rice.

Notary Public

CITY OF FARIBAULT

By: _____
Kevin F. Voracek, Mayor Date _____

By: _____
Timothy C. Murray, City Administrator Date _____

STATE OF MINNESOTA)
)ss
COUNTY OF RICE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Kevin F. Voracek and Timothy C. Murray, the mayor and city administrator, respectively, of the City of Faribault.

Notary Public



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: April 18, 2022
SUBJECT: Ordinance 2022-x Approve Zoning Provisions for the Wild and Scenic River Overlay District

Background:

In 1980, the State of Minnesota designated the Cannon River from the northern boundary of Faribault to the Mississippi River for inclusion in the Minnesota Wild and Scenic Rivers Program. Because the program did not include the Cannon River in Faribault's 1980 city limits, there was no need for the City to adopt a Wild and Scenic River Overlay ordinance. However, in 1990, the City annexed the area commonly known as the former Faribault Foods spray fields, which is included in the Wild and Scenic Rivers Program (see attached map). For unknown reasons, the City did not adopt Wild and Scenic River Overlay zoning provisions at the time of the annexation. However, the City cannot process Rice County's proposed subdivision and conditional use permit requests in the Wild and Scenic River Overlay District without first adopting the required wild and scenic river zoning provisions.

The City Planner worked closely with Minnesota Department of Natural Resources staff to prepare the Ordinance 2022-x: Approve Zoning Provisions for the Wild and Scenic River Overlay District (see attached ordinance). The proposed ordinance is consistent with Minnesota Rules, Chapter 6105, related to the Wild and Scenic Rivers Program. After the City Council adopts the proposed ordinance and the newspaper publishes a summary of the ordinance, the Commissioner of the Minnesota Department of Natural Resources will certify the ordinance.

Rice County currently owns the land in the wild and scenic river area in

Faribault. However, per an understanding with the City, the County will subdivide the land and transfer some land to the City. The County and City intend to maintain most of the land as open space. Still, the County plans to use some land for stormwater management and a solar array that would serve the proposed adjacent Rice County Public Safety Center, which will require a conditional use permit per the provisions of the draft Wild and Scenic Rivers ordinance. The proposed ordinance allows the planned uses to occur in a manner consistent with Minnesota Rules, Chapter 6105, related to the Wild and Scenic Rivers Program.

The City Planner intends to prepare a complete update of the City's Unified Development Ordinance in the next five years. As part of the update process, the City would work closely with the Minnesota Department of Natural Resources to refine and better integrate the provisions of the Wild and Scenic River Overlay District into the Unified Development Ordinance.

Recommendation:

Recommend that the City Council approve Ordinance 2022-x Approve Zoning Provisions for the Wild and Scenic River Overlay District.

Attachments:

1. Ordinance 2022-x Approve Zoning Provisions for the Wild and Scenic River Overlay District
2. Map Showing Wild and Scenic River Overlay District within the City Limits of Faribault

**CITY OF FARIBAULT
ORDINANCE No. 2022-x**

**APPROVE ZONING PROVISIONS FOR THE
WILD AND SCENIC RIVER OVERLAY DISTRICT**

WHEREAS, Minnesota Administrative Rules, Chapter 6105, identifies a portion of land adjacent to the Cannon River in the City Faribault as being in the Wild and Scenic River District; and

WHEREAS, the City's Unified Development Ordinance does not contain language regulating the use of land in the portion of the Wild and Scenic River District in Faribault; and

WHEREAS, the City must adopt an ordinance to regulate land uses in the Wild and Scenic River District in Faribault; and

WHEREAS, the Commissioner of the Minnesota Department of Natural Resources must approve the ordinance; and

WHEREAS, the Planning Commission, on April 18, 2022, following proper notice, held a public hearing regarding the proposed zoning text amendment; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve a zoning text amendment that outlines the provisions of the City's Wild and Scenic River District based on the following written findings of the Planning Commission outlined in Section 2-180 of the City's Unified Development Ordinance as follows:

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

Finding: The Land Use Plan guides the Wild and Scenic River District area for park and open space. The proposed zoning text amendment is consistent with the Land Use Plan.

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

Finding: The proposed zoning text amendment benefits the public by ensuring that land use in the Wild and Scenic River District will not adversely affect the Cannon River.

3. **Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the**

property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment.

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment.

WHEREAS, the City Council held a public meeting on _____, to consider approval of the first reading of Ordinance 2022-x; and

WHEREAS, the City Council also held a public meeting on _____ to consider approval of the second reading of Ordinance 2022-x; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings and recommendation of the Planning Commission, the Faribault City Council concurs with the written findings of the Planning Commission as stated in the above recitals and makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and Incorporation of Recitals and Exhibits. This ordinance incorporates the above recitals. Where applicable, the recitals constitute the written findings of the Faribault City Council.

Section 2: Text Amendment. The Faribault City Council hereby amends the City's Unified Development Ordinance by creating Chapter 13, Article 7 related to the Wild and Scenic River Overlay District as follows:

CHAPTER 13. OVERLAY AND SPECIAL DISTRICTS

ARTICLE 7. WILD AND SCENIC RIVER OVERLAY DISTRICT

Sec. 13-750. Purpose.

The purpose of the wild and scenic river overlay district is to protect and preserve the scenic, recreational, natural, and historical values of the Cannon River in Faribault per the Wild, Scenic, and Recreational Rivers Statewide Standards (Minn. Rules, Parts 6105.0010 - .0250), (Minn. Rules Parts 6105.1550 - .1700) and the Wild and Scenic Rivers Act (Minn. Stat., 103F.301 - .345).

Sec. 13-755. Designation of the district.

The Minnesota Department of Natural Resources Commissioner designated a segment of the Cannon River in Faribault as a recreational river in the Minnesota wild and scenic river system. Minnesota Rules, Part 6105.1680 legally describes the area included in the wild and scenic river overlay district, and Faribault's official zoning map depicts the district.

Sec. 13-760. Administration.

The Faribault City Planner will administer the wild and scenic river overlay district within the Faribault per Minnesota Rules Parts 6105.0220 to 6105.0250.

Sec. 13-765. Supremacy of conflicting provisions.

Where the conditions imposed by any provision of this ordinance are either more or less restrictive than comparable standards imposed by any other provision of this ordinance or any other applicable law, ordinance, resolution, rule, or regulation, the regulation that is more restrictive or that imposes higher standards shall govern.

Sec. 13-770. Permitted and conditional uses.

(A) *Permitted uses.* Permitted uses in the district shall be limited to the following, subject to Minnesota Rules Chapter 6105:

- (1) Conservancy and open space;

- (2) Governmental resource management for improving fish and wildlife habitat, wildlife management areas, and natural areas;
 - (3) Essential services;
 - (4) Signs approved by federal, state, or local government that are necessary for public health and safety, and signs indicating areas that are available or not available for public use; and
 - (5) Agriculture (excluding feedlots) and community gardens (including fencing) provided they are a minimum of one hundred (100) feet from the ordinary high water level.
- (B) *Conditional uses.* Conditional uses in the district shall be limited to the following, subject to Minnesota Rules Chapter 6105:
- (1) Public roads and bridges per Minnesota Rules, parts 6105.0190 – 0200;
 - (2) Parking lots;
 - (3) Trails;
 - (4) River access drive and boat landing for emergency services;
 - (5) Ground-mounted solar panels, equipment, and fencing that are accessory uses to a principal use on the same parcel. All panels, equipment, and fencing must be at least one hundred (100) feet from the ordinary high water level and vegetatively screened to minimize views of the uses from the river;
 - (6) Canoe and kayak rental facilities (excluding inner tube rental facility). The facility must provide disposable refuse containers and require the return of the refuse containers and the refuse from the river trip;
 - (7) Temporary docks;
 - (8) Public structures such as park shelters, kiosks, and

similar structures;

(9) Towers, transmission lines, and pipelines per Minnesota Rules, parts 6105.0170 -180; and

(10) Stormwater and flood mitigation improvements.

(C) *Prohibited uses.* Any use not listed as a permitted, conditional, or accessory use, or any use not determined by the City Planner to be substantially similar to a permitted, conditional, or accessory use is prohibited in the district. Such determination must be made per Section 2-50 of the Faribault Unified Development Ordinance governing the determination of substantially similar uses. Specifically, the following uses are prohibited:

(1) Governmental and private campgrounds;

(2) Residential uses;

(3) Forestry uses;

(4) Onsite sanitary sewage disposal systems; and

(5) Mining

Sec. 13-775. Dimensional standards.

Parcels and development in the wild and scenic river overlay district must meet the following dimensional standards:

(A) *Minimum parcel area.* Two (2) acres.

(B) *Minimum parcel width at the front building setback line and the ordinary high water level.* Two hundred (200) feet.

(C) *Minimum structure setback from the ordinary high water level.* One hundred (100) feet, except where a setback pattern from the normal or ordinary high water mark has already been established on both sides of the proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This exception applies only to parcels that do not meet the minimum parcel width

restrictions of this ordinance.

- (D) *Minimum structure setback from a bluffline as defined by Minnesota Rules, Part 6105.0040.* Thirty (30) feet.
- (E) *Maximum structure height.* Thirty-five (35) feet.
- (F) *Placement of structures.* Structures shall not be located on slopes greater than thirteen (13) percent unless such structures can be screened and sewage disposal facilities can be installed to comply with the sanitary provisions in Minnesota Rules, part 6105.0120.

No structure shall be located in the floodway of a stream as defined in Minnesota Statutes, section 103F.111, subdivision 4, and furthermore shall be placed at an elevation consistent with the floodplain management ordinances.

Sec. 13-780. Grading and filling.

- (A) *In general.* Grading and filling of the natural topography in the district are prohibited unless accessory to a permitted or conditional use. Grading and filling of the natural topography accessory to a permitted or conditional use must minimize earthmoving, erosion, tree clearing, and the destruction of natural amenities.
- (B) *Additional grading and filling standards.* Grading and filling of the natural topography must meet the following standards:
 - (1) Expose the smallest amount of bare ground for as short a time as feasible;
 - (2) Provide temporary groundcover, such as mulch, and plant permanent groundcover, such as sod;
 - (3) Employ methods to prevent erosion and trap sediment; and
 - (4) Stabilize fill per accepted engineering standards.

- (C) *Excavation in the river is prohibited.* Excavation of material from the Cannon River or construction of any permanent structures or navigational obstructions is prohibited unless authorized by a permit from the Minnesota Department of Natural Resources Commissioner per Minnesota Statutes, section 103G.245.
- (D) *Draining or filling wetlands is prohibited.* No state or local authority shall authorize the draining or filling of wetlands in the district.

Sec. 13-790. Vegetative cutting.

- (A) *In general.* The following vegetative standards shall apply to land in the district within one hundred (100) feet of the ordinary high water level of the Cannon River and twenty (20) feet landward of bluff lines as defined by Minnesota Rules, part 6105.0040:
 - (1) Clear-cutting is prohibited except for authorized public services such as roads and utilities.
 - (2) Selective cutting of trees over four (4) inches in diameter at breast height is permitted. The cutting must be spaced in several cutting operations and maintain continuous tree cover, uninterrupted by large openings. In areas where the existing tree cover has been interrupted by large openings, selective cutting should maintain a continuous tree cover in the remaining wooded area.
 - (3) Removal of diseased, insect-infested, rotten, or damaged trees that present a safety hazard is permitted.
 - (4) Pruning understory vegetation, cutting suppressed trees, or cutting trees less than four (4) inches in diameter at breast height is permitted.
- (B) *Clear-cutting restrictions.* Clear-cutting anywhere in the district is subject to the following standards:
 - (1) Clear-cutting is prohibited where soil, slope, or other watershed conditions are fragile and subject to injury.

- (2) Clear-cutting must be conducted only where clear-cut blocks, patches, or strips are, in all cases, shaped and blended with the terrain.
- (3) The size of clear-cut blocks, patches, or strips must be kept at the minimum necessary.
- (4) Where feasible, all clear-cuts must be conducted between September 15 and May 15. If natural vegetation does not provide adequate vegetative cover, clear-cut areas must be replanted to prevent erosion and maintain the aesthetic quality of the area. Where feasible, replanting must occur in the same spring or the following spring.

To the maximum extent possible, land in the district must be managed to preserve and enhance the natural landscape associated with the Cannon River corridor.

Sec. 13-800. Subdivisions.

- (A) *Land suitability.* No land may be subdivided if the Faribault City Council or the Commissioner of the Minnesota Department of Natural Resources finds the proposed subdivision to be unsuitable because of flooding, inadequate drainage, soil and rock formations with severe development limitations, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or employees of the proposed subdivisions or of the community.
- (B) *Subdivision standards.* All plats, except planned cluster developments, must be consistent with Minnesota Rules, parts 6105.0080 – 6104.0200. Approval of a plat that is inconsistent with the city's ordinances is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
- (C) *Planned cluster developments.* Planned cluster developments may be allowed per Minnesota Rules, part 615.0140, Subp. 3, to preserve agricultural land, open space, woods, scenic views, and other features of the natural environment.

Sec. 13-900. Public use of waters and lands in the district.

Public use and waters within the wild and scenic river overlay district must be consistent with Minnesota Rules, part 6105.0210.

Sec. 13-910. Department of Natural Resources notification of zoning amendments, variances, inconsistent plats, and conditional use permits.

- (A) The city planner, or another authorized city agent, must submit a copy of any proposed zoning amendment to the Commissioner, including changes to district lines, variances, and inconsistent plats. A copy of the notice of any public hearing, or where a public hearing is not required, a copy of the proposed amendment, and applications for variances, inconsistent plats, and conditional use permits shall be sent so as to be received by the Commissioner at least thirty (30) days before such hearing or meeting to consider such action. The notice shall include the proposed amendments and application documents.
- (B) The city planner, or another authorized city agent, must notify the Commissioner of its final decision on the proposed action within ten (10) days of the decision.
- (C) The action to amend this ordinance will become effective when and only when either:
 - (1) The final decision taken by the city has previously been approved by the Commissioner.
 - (2) The city receives approval after its final decision; or
 - (3) Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the city has received from the Commissioner neither approval nor non-approval; or
 - (4) The Commissioner approves the amendment within thirty (30) days after conducting a public hearing.
- (D) In cases of non-approval by the Commissioner, the city may pursue procedures consistent with Minnesota Rules, part 6105.230, subp. 3., E.

Section 3: Effective Date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing: April 18, 2022

First Reading: _____

Second Reading: _____

Publication: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Map Showing Wild and Scenic River Overlay District within the City Limits of Faribault





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: April 18, 2022
SUBJECT: Resolution 2022-x Approve a Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW

Background:

This City's Journey to 2040 Comprehensive Plan guides property east of State Highway 3 and 30th Street NW for commercial/residential mixed-use and park, recreation, and open space. Given the proposal for the new Rice County Public Safety Center and the CANNON RIVER VIEW plat, Rice County (the "Applicant") is requesting a comprehensive plan amendment to guide the property as follows (based on the requested CANNON RIVER VIEW plat – see the map in the attached resolution):

1. Proposed Lot 1, Block 1: Institutional
2. Proposed Lot 1, Block 2: Commercial/Industrial Mixed-Use
3. Proposed Lot 1, Block 3: Commercial/Industrial Mixed-Use
4. Proposed Lot 1, Block 4: Commercial/Industrial Mixed-Use (this area will also be addressed through the annexation process)
5. Proposed Lot 2, Block 4: Commercial/Industrial Mixed-Use
6. Proposed Outlot A: Other Park, Recreation, or Open Space
7. Proposed Outlot B: Planned Residential Neighborhood
8. Proposed Outlot C: Other Park, Recreation, or Open Space

Before Rice County acquired the subject property, Faribault Foods actively marketed the property for industrial use but received little interest. City Staff feels the site is suitable for the proposed Rice County Public Safety Center. However, the County does not need the entire property for the public safety center. Therefore, in consultation with the City of Faribault, the County

is requesting to guide the north part of the site for a planned residential neighborhood that will help meet the County's housing goals. The south and west parts of the site will be guided for commercial/industrial mixed-use, and the east part of the site will be guided for open space. The majority of the east part of the area guided for institutional use, will be open space.

Recommendation:

Recommend that the City Council approve Resolution 2022-xxx Approve a Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW

Attachments:

1. Resolution 2022-xxx Approve Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW

CITY OF FARIBAULT

RESOLUTION #2022-xxx

APPROVE A COMPREHENSIVE PLAN AMENDMENT RELATED TO FUTURE LAND USE EAST OF STATE HIGHWAY 3 AND 30TH STREET NW

WHEREAS, Rice County (the Applicant) is the fee owner of land parcels in Faribault east of State Highway 3 and 30th Street NW; and

WHEREAS, the Owners of the property identified as Rice County PID: 1119125004 (18295 Faribault Blvd) petitioned the City of Faribault to annex the said property to the City of Faribault; and

WHEREAS, the Applicant and the Owners of the property identified as Rice County PID: 1119125004 submitted an application to the City of Faribault to plat the subject property as CANNON RIVER VIEW; and

WHEREAS, the City's adopted Comprehensive Plan guides the subject property for "commercial/residential mixed-use" and "city park and open space"; and

WHEREAS, the Applicant requested a Comprehensive Plan amendment to guide the subject property associated with the proposed CANNON RIVER VIEW plat as depicted in Exhibit A and as follows:

1. Proposed Lot 1, Block 1: Institutional
2. Proposed Lot 1, Block 2: Commercial/Industrial Mixed-Use
3. Proposed Lot 1, Block 3: Commercial/Industrial Mixed-Use
4. Proposed Lot 1, Block 4: Commercial/Industrial Mixed-Use (this area will also be addressed through the annexation process)
5. Proposed Lot 2, Block 4: Commercial/Industrial Mixed-Use
6. Proposed Outlot A: Other Park, Recreation, or Open Space
7. Proposed Outlot B: Other Park, Recreation, or Open Space
8. Proposed Outlot C: Other Park, Recreation, or Open Space

WHEREAS, the Planning Commission, on April 18, 2022, following proper notice, held a public hearing regarding the Applicant's Comprehensive Plan amendment request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's Comprehensive Plan request based on the following written findings:

1. The public hearing and the noticing of the public hearing provided adequate opportunity for public review and comment on the requested Comprehensive Plan amendment;
2. Approval of the requested Comprehensive Plan amendment is in the best interest of the public's health, safety, and welfare. More specifically:
 - A. The proposed areas guided for commercial/industrial mixed-use relate to surrounding existing industrial areas;
 - B. The proposed institutional area provides an appropriate site for the proposed Rice County Public Safety Center – the zoning provisions of the Wild and Scenic River Overlay District will adequately protect the Cannon River from the proposed limited institutional development adjacent to the river;
 - C. The proposed planned residential neighborhood area will help Rice County address its housing goals, and the proposed residential area will not adversely affect existing surrounding land uses; and
 - D. The proposed areas guided for open space relate to the Wild and Scenic River Overlay District; and
3. Existing and planned infrastructure, including sanitary sewer, water, stormwater, and transportation, are suitable for the future land uses contemplated by this Comprehensive Plan amendment; and

WHEREAS, the City Council held a public meeting on _____ to consider the Applicant's Comprehensive Plan amendment request and the Planning Commission's recommendation related to the request; and

WHEREAS, the City Council concurs with the Planning Commission's findings as stated in the above recitals and makes the identical findings.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1: Approval of the Requested Comprehensive Plan Amendment. The City Council hereby approves the Applicant's Comprehensive Plan amendment request to guide property east of State Highway 3 and 30th Street NW, as shown in Exhibit 1 of this resolution.

Section 2. Effective Date of the Comprehensive Plan Amendment. The Comprehensive Plan amendment approved by this resolution shall not take effect until the CANNON RIVER VIEW plat associated with the subject property is recorded at Rice County.

Section 3. Amendment of the Comprehensive Plan Documents. The City of Faribault is not required to republish the Comprehensive Plan to reflect the Comprehensive Plan amendment. However, the City Planner must appropriately indicate the amendment on the Official Land Use Plan on file with the City Planner.

Section 4. Findings and Incorporation of Recitals and Exhibits. The recitals and exhibits incorporated in this resolution constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 5. Authorization to take Additional Steps. The City Council hereby authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 6. Effective Date of this Resolution. This resolution is effective immediately upon its passage and without publication.

Date Adopted: _____

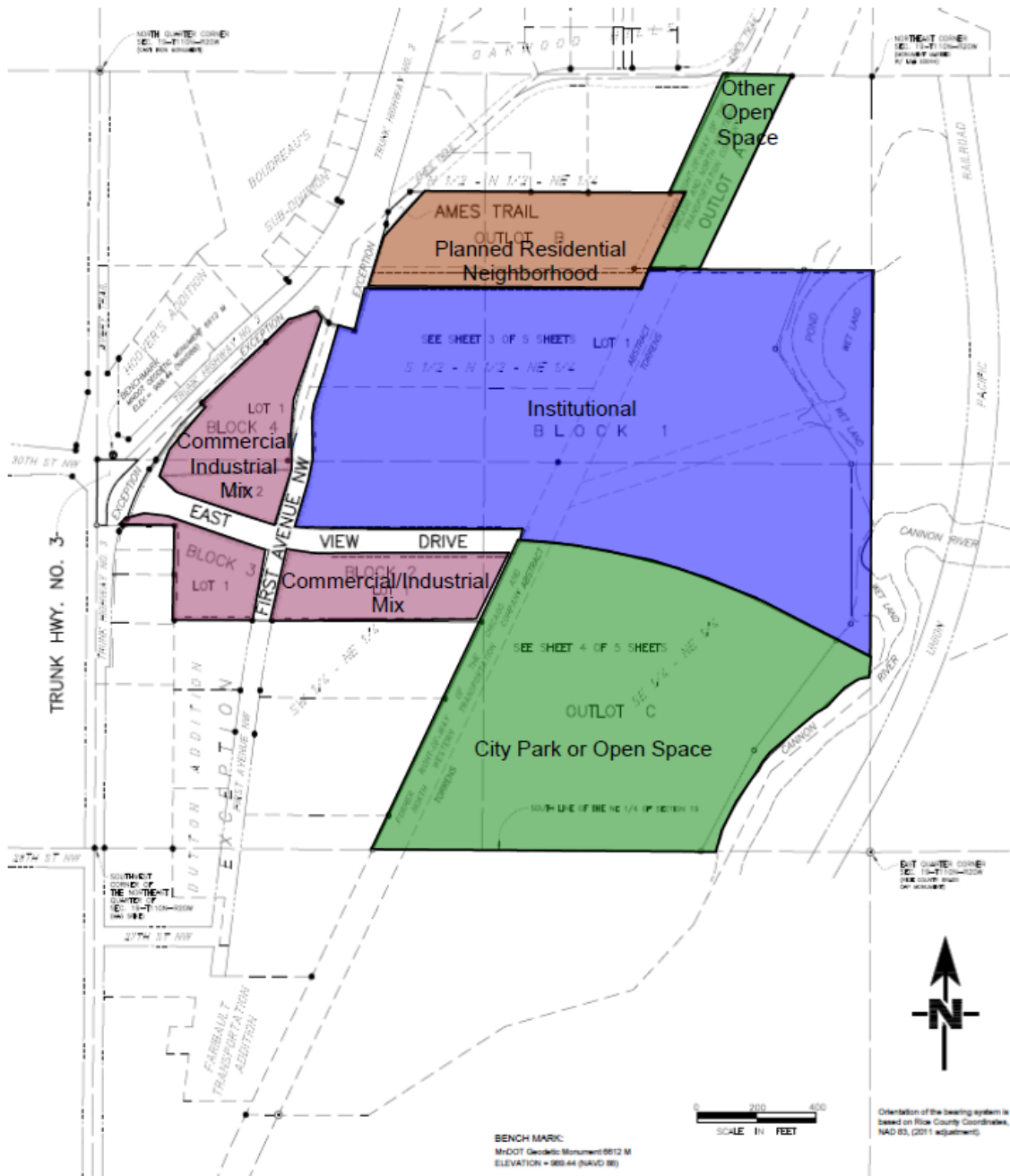
Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT B **Map Showing the Guided Land Use of the Subject Property after** **the Plat of CANNON RIVER VIEW is Recorded at Rice County**





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: April 18, 2022
SUBJECT: Ordinance 2022-xxx Rezone Property East of State Highway 3 and 30th Street NW

Background:

Presuming the Planning Commission recommends approval of the request to amend the Comprehensive Plan related to future land use east of State Highway 3 and 30th Street NW, the Planning Commission should also recommend rezoning the property as follows (based on the requested CANNON RIVER VIEW plat – see the map in the attached ordinance):

1. Proposed Lot 1, Block 1: P/I, Public/Institutional
2. Proposed Lot 1, Block 2: I-1, Light Industrial
3. Proposed Lot 1, Block 3: I-1, Light Industrial
4. Proposed Lot 1, Block 4: I-1, Light Industrial (this area will also be addressed through the annexation process)
5. Proposed Lot 2, Block 4: I-1, Light Industrial
6. Proposed Outlot A: O, Agriculture/Open Space
7. Proposed Outlot B: R-3, Medium-Density Residential
8. Proposed Outlot C: O, Agriculture/Open Space

At this point, the County does not have specific plans for the proposed R-3, Medium-Density Residential property. However, the County envisions single-family detached or single-family attached housing, which would be consistent with the proposed R-3 zoning.

Recommendation:

Recommend that the City Council approve Ordinance 2022-x Rezone Property East of State Highway 3 and 30th Street NW

Attachments:

1. Ordinance 2022-X Rezone Property East of State Highway 3 and 30th Street NW

**CITY OF FARIBAULT
ORDINANCE No. 2022-x**

REZONE PROPERTY EAST OF STATE HIGHWAY 3 AND 30TH STREET NW

WHEREAS, Rice County (the Applicant) is the fee owner of land parcels in Faribault east of State Highway 3 and 30th Street NW; and

WHEREAS, the Owners of the property identified as Rice County PID: 1119125004 (18295 Faribault Blvd) petitioned the City of Faribault to annex the said property to the City of Faribault; and

WHEREAS, the Applicant and the Owners of the property identified as Rice County PID: 1119125004 submitted an application to the City of Faribault to plat the subject property as CANNON RIVER VIEW; and

WHEREAS, the Applicant requested approval to rezone the subject property associated with the proposed CANNON RIVER VIEW plat as depicted in Exhibit A and as follows:

1. Proposed Lot 1, Block 1: P/I, Public/Institutional
2. Proposed Lot 1, Block 2: I-1, Light Industrial
3. Proposed Lot 1, Block 3: I-1, Light Industrial
4. Proposed Lot 1, Block 4: I-1, Light Industrial (this area will also be addressed through the annexation process)
5. Proposed Lot 2, Block 4: I-1, Light Industrial
6. Proposed Outlot A: O, Agriculture/Open Space
7. Proposed Outlot B: R-3, Medium-Density Residential
8. Proposed Outlot C: O, Agriculture/Open Space

WHEREAS, City Staff reviewed the Applicant's rezoning request, prepared a report to the Planning Commission, and made a recommendation to approve the Applicant's rezoning request; and

WHEREAS, the Planning Commission, on April 18, 2022, following proper notice, held a public hearing regarding the said request; and

WHEREAS, the Planning Commission finds that it is appropriate to rezone the subject property as requested by the Applicant based on the following written findings of the Planning Commission as required by Section 2-180 of the City's Unified Development Ordinance:

- 1. Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

Finding: The proposed zoning is consistent with the City's Land Use Plan as outlined in Resolution 2022-xxx. The proposed zoning allows for an appropriate mix of industrial, residential, public/institutional, and open space, consistent with the City's Comprehensive Plan policies.

2. Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.

Finding: It is in the public's best interest to promote a higher and better use of the subject property, which is currently underutilized. Furthermore, the rezoning provides a logical area for developing a mix of institutional, industrial, residential, and open spaces that benefit the community and not one property owner.

3. Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The surrounding properties include existing industrial, commercial, residential, agricultural, and open space uses. The proposed industrial zoning areas are adjacent to existing industries, and the proposed institutional, residential, and open space zoning will not adversely affect the existing surrounding uses.

4. Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The existing zoning of a significant area of the subject property will remain unchanged. Some areas currently zoned industrial will be rezoned to public/institutional and residential, consistent with the needs and desires of the community.

5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: Although some of the subject property will remain in an industrial zoning district, there is little demand for a large area of

new industrial development in this area. However, the subject property provides a suitable area for the Rice County Public Safety Center and housing that meets the goals of Rice County and the City of Faribault.

WHEREAS, the City Council held a public meeting on _____, 2022, to consider approval of the first reading of Ordinance 2022-x; and

WHEREAS, the City Council also held a public meeting on _____, 2022, to consider approval of the second reading of Ordinance 2022-; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings of the Planning Commission, the City Council of the City of Faribault concurs with the written findings of the Planning Commission and makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Approval of the Applicant's Rezoning Request. The City Council hereby rezones the subject property as described in the above recitals and graphically depicted in Exhibit B. The effective date of the rezoning shall be as outlined in Section 4 of this resolution.

Section 2: Effective Date of the Rezoning. The rezoning approved by this ordinance shall not take effect until the CANNON RIVER VIEW plat associated with the subject property is recorded at Rice County.

Section 3: Amendment of Zoning Map. The City of Faribault is not required to republish the Zoning Map to reflect the rezoning approved by this ordinance. However, the City Planner must appropriately indicate the amendment on the Official Zoning Map on file with the City Planner.

Section 4: Findings and Incorporation of Recitals and Exhibits. The recitals and exhibits incorporated in this ordinance constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 5: Authorization to take Additional Steps. The City Council hereby authorizes and directs the Mayor, City Staff, and City Consultants to take any additional steps and actions necessary and convenient to accomplish the intent of this ordinance.

Section 6: Effective Date. This ordinance is effective immediately upon its passage and publication per the City Charter.

Public Hearing:	April 18, 2022
First Reading:	_____
Second Reading:	_____

Published: _____

Faribault City Council

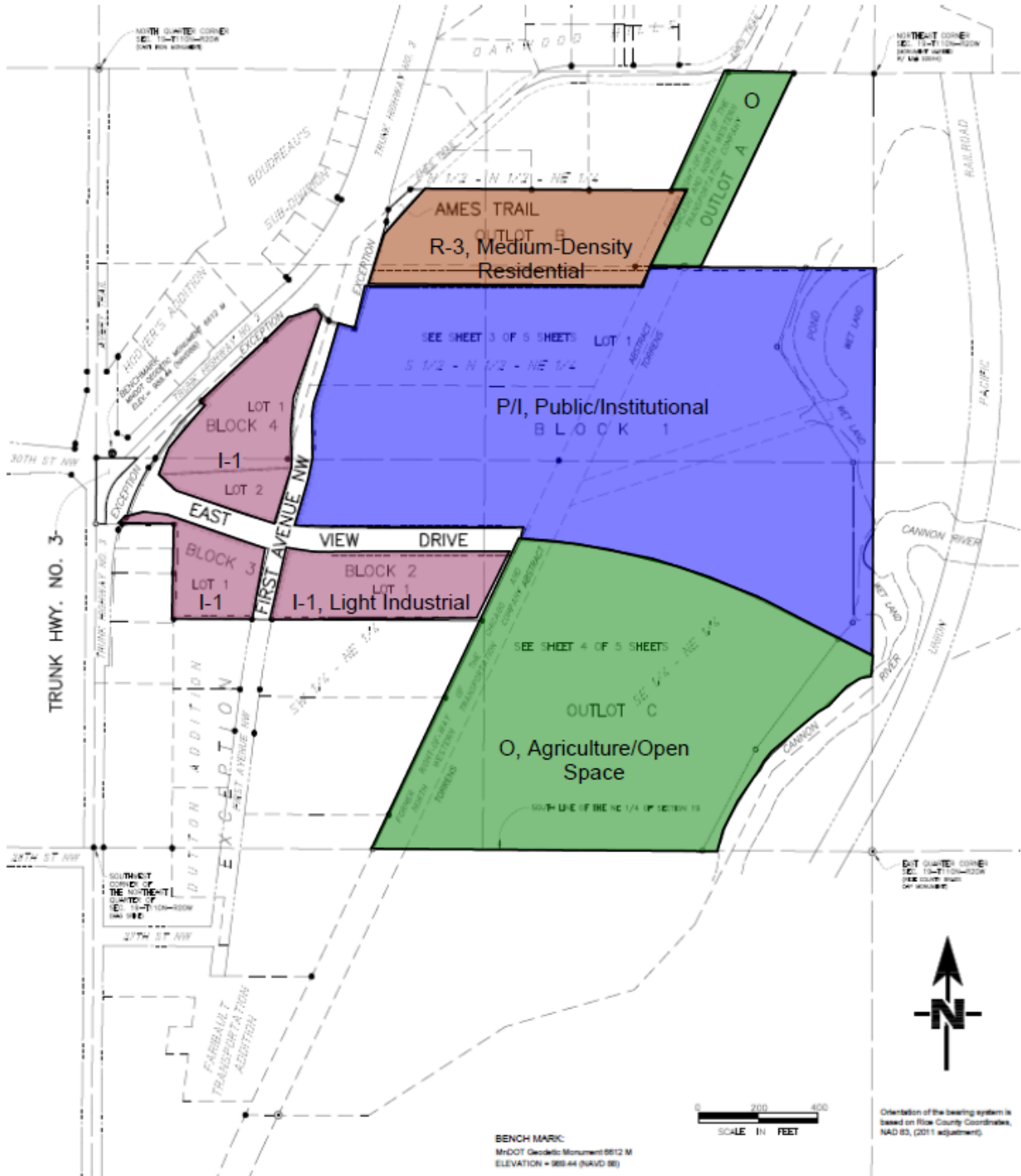
Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Map Showing the Proposed Zoning of the Subject Property after the Plat of CANNON RIVER VIEW is Recorded at Rice County





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: April 18, 2022
SUBJECT: Ordinance 2022-x Approve the Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW

Background:

Rice County (the "Applicant") is the fee owner of land parcels east of State Highway 3 and 30th Street NW. The Applicant is proposing to plat this area as CANNON RIVER VIEW. As part of the platting process, the Applicant is requesting approval to vacate the former Highway 218 easement in this area (see the map in the attached ordinance). The CANNON RIVER VIEW plat would provide dedicated public right-of-way and drainage and utility easements to serve the proposed uses in the plat. Therefore, the City has no need for the former Highway 218 easement in this area. The ordinance vacating the easement is tied to the approval and recording of the CANNON RIVER VIEW plat.

Recommendation:

Recommend that the City Council approve Ordinance 2022-x Approve the Vacation of the Former Highway 218 easement.

Attachments:

1. Ordinance 2022-X Approve the Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW

**CITY OF FARIBAULT
ORDINANCE No. 2022-X**

**APPROVE THE VACATION OF THE FORMER HIGHWAY 218 EASEMENT EAST OF STATE
HIGHWAY 3 AND 30TH STREET NW**

WHEREAS, Rice County (the "Applicant") and fee owner of land parcels in Faribault east of State Highway 3 and 30th Street NW (the "subject property") submitted an application requesting that the City vacate the former Highway 218 easement as legally described in Exhibit A and graphically depicted in Exhibit B of this ordinance; and

WHEREAS, the State of Minnesota transferred the former Highway 218 easement to the City of Faribault in 1998; and

WHEREAS, the requested vacation relates to the Applicant's proposed plat of CANNON RIVER VIEW; and

WHEREAS, the proposed plat of CANNON RIVER VIEW includes dedicated public right-of-way associated with the proposed Rice County Public Safety Center and adjacent development, thereby negating the need for the City of Faribault to maintain the former Highway 218 easement; and

WHEREAS, City Staff completed a review of the Applicant's vacation request and made a report to the Faribault Planning Commission, a copy of which has been presented to the Faribault City Council; and

WHEREAS, the Planning Commission, on April 18, 2022, following proper notice, held a public hearing regarding the Applicant's vacation request, and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's vacation request based on the following findings as required by Section 2-540 of the City's Unified Development Ordinance:

1. No private rights will be injured or endangered because of said vacation.
2. The public will not suffer loss or inconvenience because of said vacation.
3. No written objection was received, before the public hearing, from an adjacent property owner who did not join in the application; and

WHEREAS, at a public meeting on _____, 2022, and a public meeting on _____, 2022, the City Council considered the Applicant's vacation request and concurred with the recommendations and findings of the Planning Commission as stated in the above recitals and hereby makes identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Vacation of the former Highway 218 easement. The City Council hereby approves the former Highway 218 easement as legally described in Exhibit A and graphically depicted in Exhibit B contingent on the conditions outlined in Section 2 of this ordinance.

Section 2. Effective date of the vacation of the former Highway 218 easement. The vacation of the former Highway 218 easement shall occur in tandem with the recording of the proposed plat of CANNON RIVER VIEW. If the plat and the vacation are not recorded in tandem at Rice County, the approval of the vacation shall automatically be nullified, and the vacation shall not be recorded with Rice County.

Section 2. Findings and incorporation of recitals and exhibits. The recitals and exhibits incorporated in this ordinance constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 3. Authorization to take additional steps. The City Council hereby authorizes the Mayor, City Administrator, City Staff, and City Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this ordinance.

Section 4. Effective date of this ordinance. This Ordinance takes effect and is in force after its passage and publication, per Section 3.05 of the City Charter.

Public Hearing: April 18, 2022

First Reading: _____

Second Reading: _____

Publication Date: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A
Legal Description of the
Former Highway 218 Easement Vacation

PARCEL 1 described below and graphically depicted in Exhibit B, transferred from the State of Minnesota to the City of Faribault in Document No. 432078, filed on January 7th, 1998, in the Office of the Rice County Recorder, Rice County, Minnesota.

Part of Parcel 1 S.P. 6612 (218=1) 904

That part of Tract A described below:

Tract A.

The Northwest Quarter of the Northeast Quarter of Section 19, Township 110 North, Range 20 West, Rice County Minnesota;

which lies within a distance of 90 feet easterly of Line 1 described below and southerly of Line 2 described below:

Line 1.

Beginning at a point on the east and west quarter line of said Section 19, distant 402.9 feet east of the center thereof; thence run northeasterly at an angle of 83 degrees 23 minutes 00 seconds from said east and west quarter line (measured from east to north) for 400.7 feet to tangent spiral point; thence deflect to the right on a spiral curve of decreasing radius (spiral angle 01 degree 07 minutes 30 seconds) for 150 feet; thence deflect to the right on a 01 degree 30 minute 00 second curve (delta angle 07 degrees 29 minutes 00 seconds) for 498.6 feet to curve spiral point; thence deflect to the right on a spiral curve of increasing radius (spiral angle:01 degree 07 minutes 30 seconds) for 150 feet; thence on tangent to said curve for 700 feet and there terminating;

Line 2.

Commencing at the north quarter corner of said Section 19; thence on an azimuth of 148 degrees 36 minutes 15 seconds for 1074.72 feet to Right of Way Boundary Corner B3 as shown on Minnesota Department of Transportation Right of Way Plat No. 66-4; thence on an azimuth of 48 degrees 07 minutes 10 seconds along the boundary of said plat, 201.78 feet to Right of Way Boundary Corner B402 as shown on said plat; thence southeasterly on an azimuth of 138 degrees 07 minutes 10 seconds to an intersection with Line 1 described above, which is the point of beginning of Line 2 to be described; thence run easterly at right angles to said Line 1 for 100 feet and there terminating;

together with all right of access control, being the right of ingress to and egress from that part of Parcel 1 herein conveyed to the lands adjacent thereto, except that access shall be permitted southerly of a point on Line 1 described above, distant 150 feet southerly of its intersection with Line 2 described above.

That part of PARCEL 2 described below and graphically depicted in Exhibit B, transferred from the State of Minnesota to the City of Faribault in Document No. 432078, filed on January 7th, 1998, in the Office of the Rice County Recorder, lying north of the north line of DUTTON ADDITION, according to the recorded plat thereof, Rice County, Minnesota.

Part of Parcel 2 S.P. 6612 (218=1) 904

That part of Tract A described below:

Tract A.

The Southwest Quarter of the Northeast Quarter and the North Quarter of the North Half of the Southeast Quarter of Section 19, Township 110 North, Range 20 West, Rice County, Minnesota; excepting therefrom that part of the following described tract lying westerly of a line run parallel with and distant 24 feet easterly of Line 1 described below: Beginning at the southwest corner of said North Quarter of the North Half of the Southeast Quarter; thence North 00 degrees 00 minutes 00 seconds, assumed bearing, along the west line of said Southeast Quarter, 163.16 feet; thence North 89 degrees 55 minutes 30 seconds East, 441.34 feet to a point in the center line of First Avenue N.W. as said road is built and traveled; thence South 06 degrees 09 minutes 09 seconds West, along said center line, 163.96 feet to a point in the south line of said North Quarter of the North Half of the Southeast Quarter; thence South 89 degrees 54 minutes 00 seconds West, along said south line, 423.77 feet to the point of beginning; excepting therefrom the south 66 feet thereof;

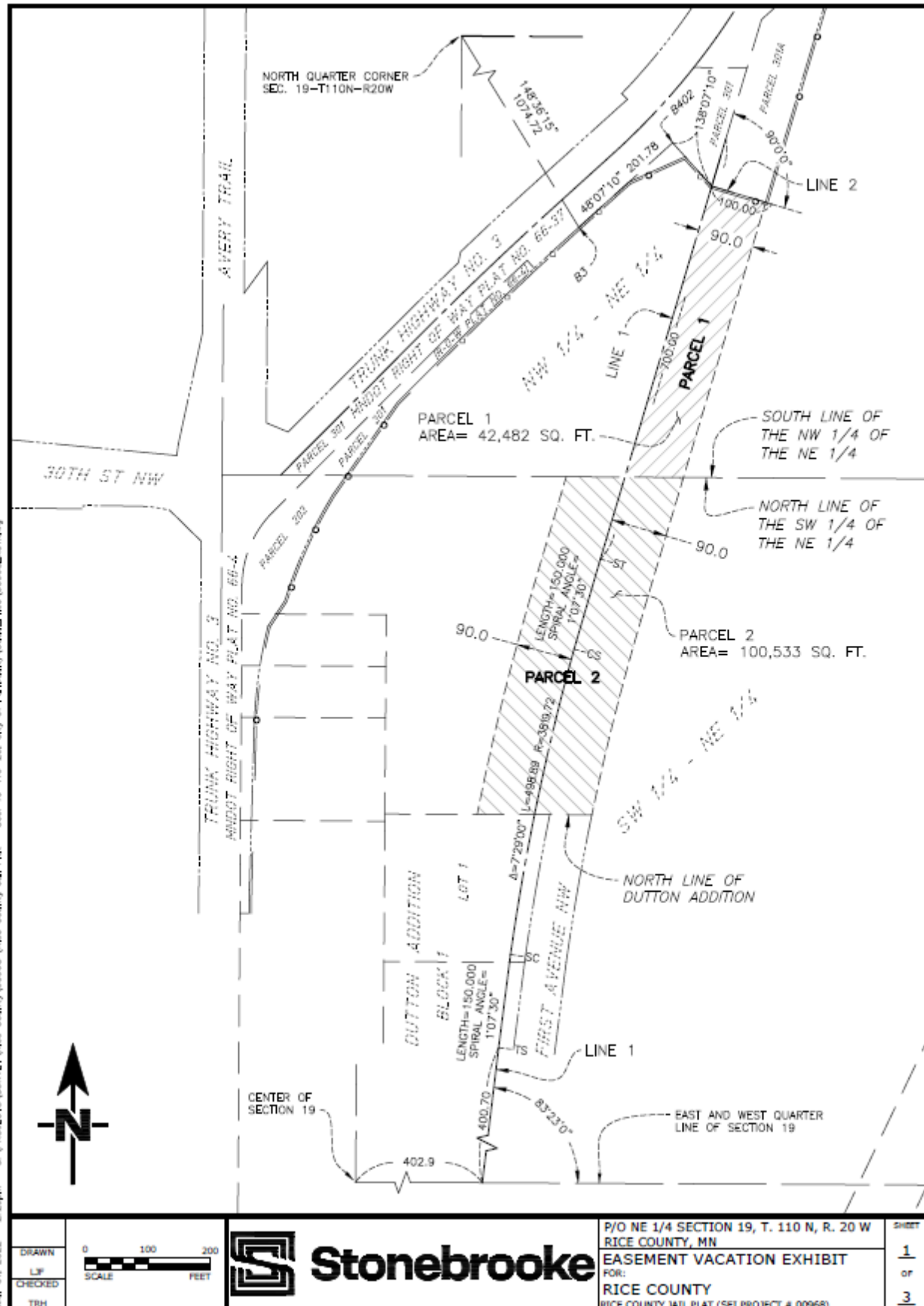
which lies within a distance of 90 feet on each side of Line 1 described below:

Line 1.

From a point on the east and west quarter line of said Section 19, distant 402.9 feet east of the center thereof, run southwesterly at an angle of 83 degrees 23 minutes 00 seconds from said east and west quarter line (measured from west to south) for 500 feet to the point of beginning of Line 1 to be described; thence run northeasterly along the last described course for 900.7 feet to tangent spiral point; thence deflect to the right on a spiral curve of decreasing radius (spiral angle 01 degree 07 minutes 30 seconds) for 150 feet; thence deflect to the right on a 01 degree 30 minute 00 second curve (delta angle 07 degrees 29 minutes 00 seconds) for 498.6 feet to curve spiral point; thence deflect to the right on a spiral

curve of increasing radius (spiral angle 01 degree 07 minutes 30 seconds) for 150 feet; thence on tangent to said curve for 700 feet and there terminating.

EXHIBIT B **Graphic Depiction of the Former State Highway 218 Easement**





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: April 18, 2022
SUBJECT: Resolution 2022-xxx Approve the Preliminary and Final Plat of CANNON RIVER VIEW

Background:

Rice County (the "Applicant") is the fee owner of land parcels east of State Highway 3 and 30th Street NW. The Applicant is proposing to plat this area as CANNON RIVER VIEW (see the attached preliminary plat and final plat). Refer to the City Engineer's report in the project overview (Item 3.B.) for a detailed review of the proposed plat. Also, refer to the attached preliminary and final plat of CANNON RIVER VIEW for additional information.

Unfortunately, the City Attorney did not receive adequate title work to conduct a legal review of the proposed plat. Therefore, Staff recommends that the Planning Commission continue the public hearing related to the preliminary and final plat of CANNON RIVER VIEW until May 2, 2022.

Recommendation:

Continue the public hearing related to the request for preliminary and final plat approval of CANNON RIVER VIEW until May 2, 2022.

Attachments:

1. CANNON RIVER VIEW Preliminary Plat
2. CANNON RIVER VIEW Final Plat

Mar 01, 2022 - 1:51pm - S:\PROJECTS\SURVEY\Rice County\00968 (Rice County soil Plat - Sec. 19-110-20, City of Faribault)\Cadd_Files\00968P01.dwg

CANNON RIVER VIEW PRELIMINARY PLAT

FARIBAULT, MN

LEGAL DESCRIPTION

PART OF THE S1/2 OF THE N1/2 OF THE NE1/4 OF SECTION 19, TOWNSHIP 110 NORTH, RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, LYING EAST OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY'S RIGHT OF WAY-- BEING MORE EXACTLY DESCRIBED AS: BEGINNING AT A POINT IN THE EAST LINE OF SAID NE1/4 (FOR PURPOSES OF THIS DESCRIPTION BEARING OF SAID EAST LINE IS ASSUMED SOUTH 0°15'27" WEST), A DISTANCE OF 654.32 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF SAID NE1/4; SAID POINT BEING THE NORTHEAST CORNER OF SAID S1/2 OF N1/2 OF NE1/4; THENCE CONTINUE SOUTH 0°15'27" WEST, ALONG SAID EAST LINE, 654.32 FEET TO THE SOUTHEAST CORNER OF SAID S1/2 OF N1/2 OF NE1/4; THENCE NORTH 89°30'45" WEST, ALONG THE SOUTH LINE OF SAID S1/2 OF N1/2 OF NE1/4, 947.77 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE NORTH 25°44'12" EAST, ALONG SAID SOUTHEAST RIGHT OF WAY LINE, 723.78 FEET TO A POINT IN THE NORTH LINE OF SAID S1/2 OF N1/2 OF NE1/4; THENCE SOUTH 89°29'01" EAST, ALONG SAID NORTH LINE, 636.42 FEET TO SAID POINT OF BEGINNING; CONTAINING 11.901 ACRES, MORE OR LESS.

AND

That part of the following described property which lies north of the south line of the Northeast Quarter of Section 19, Township 110 North, Range 20 West, Rice County, Minnesota;

PART OF THE E1/2 OF SECTION 19, TOWNSHIP 110 NORTH, RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF THE NE1/4 OF SAID SECTION 19 (FOR PURPOSES OF THIS DESCRIPTION BEARING OF SAID EAST LINE IS ASSUMED SOUTH 0°15'27" WEST), A DISTANCE OF 654.32 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF SAID NE1/4, SAID POINT BEING THE NORTHEAST CORNER OF THE S1/2 OF THE N1/2 OF SAID NE1/4; THENCE CONTINUE SOUTH 0°15'27" WEST, ALONG SAID EAST LINE, 1409.32 FEET TO A POINT IN THE CENTER OF CANNON RIVER; THENCE SOUTHWESTERLY, ALONG SAID CENTER OF CANNON RIVER ON THE FOLLOWING FIVE COURSES: SOUTH 50°15'27" WEST, 440.00 FEET; SOUTH 26°57'20" WEST, 579.11 FEET; SOUTH 42°55'36" WEST, 300.00 FEET; SOUTH 74°10'36" WEST, 450.00 FEET; SOUTH 57°10'36" WEST, 550.00 FEET; NORTH 89°34'24" WEST, PARALLEL WITH THE SOUTH LINE OF SAID NE1/4, 304.00 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE NORTH 25°44'12" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, 3164.72 FEET TO A POINT IN THE NORTH LINE OF SAID S1/2 OF N1/2 OF NE1/4; THENCE SOUTH 89°29'01" EAST, 636.42 FEET TO SAID POINT OF BEGINNING; SUBJECT TO THE PROPRIETARY AND SOVEREIGN RIGHTS OF THE STATE OF MINNESOTA IN ALL THAT PORTION OF THE LAND LYING BELOW THE NATURAL ORDINARY HIGH WATER MARK OF THE CANNON RIVER; NOT, HOWEVER, TO DEPRIVE THE FEE OWNERS OF THE USUAL RIPARIAN RIGHTS THAT ATTACH TO THE LAND RIPARIAN TO A NAVIGABLE PUBLIC BODY OF WATER INCIDENT TO THE OWNERSHIP THEREOF; CONTAINING 51.323 ACRES, MORE OR LESS, INCLUDING SAID CANNON RIVER, AND CONTAINING 48.086 ACRES, MORE OR LESS, EXCLUDING SAID CANNON RIVER.

AND

Part of the South One-half of the North One-half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West, lying South and East of the center line of a Trunk Highway easement recorded in Book 225 of Deeds, pages 48 to 62 of record in the office of the Rice County Recorder and lying westerly from the westerly right of way line of the Chicago Great Western Railroad; excepting therefrom the following described parcel:

Commencing at a point in the center of Trunk Highway No. 218, said point being 700 feet East and 250.24 feet North of the Southwest corner of the North One-half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West; thence running East, a distance of 955 feet to the westerly right-of-way line of the Chicago, Great Western Railroad; thence northeasterly, along said right-of-way line, a distance of 729 feet; thence West 935.3 feet to the center of the Road or Highway known as "Old Jefferson Highway", the "Faribault-Dundas Road" and as the "Dundas-Faribault River Road"; thence southwesterly, along said center of said Road or Highway, a distance of 257 feet to the center line of Trunk Highway No. 218; thence southwesterly, along the said center line of said Trunk Highway No. 218, a distance of 506.5 feet to the place of beginning;

being more exactly described as: Part of the North One-half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the South line of said North One-half of Northeast Quarter (for purposes of this description bearings are assumed and based on said South line being South 89°30'45" East), a distance of 644.18 feet easterly from the Southwest corner of said North One-half of Northeast Quarter, said point being the center line of an easement for Trunk Highway construction and maintenance acquired by the State of Minnesota by final certificate filed in the County Recorder's Office in Book 225 of Deeds, pages 48 to 62; thence North 16°46'36" East, along said Highway easement center line, 260.70 feet to a point in a line 250.24 feet northerly from and parallel with said South line of North One-half of Northeast Quarter; thence South 89°30'45" East, along said parallel line, 957.39 feet; thence South 25°44'12" West, 276.67 feet to a point in said South line; thence North 89°30'45" West, along said South line, 921.51 feet to said point of beginning; subject to said State Trunk Highway Easement over the westerly side of said herein described parcel.

AND

Part of the North One-Half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Southwest corner of said North One-half of Northeast Quarter; thence South 89°30'45" East, along the South line of said North One-half of Northeast Quarter (for purposes of this description bearings are assumed and based on said South line being South 89°30'45" East), a distance of 644.18 feet to a point in the center line of an easement for Trunk Highway construction and maintenance acquired by the State of Minnesota by final certificate filed and of record in the County Recorder's Office in Book 225 of Deeds, pages 48 to 62; thence North 16°46'36" East, along said Highway easement center line, 260.70 feet to a point in a line 250.24 feet northerly from and parallel with said South line of North One-half of Northeast Quarter and the true point of beginning of the parcel to be herein described; thence South 89°30'45" East along said parallel line, 957.39 feet to a point in the northwesterly right of way line of the Chicago Great Western Railway Company (now abandoned); thence North 25°44'12" East, along said northwesterly right of way line, 447.17 feet; thence North 89°29'01" West, along said right of way line, 55.27 feet; thence North 25°44'12" East, along said right of way line, 261.61 feet; thence North 89°29'01" West, 378.52 feet to a point in the center line of Ames Trail (formerly "Old Jefferson Highway"); thence South 48°00'31" West, along said center line of Ames Trail, 262.35 feet to a point in aforesaid center line of State Trunk Highway Easement; thence South 16°46'36" West, along said center line of Trunk Highway Easement, 502.62 feet to said true point of beginning; subject to said State Trunk Highway Easement and Ames Trail over the westerly side of said herein described parcel;

EXCEPT:

That part of the Northwest Quarter of the Northeast Quarter of Section 19, Township 110 North, Range 20 West, shown as Parcel 301A on Minnesota Department of Transportation Right of Way Plat Numbered 66-37 as the same is on file and of record in the office of the County Recorder in and for Rice County, Minnesota; which is encumbered in its entirety by an existing highway easement, together with other rights as set forth below, forming and being part of said Parcel 301A:

Access:

All right of access as shown on said plat by the access control symbol.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 301A by the temporary easement symbol, said easement shall cease on December 1, 2012, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

together with all hereditaments and appurtenances belonging thereto. Subject to mineral rights and utility easements of record, if any.

AND

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, 1556.89 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, 598.02 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 an 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 0°30'28" East, along said center line of First Avenue N.W. as traveled, 164.02 feet; thence North 39°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.

EXCEPT:

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, 770.57 feet; thence South 89°35'38" East, 331.07 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 an 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 = South 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 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 an easement for Trunk Highway construction and maintenance and for First Avenue N.W. over the southeasterly side of said herein described parcel.

AND

That part of the North One-half of the Northeast Quarter of the Northeast Quarter of Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, being a strip of land 200 feet in width, 100 feet on both sides of the center line of the now removed main track of the Chicago and North Western Transportation Company, extending over and across said North One-half of the Northeast Quarter of the Northeast Quarter, described as follows: Beginning at a point in the South line of said North One-half of the Northeast Quarter of the Northeast Quarter (for purposes of this description bearing of said South line is assumed North 89°29'01" West), a distance of 581.15 feet, Westerly from the Southeast corner of said North One-half of the Northeast Quarter of the Northeast Quarter; thence continue along said South line, North 89°29'01" West, 221.07 feet; thence North 25°44'12" East, 723.53 feet to a point in the North line of said Northeast Quarter; thence South 89°27'17" East, along said North line 221.02 feet; thence South 25°44'12" West, 723.40 feet to said point of beginning.

AND

That part of the South One-half of the Northeast Quarter of the Northeast Quarter and the South One-half of the Northeast Quarter, being a strip of land 100 feet in width, 50 feet on both sides of the center line of the now removed main track of said Transportation Company, all being in Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows:

Beginning at a point in the North line of said South One-half of the Northeast Quarter of the Northeast Quarter (for purposes of this description bearing of said North line is assumed North 89°29'01" West), a distance of 636.42 feet Westerly from the Northeast corner of said South One-half of the Northeast Quarter of the Northeast Quarter; thence along said North line, North 89°29'01" West, 110.54 feet; thence South 25°44'12" West, 3,164.91 feet; thence South 89°34'24" East, 110.62 feet; thence North 25°44'12" East, 3,164.71 feet to said point of beginning.

Excepting and Reserving, however, unto the Grantor, its lessees, licensees, successors and assigns, the right to continue to protect, maintain, operate and use any and all existing conduits, sewers, water mains, gas lines, electric power lines, communication lines, wires and other utilities, and easements of any kind whatsoever on said premises, including the repair, reconstruction and replacement thereof.

By the acceptance of this conveyance, Grantee, for itself, its successors and assigns, agrees to take all steps necessary, at no expense Grantor, to comply with any and all governmental requirements relating to land platting and use.

AND

All that part of the S1/2 of the N1/2 of the NE1/4 of Section 19, Township 110 North, Range 20 West of the 5th P.M., Rice County, Minnesota, lying southeasterly from the center line of Minnesota Trunk Highway No. 3; and westerly 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. EXCEPTING THEREFROM that part of the above described property, shown as Parcel 201 on Minnesota Department of Transportation Right of Way Plat Numbered 66-4 as the same is on file and of record in the Office of the County Recorder, Rice County, Minnesota; and subject to rights of access if any of record.

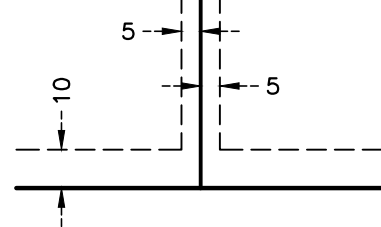
ALSO EXCEPTING THEREFROM That part of the NW1/4 of the NE1/4 of Section 19, Township 110 North, Range 20 West, shown as Parcel 301 on Minnesota Department of Transportation Right of Way Plat Numbered 66-37 as the same is on file and of record in the Office of the County Recorder in and for Rice County, Minnesota.

Area Summary			
	Area (Sq. Ft.)	Acres	Proposed Zoning District
Lot 1, Block 1	1,770,692	40.65	P/I, Public/Institutional
Lot 1, Block 2	169,178	3.88	I-1, Light Industrial
Lot 1, Block 3	89,310	2.05	I-1, Light Industrial
Lot 1, Block 4	150,814	3.46	I-1, Light Industrial
Outlot A	130,624	3.00	O, Agricultural-Open Space
Outlot B	301,443	6.92	R-3, Medium Density Residential
Outlot C	48,295	1.11	I-1, Light Industrial
Outlot D	1,130,662	25.96	O, Agricultural-Open Space
Streets	204,270	4.69	
Total	3,995,288	91.72	

LEGEND

- MONUMENT FOUND
- IRON PIPE MONUMENT SET MARKED WITH REG. NO. 46534 UNLESS OTHERWISE INDICATED
- ⊙ CAST IRON MONUMENT FOUND
- ⦿ BENCHMARK
- ≡ EXISTING CONTOURS
- ⚡ FIRE HYDRANT
- ☒ CATCH BASIN
- ⊕ ⊖ SEWER MANHOLES
- ✉ MAILBOX
- ⌵ CURB STOP
- ⊞ UTILITY PEDESTAL
- ☼ LIGHT POLE
- △ SIGN
- 🌳 DECIDUOUS TREE
- 🌲 CONIFEROUS TREE
- ACCESS CONTROL (RIGHT OF ACCESS TO STATE OF MN)

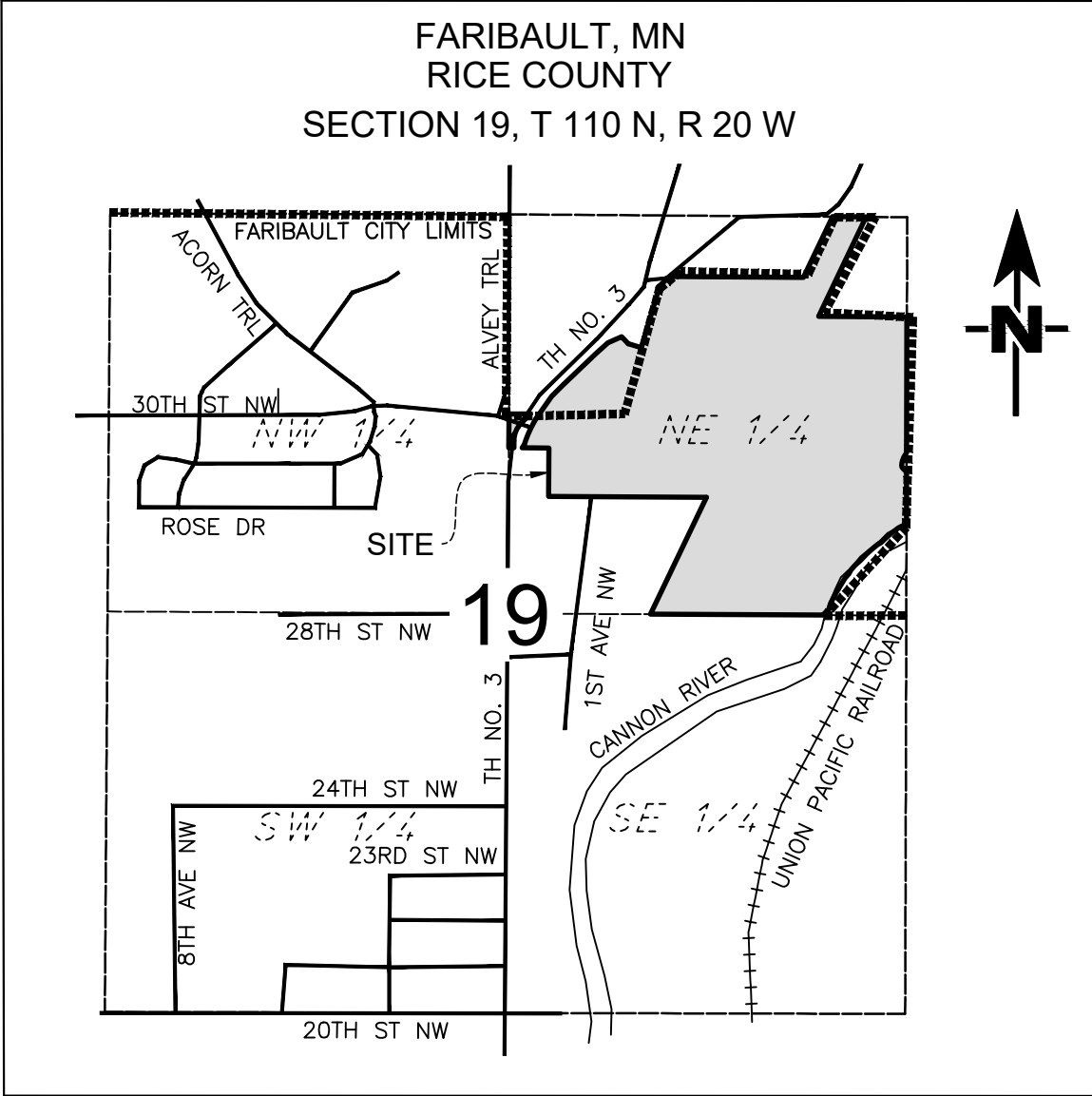
DRAINAGE AND UTILITY EASEMENTS (D.U.E.) ARE SHOWN THUS:



BEING 5 FEET IN WIDTH, ADJOINING SIDE AND REAR LOT LINES, AND 10 FEET IN WIDTH, ADJOINING LOT LINES ALONG THE PLAT BOUNDARY AND RIGHT OF WAY LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON PLAT.

BENCH MARK:
MnDOT Geodetic Monument 6612 M
ELEVATION = 989.44 (NAVD 88)

Orientation of the bearing system is based on Rice County Coordinates, NAD 83, (2011 adjustment).



VICINITY MAP

NOT TO SCALE

PROPERTY OWNERS:

Rice County
(Primary Contact: Matthew Verdick, Director of Parks & Facilities)
(Signatory: Jim Purfeerst, Chairperson, Board of Commissioners)
320 NW 3rd Street
Faribault, MN 55021
Phone: 507-332-6105

Steven E. Patee and Joan F. Patee
Paul W. Friesen and Wanda K. Friesen
18295 Faribault Blvd.
Faribault, MN 55021

SURVEYOR:

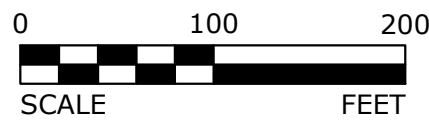
Stonebrooke Engineering, Inc.
12279 Nicollet Ave. S.
Burnsville, MN 55337
Phone: 952-402-9202
Fax: 952-403-6803
www.stonebrookeengineering.com

RECORD 1 - Refers to dimensions as stated in Certificate of Title No. 13968 on file and of record in the Office of County Registrar, Rice County, Minnesota.

RECORD 2 - Refers to dimensions as stated in Certificate of Title No. 13975 on file and of record in the Office of County Registrar, Rice County, Minnesota.

RECORD 3 - Refers to dimensions as stated in Limited Warranty Deed, recorded as Document No. A747535 in the office of the County Recorder and as Document No. T60869 in the Office of County Registrar, Rice County, Minnesota.

REV. NO.	DATE	BY	CHK	DESCRIPTION



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.			
NAME	Lance Frost	LIC. NO.	46534
DATE	3-1-2022		

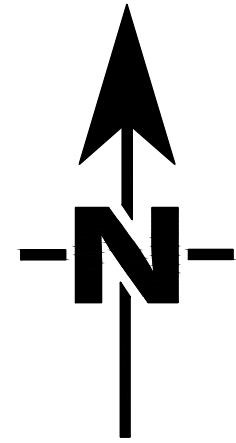
DRAWN	LJF
CHECKED	
TRH	



PRELIMINARY PLAT
PART OF THE NE 1/4 OF SEC. 19, T. 110 N, R. 20 W
FOR: RICE COUNTY, MINNESOTA

SHEET
1 OF
3

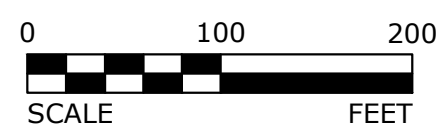
CANNON RIVER VIEW PRELIMINARY PLAT
FARIBAULT, MN



Orientation of the bearing system is based on Rice County Coordinates, NAD 83, (2011 adjustment).

BENCH MARK:
MnDOT Geodetic Monument 6612 M
ELEVATION = 989.44 (NAVD 88)

REV. NO.	DATE	BY	CHK	DESCRIPTION



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Lance Frost

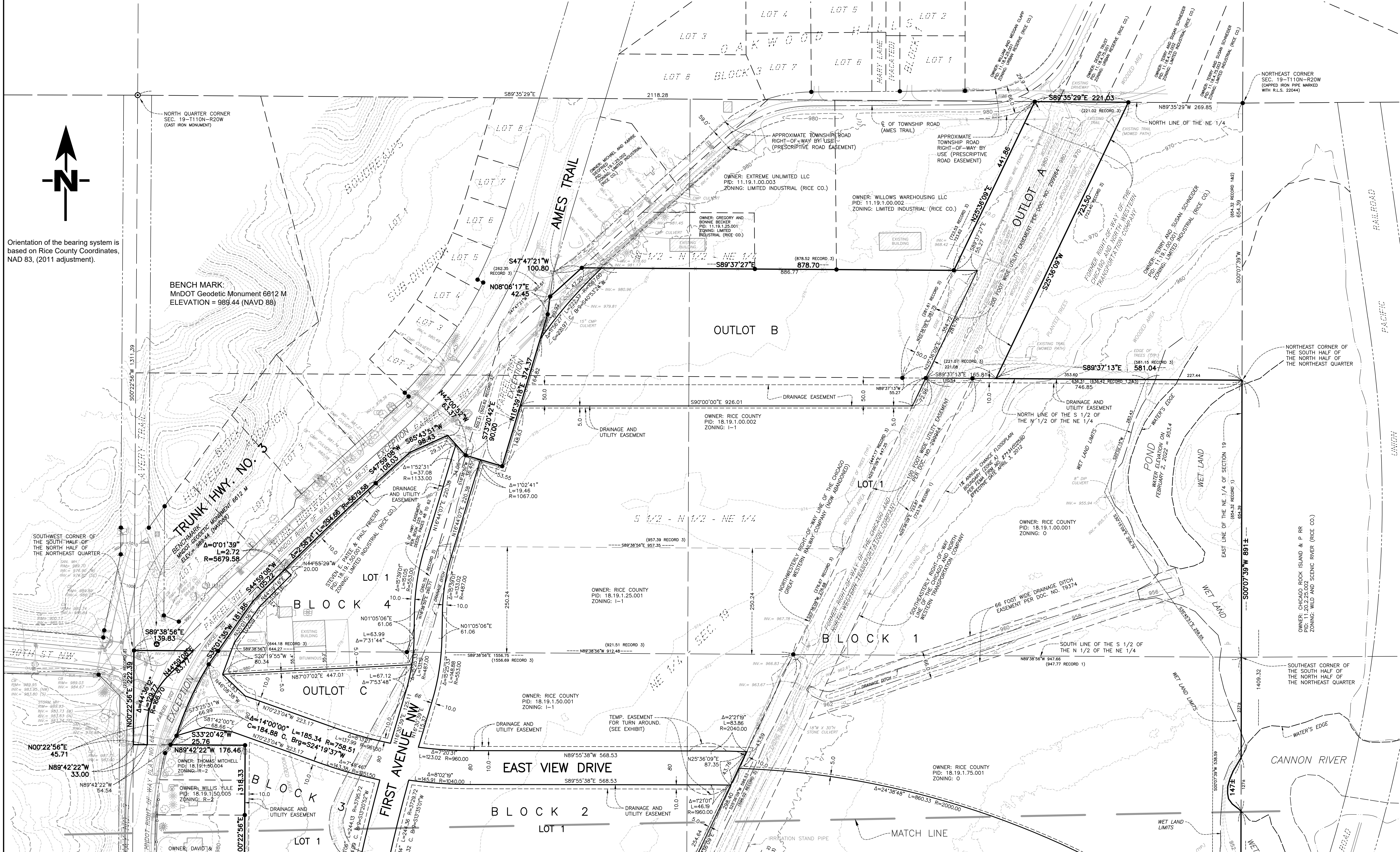
NAME Lance Frost LIC. NO. 46534 DATE 3-1-2022

DRAWN
LJF
CHECKED
TRH

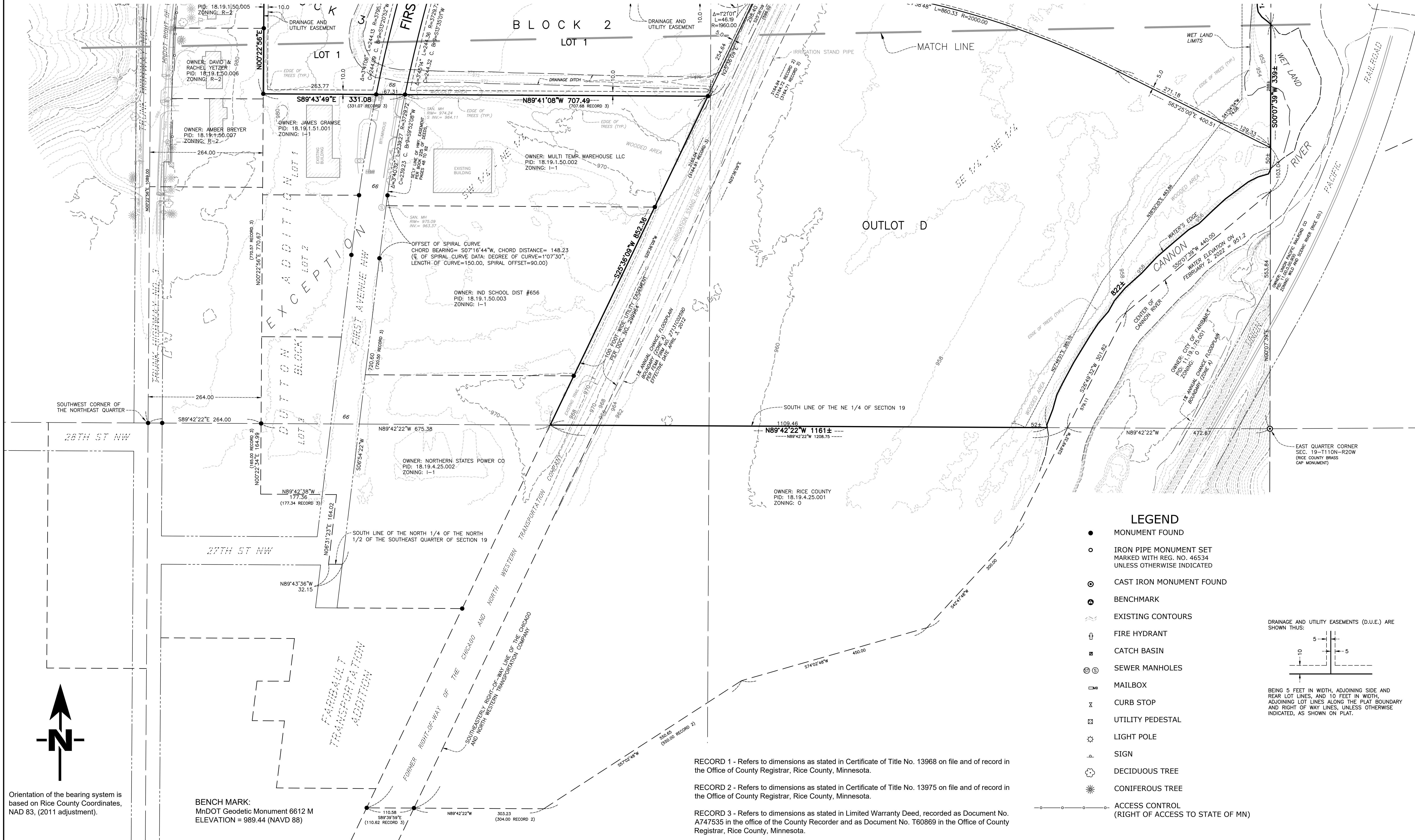


PRELIMINARY PLAT
PART OF THE NE 1/4 OF SEC. 19, T. 110 N, R. 20 W
FOR: RICE COUNTY, MINNESOTA

SHEET
2
OF
3



CANNON RIVER VIEW PRELIMINARY PLAT
FARIBAULT, MN



LEGEND

- MONUMENT FOUND
- IRON PIPE MONUMENT SET MARKED WITH REG. NO. 46534 UNLESS OTHERWISE INDICATED
- ⊙ CAST IRON MONUMENT FOUND
- ⊙ BENCHMARK
- ~ EXISTING CONTOURS
- ⬮ FIRE HYDRANT
- ⬮ CATCH BASIN
- ⊙ SEWER MANHOLES
- ☐ MAILBOX
- ⊗ CURB STOP
- ⬮ UTILITY PEDESTAL
- ⬮ LIGHT POLE
- ⬮ SIGN
- ☼ DECIDUOUS TREE
- ⬮ CONIFEROUS TREE
- ACCESS CONTROL (RIGHT OF ACCESS TO STATE OF MN)

DRAINAGE AND UTILITY EASEMENTS (D.U.E.) ARE SHOWN THUS:

BEING 5 FEET IN WIDTH, ADJOINING SIDE AND REAR LOT LINES, AND 10 FEET IN WIDTH, ADJOINING LOT LINES ALONG THE PLAT BOUNDARY AND RIGHT OF WAY LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON PLAT.

RECORD 1 - Refers to dimensions as stated in Certificate of Title No. 13968 on file and of record in the Office of County Registrar, Rice County, Minnesota.

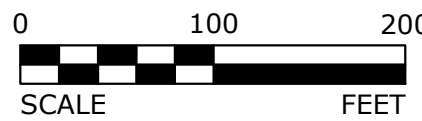
RECORD 2 - Refers to dimensions as stated in Certificate of Title No. 13975 on file and of record in the Office of County Registrar, Rice County, Minnesota.

RECORD 3 - Refers to dimensions as stated in Limited Warranty Deed, recorded as Document No. A747535 in the office of the County Recorder and as Document No. T60869 in the Office of County Registrar, Rice County, Minnesota.

Orientation of the bearing system is based on Rice County Coordinates, NAD 83, (2011 adjustment).

BENCH MARK:
MnDOT Geodetic Monument 6612 M
ELEVATION = 989.44 (NAVD 88)

REV. NO.	DATE	BY	CHK	DESCRIPTION



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Lance Frost

NAME Lance Frost LIC. NO. 46534 DATE 3-1-2022

DRAWN
LJF
CHECKED
TRH



PRELIMINARY PLAT
PART OF THE NE 1/4 OF SEC. 19, T. 110 N, R. 20 W
FOR: RICE COUNTY, MINNESOTA

SHEET
3
OF
3

CANNON RIVER VIEW

CO. RECORDER DOC. NO.	REG. TITLES DOC. NO.

KNOW ALL PERSONS BY THESE PRESENTS: That County of Rice, a public corporation, Steven E. Patee and Joan F. Patee, husband and wife, and Paul W. Friesen and Wanda K. Friesen, husband and wife, owners of the following described property situated in the City of Faribault, County of Rice, State of Minnesota to wit:

PART OF THE S1/2 OF THE N1/2 OF THE NE1/4 OF SECTION 19, TOWNSHIP 110 NORTH, RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, LYING EAST OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY'S RIGHT OF WAY---, BEING MORE EXACTLY DESCRIBED AS: BEGINNING AT A POINT IN THE EAST LINE OF SAID NE1/4 (FOR PURPOSES OF THIS DESCRIPTION BEARING OF SAID EAST LINE IS ASSUMED SOUTH 0°15'27" WEST), A DISTANCE OF 654.32 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF SAID NE1/4; SAID POINT BEING THE NORTHEAST CORNER OF SAID S1/2 OF N1/2 OF NE1/4; THENCE CONTINUE SOUTH 0°15'27" WEST, ALONG SAID EAST LINE, 654.32 FEET TO THE SOUTHEAST CORNER OF SAID S1/2 OF N1/2 OF NE1/4; THENCE NORTH 89°30'45" WEST, ALONG THE SOUTH LINE OF SAID S1/2 OF N1/2 OF NE1/4, 947.77 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE NORTH 25°44'12" EAST, ALONG SAID SOUTHEAST RIGHT OF WAY LINE, 723.78 FEET TO A POINT IN THE NORTH LINE OF SAID S1/2 OF N1/2 OF NE1/4; THENCE SOUTH 89°29'01" EAST, ALONG SAID NORTH LINE, 636.42 FEET TO SAID POINT OF BEGINNING; CONTAINING 11.901 ACRES, MORE OR LESS.

AND

That part of the following described property which lies north of the south line of the Northeast Quarter of Section 19, Township 110 North, Range 20 West, Rice County, Minnesota;

PART OF THE E1/2 OF SECTION 19, TOWNSHIP 110 NORTH, RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF THE NE1/4 OF SAID SECTION 19 (FOR PURPOSES OF THIS DESCRIPTION BEARING OF SAID EAST LINE IS ASSUMED SOUTH 0°15'27" WEST), A DISTANCE OF 654.32 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF SAID NE1/4, SAID POINT BEING THE NORTHEAST CORNER OF THE S1/2 OF THE N1/2 OF SAID NE1/4; THENCE CONTINUE SOUTH 0°15'27" WEST, ALONG SAID EAST LINE, 1409.32 FEET TO A POINT IN THE CENTER OF CANNON RIVER; THENCE SOUTHWESTERLY, ALONG SAID CENTER OF CANNON RIVER ON THE FOLLOWING FIVE COURSES: SOUTH 50°15'27" WEST, 440.00 FEET; SOUTH 26°57'20" WEST, 579.11 FEET; SOUTH 42°55'36" WEST, 300.00 FEET; SOUTH 74°10'36" WEST, 450.00 FEET; SOUTH 57°10'36" WEST, 550.00 FEET; NORTH 89°34'24" WEST, PARALLEL WITH THE SOUTH LINE OF SAID NE1/4, 304.00 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE NORTH 25°44'12" EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, 3164.72 FEET TO A POINT IN THE NORTH LINE OF SAID S1/2 OF N1/2 OF NE1/4; THENCE SOUTH 89°29'01" EAST, 636.42 FEET TO SAID POINT OF BEGINNING; SUBJECT TO THE PROPRIETARY AND SOVEREIGN RIGHTS OF THE STATE OF MINNESOTA IN ALL THAT PORTION OF THE LAND LYING BELOW THE NATURAL ORDINARY HIGH WATER-MARK OF THE CANNON RIVER; NOT, HOWEVER, TO DEPRIVE THE FEE OWNERS OF THE USUAL RIPARIAN RIGHTS THAT ATTACH TO THE LAND REPARIAN TO A NAVIGABLE PUBLIC BODY OF WATER INCIDENT TO THE OWNERSHIP THEREOF; CONTAINING 51.323 ACRES, MORE OF LESS, INCLUDING SAID CANNON RIVER, AND CONTAINING 48.086 ACRES, MORE OR LESS, EXCLUDING SAID CANNON RIVER.

AND

Part of the South One-half of the North One-half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West, lying South and East of the center line of a Trunk Highway easement recorded in Book 225 of Deeds, pages 48 to 62 of record in the office of the Rice County Recorder and lying westerly from the westerly right of way line of the Chicago Great Western Railroad; excepting therefrom the following described parcel:

Commencing at a point in the center of Trunk Highway No. 218, said point being 700 feet East and 250.24 feet North of the Southwest corner of the North One-half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West; thence running East, a distance of 955 feet to the westerly right-of-way line of the Chicago, Great Western Railroad; thence northeasterly, along said right-of-way line, a distance of 728 feet; thence West 935.3 feet to the center of the Road or Highway known as "Old Jefferson Highway", the "Faribault-Dundas Road" and as the "Dundas-Faribault River Road"; thence southwesterly, along said center of said Road or Highway, a distance of 257 feet to the center line of Trunk Highway No. 218; thence southwesterly, along the said center line of said Trunk Highway No. 218, a distance of 506.5 feet to the place of beginning;

being more exactly described as: Part of the North One-half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the South line of said North One-half of Northeast Quarter (for purposes of this description bearings are assumed and based on said South line being South 89°30'45" East), a distance of 644.18 feet easterly from the Southwest corner of said North One-half of Northeast Quarter, said point being the center line of an easement for Trunk Highway construction and maintenance acquired by the State of Minnesota by final certificate filed and of record in the County Recorder's Office in Book 225 of Deeds, pages 48 to 62; thence North 16°46'36" East, along said Highway easement center line, 260.70 feet to a point in a line 250.24 feet northerly from and parallel with said South line of North One-half of Northeast Quarter; thence South 89°30'45" East, along said parallel line, 957.39 feet; thence South 25°44'12" West, 276.67 feet to a point in said South line; thence North 89°30'45" West, along said South line, 921.51 feet to said point of beginning; subject to said State Trunk Highway Easement over the westerly side of said herein described parcel.

AND

Part of the North One-Half of the Northeast Quarter of Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Southwest corner of said North One half of Northeast Quarter; thence South 89°30'45" East, along the South line of said North One-half of Northeast Quarter (for purposes of this description bearings are assumed and based on said South line being South 89°30'45" East), a distance of 644.18 feet to a point in the center line of an easement for Trunk Highway construction and maintenance acquired by the State of Minnesota by final certificate filed and of record in the County Recorder's Office in Book 225 of Deeds, pages 48 to 62; thence North 16°46'36" East, along said Highway easement center line, 260.70 feet to a point in a line 250.24 feet northerly from and parallel with said South line of North One-half of Northeast Quarter; thence South 89°30'45" East, along said parallel line, 957.39 feet to a point in the northwesterly right of way line of the Chicago Great Western Railway Company (now abandoned); thence North 25°44'12" East, along said northwesterly right of way line, 447.17 feet; thence North 89°29'01" West, along said right of way line, 55.27 feet; thence North 25°44'12" East, along said right of way line, 281.61 feet; thence North 89°29'01" West, 878.52 feet to a point in the center line of Ames Trail (formerly "Old Jefferson Highway"); thence South 48°00'31" West, along said center line of Ames Trail, 262.35 feet to a point in aforesaid center line of State Trunk Highway Easement; thence South 16°46'36" West, along said center line of Trunk Highway Easement, 502.62 feet to said true point of beginning; subject to said State Trunk Highway Easement and Ames Trail over the westerly side of said herein described parcel;

EXCEPT:

That part of the Northwest Quarter of the Northeast Quarter of Section 19, Township 110 North, Range 20 West, shown as Parcel 301A on Minnesota Department of Transportation Right of Way Plat Numbered 66-37 as the same is on file and of record in the office of the County Recorder in and for Rice County, Minnesota; which is encumbered in its entirety by an existing highway easement; together with other rights as set forth below, forming and being part of said Parcel 301A:

Access:

All right of access as shown on said plat by the access control symbol.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 301A by the temporary easement symbol, said easement shall cease on December 1, 2012, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

together with all hereditaments and appurtenances belonging thereto. Subject to mineral rights and utility easements of record, if any.

AND

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 39°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.

EXCEPT:

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, 770.57 feet; thence South 89°35'38" East, 331.07 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 = South 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 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 an easement for Trunk Highway construction and maintenance and for First Avenue N.W. over the southeasterly side of said herein described parcel.

AND

That part of the North One-half of the Northeast Quarter of the Northeast Quarter of Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, being a strip of land 200 feet in width, 100 feet on both sides of the center line of the now removed main track of the Chicago and North Western Transportation Company, extending over and across said North One-half of the Northeast Quarter of the Northeast Quarter, described as follows: Beginning at a point in the South line of said North One-half of the Northeast Quarter of the Northeast Quarter (for purposes of this description bearing of said South line is assumed North 89°29'01" West), a distance of 581.15 feet, Westerly from the Southeast corner of said North One-half of the Northeast Quarter of the Northeast Quarter; thence continue along said South line, North 89°29'01" West, 221.07 feet; thence North 25°44'12" East, 723.53 feet to a point in the North line of said Northeast Quarter; thence South 89°27'17" East, along said North line 221.02 feet; thence South 25°44'12" West, 723.40 feet to said point of beginning.

AND

That part of the South One-half of the Northeast Quarter of the Northeast Quarter and the South One-half of the Northeast Quarter, being a strip of land 100 feet in width, 50 feet on both sides of the center line of the now removed main track of said Transportation Company, all being in Section 19, Township 110 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows:

Beginning at a point in the North line of said South One-half of the Northeast Quarter of the Northeast Quarter (for purposes of this description bearing of said North line is assumed North 89°29'01" West), a distance of 636.42 feet Westerly from the Northeast corner of said South One-half of the Northeast Quarter of the Northeast Quarter; thence along said North line, North 89°29'01" West, 110.54 feet; thence South 25°44'12" West, 3,164.91 feet; thence South 89°34'24" East, 110.62 feet; thence North 25°44'12" East, 3,164.71 feet to said point of beginning.

Excepting and Reserving, however, unto the Grantor, its lessees, licensees, successors and assigns, the right to continue to protect, maintain, operate and use any and all existing conduits, sewers, water mains, gas lines, electric power lines, communication lines, wires and other utilities, and easements of any kind whatsoever on said premises, including the repair, reconstruction and replacement thereof.

By the acceptance of this conveyance, Grantee, for itself, its successors and assigns, agrees to take all steps necessary, at no expense Grantor, to comply with any and all governmental requirements relating to land platting and use.

AND

All that part of the S1/2 of the N1/2 of the NE1/4 of Section 19, Township 110 North, Range 20 West of the 5th P.M., Rice County, Minnesota, lying southeasterly from the center line of Minnesota Trunk Highway No. 3; and westerly 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. EXCEPTING THEREFROM that part of the above described property, shown as Parcel 201 on Minnesota Department of Transportation Right of Way Plat Numbered 66-4 as the same is on file and of record in the Office of the County Recorder, Rice County, Minnesota; and subject to rights of access if any of record.

ALSO EXCEPTING THEREFROM That part of the NW1/4 of the NE1/4 of Section 19, Township 110 North, Range 20 West, shown as Parcel 301 on Minnesota Department of Transportation Right of Way Plat Numbered 66-37 as the same is on file and of record in the Office of the County Recorder in and for Rice County, Minnesota.

Has caused the same to be surveyed and platted as CANNON RIVER VIEW and does hereby dedicate to the public for public use the public ways and drainage and utility easements as created by this plat.

In witness whereof, said County of Rice, a public corporation, has caused these presents to be signed by its proper officers

this ____ day of _____,

_____, 20____.

Jim Purfeerst, Chairperson, Rice County Board of Commissioners

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 20____, by Jim Purfeerst, Chairperson, Rice County Board of Commissioners.

Notary Public, _____ County, MN.

My commission expires _____

In witness whereof, said Steven E. Patee and Joan F. Patee, husband and wife, have hereunto set their hands

this ____ day of _____, 20____.

Steven E. Patee

Joan F. Patee

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 20____, by Steven E. Patee and Joan F. Patee, husband and wife.

Notary Public, _____ County, MN.

My commission expires _____

In witness whereof, said Paul W. Friesen and Wanda K. Friesen, husband and wife, have hereunto set their hands

this ____ day of _____, 20____.

Paul W. Friesen

Wanda K. Friesen

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 20____, by Paul W. Friesen and Wanda K. Friesen, husband and wife.

Notary Public, _____ County, MN.

My commission expires _____

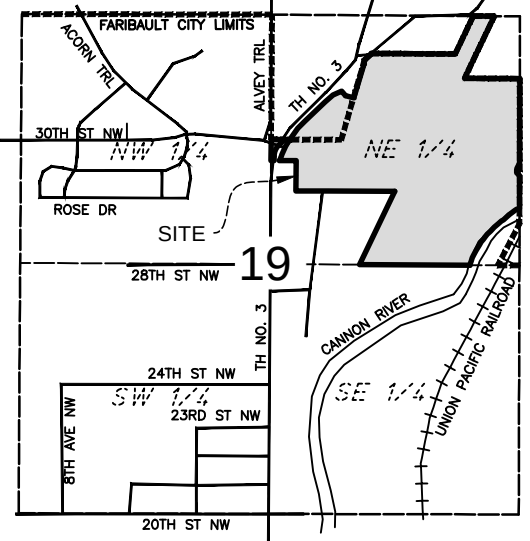
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RECORD 3 - Refers to dimensions as stated in Limited Warranty Deed, recorded as Document No. A747535 in the office of the County Recorder and as Document No. T60869 in the Office of County Registrar, Rice County, Minnesota.

CANNON RIVER VIEW

FARIBAULT, MN
RICE COUNTY
SECTION 19, T 110 N, R 20 W

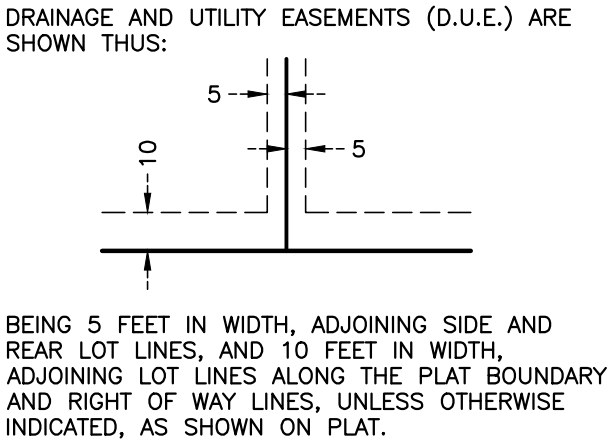


VICINITY MAP

NOT TO SCALE

LEGEND

- 5/8" X 18" IRON PIPE MONUMENT
SET, MARKED BY LICENSE NO. 46534
(UNLESS NOTED OTHERWISE)
 - MONUMENT FOUND
 - CAST IRON MONUMENT FOUND
- ACCESS CONTROL (RIGHT OF ACCESS TO THE STATE OF MINNESOTA)



SURVEYOR'S CERTIFICATE

I, Lance Frost, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this _____, day of _____, 20____.

Lance Frost, Land Surveyor
Minnesota License No. 46534

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____ by Lance Frost, Land Surveyor.

Notary Public, _____ County, MN.
My commission expires _____

CITY COUNCIL, CITY OF FARIBAULT, MINNESOTA

This plat of CANNON RIVER VIEW was approved and accepted by the City Council of the City of Faribault, Minnesota at a regular meeting thereof held this _____ day of _____, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been recieved by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03 Subd. 2.

City Council of Faribault, Minnesota

By: Mayor _____ By: City Administrator _____

RICE COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

Michael Fangman
Rice County Surveyor

RICE COUNTY PROPERTY TAX & ELECTIONS

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Denise Anderson
Property Tax & Elections Director

COUNTY RECORDER, COUNTY OF RICE, STATE OF MINNESOTA

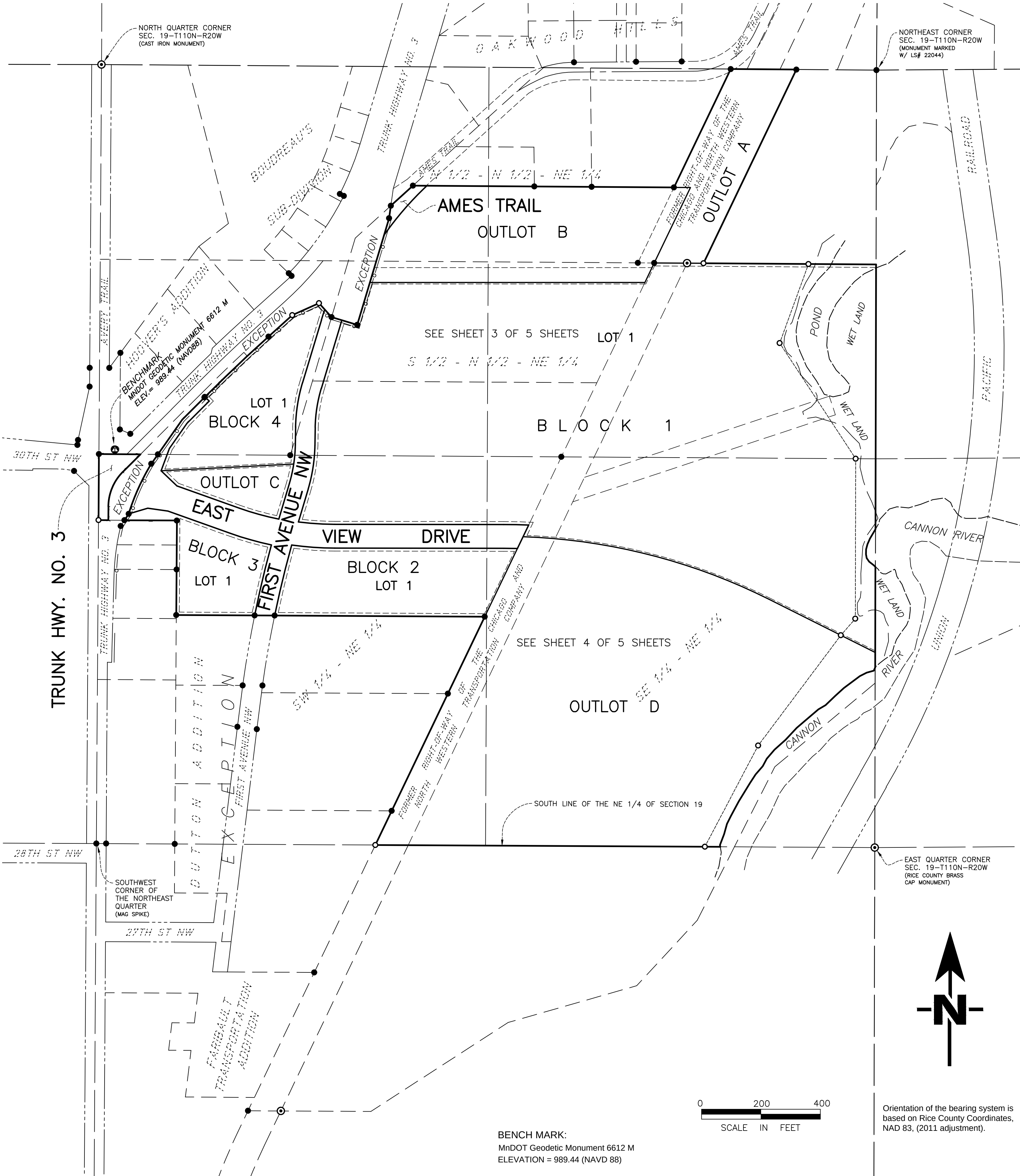
I hereby certify that this plat of CANNON RIVER VIEW was filed in the office of the County Recorder for public record on this _____ day of _____, 20 ____ at _____ o'clock ____M. and was duly filed as Document Number _____.

Michael Fangman
Rice County Recorder

REGISTRAR OF TITLES, COUNTY OF RICE, STATE OF MINNESOTA

I hereby certify that this plat of CANNON RIVER VIEW was filed in the office of the County Registrar of Titles for public record on this _____ day of _____, 20 ____ at _____ o'clock ____M. and was duly filed as Document Number _____.

Michael Fangman
Rice County Registrar of Titles



BENCH MARK:
MnDOT Geodetic Monument 6612 M
ELEVATION = 989.44 (NAVD 88)

0 200 400
SCALE IN FEET

Orientation of the bearing system is based on Rice County Coordinates, NAD 83, (2011 adjustment).

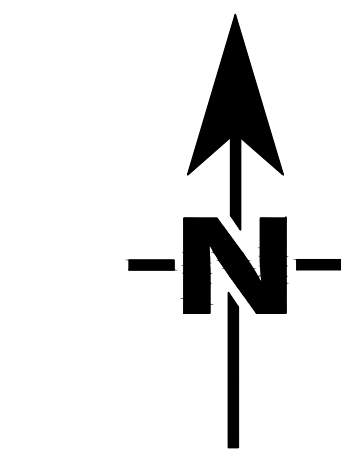
THIS PLAT PREPARED BY STONEBROOKE ENGINEERING, INC.

CANNON RIVER VIEW

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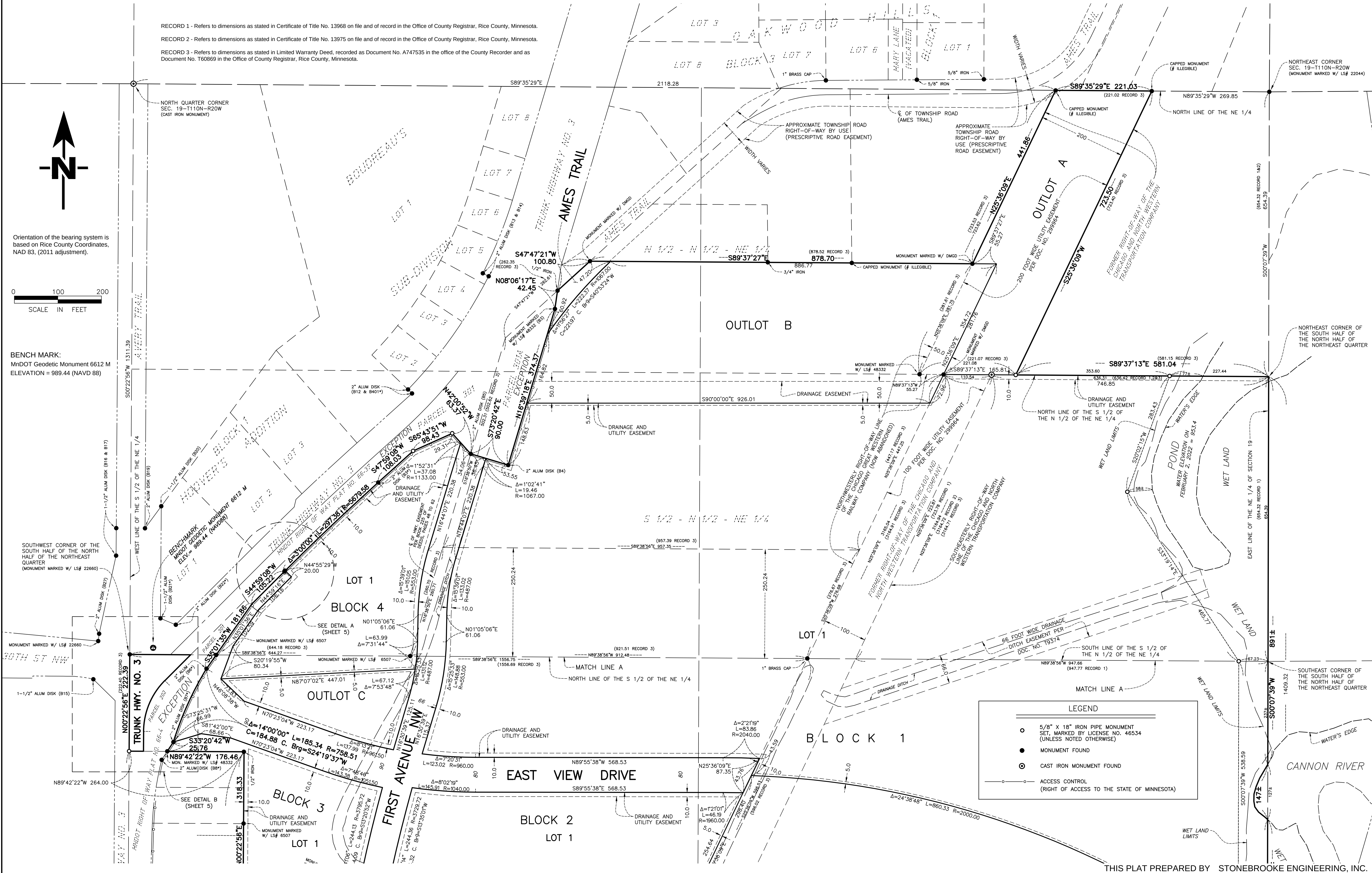
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0 100 200
SCALE IN FEET

BENCH MARK:
MnDOT Geodetic Monument 6612 M
ELEVATION = 989.44 (NAVD 88)

SOUTHWEST CORNER OF THE
SOUTH HALF OF THE NORTH
HALF OF THE NORTHEAST
QUARTER
(MONUMENT MARKED W/ LSF# 22660)

Mar 04, 2022 - 2:19pm - S:\PROJECTS\SURVEY\Rice County\00968 (Rice County Jail Plat - Sec. 19-110-20, City of Faribault)\Cadd_Files\00968FP01.dwg

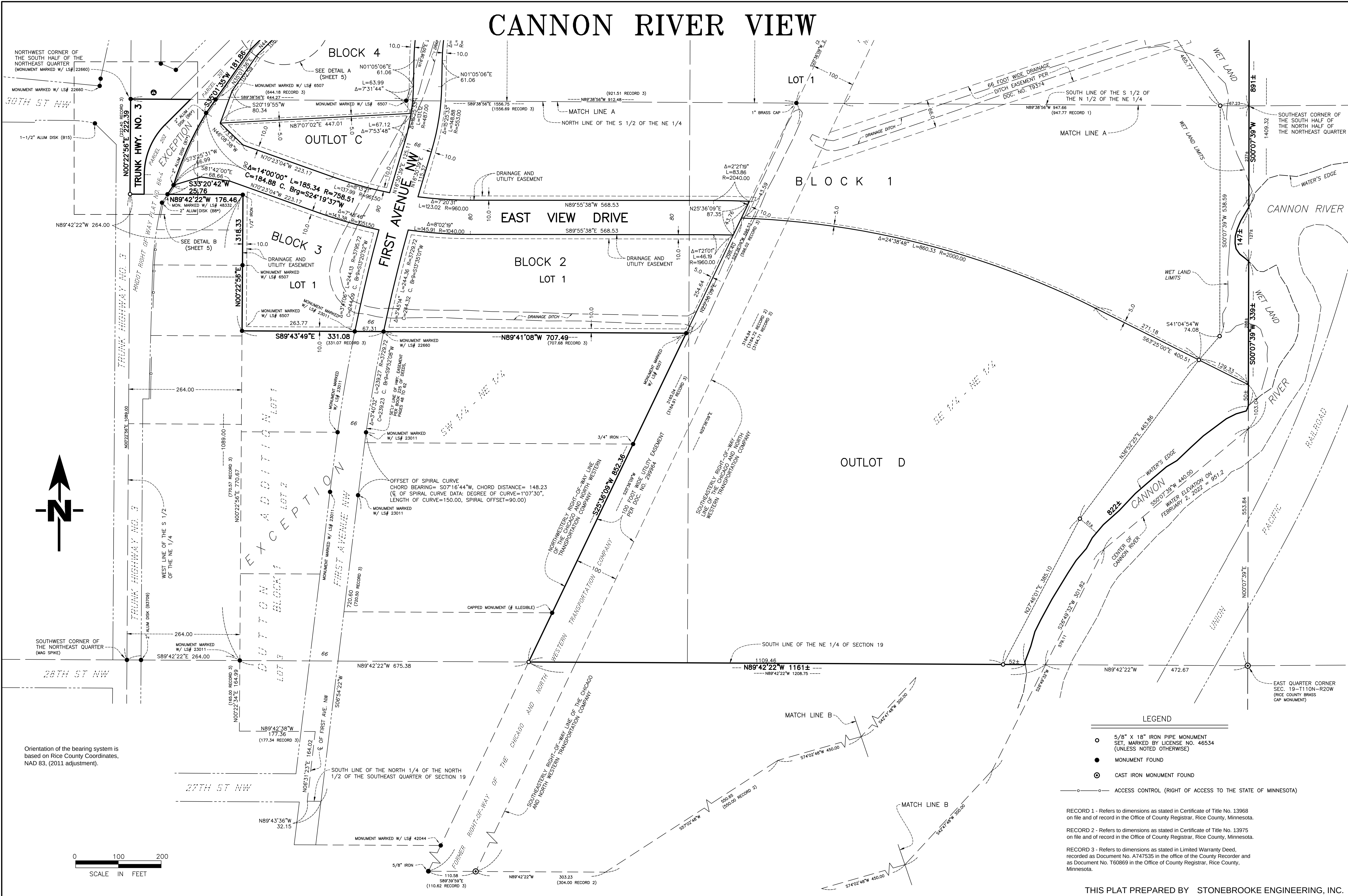


LEGEND	
	5/8" X 16" IRON PIPE MONUMENT SET, MARKED BY LICENSE NO. 46534 (UNLESS NOTED OTHERWISE)
	MONUMENT FOUND
	CAST IRON MONUMENT FOUND
	ACCESS CONTROL (RIGHT OF ACCESS TO THE STATE OF MINNESOTA)

THIS PLAT PREPARED BY STONEBROOKE ENGINEERING, INC.

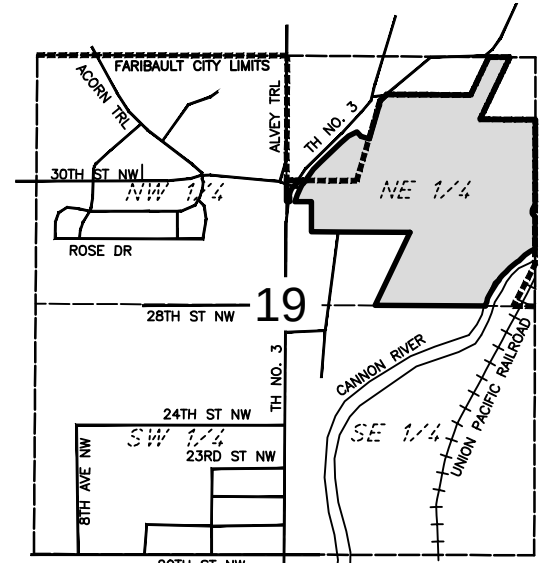
CANNON RIVER VIEW

Mar 04, 2022 - 2:15pm - S:\PROJECTS\SURVEY\Rice County\00968 (Rice County Jail Plat - Sec. 19-110-20, City of Faribault)\Cadd_Files\00968FP01.dwg



CANNON RIVER VIEW

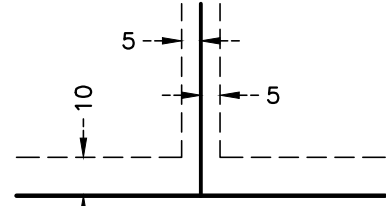
FARIBAULT, MN
RICE COUNTY
SECTION 19, T 110 N, R 20 W



VICINITY MAP

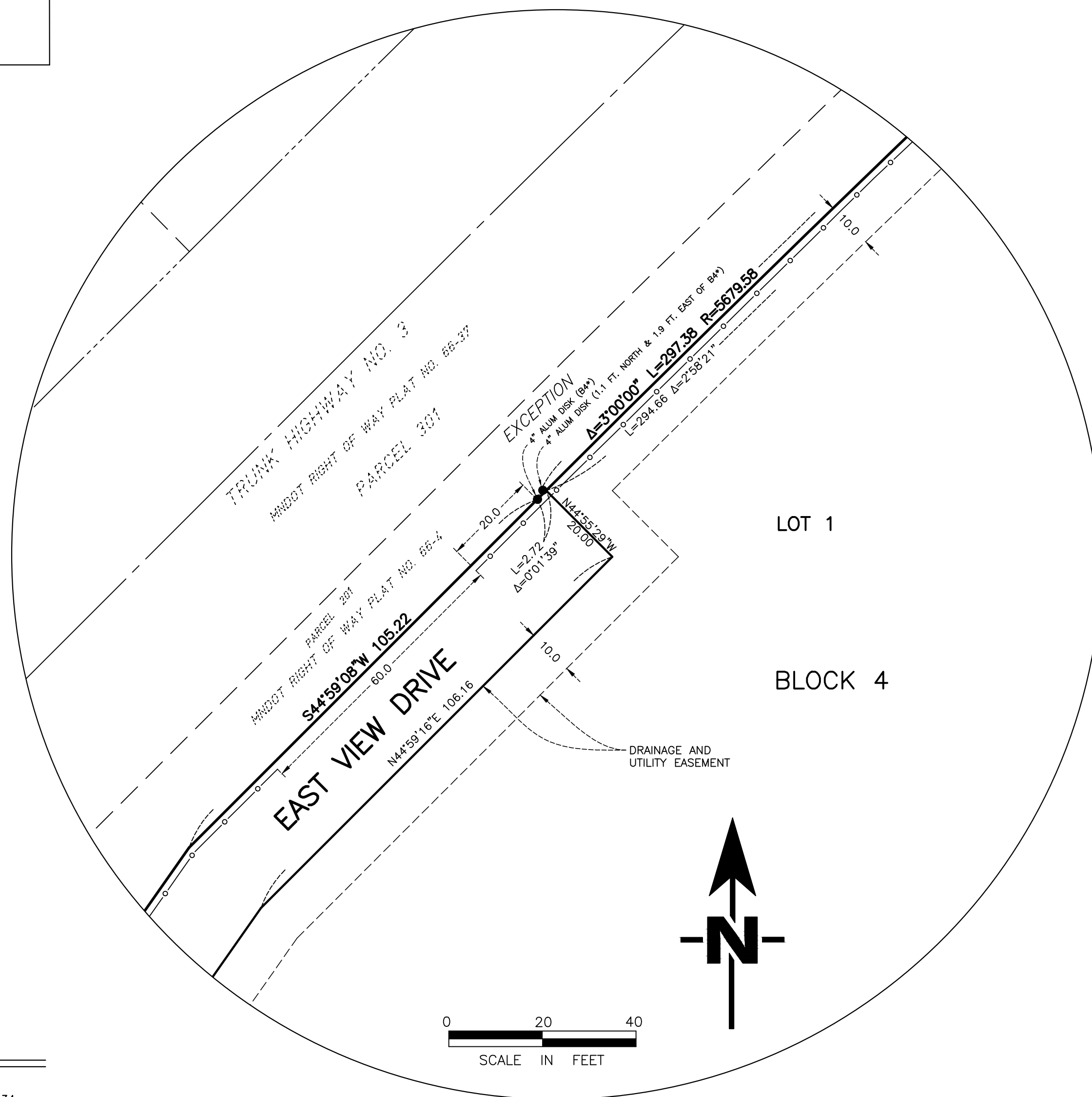
NOT TO SCALE

DRAINAGE AND UTILITY EASEMENTS (D.U.E.) ARE SHOWN THUS:

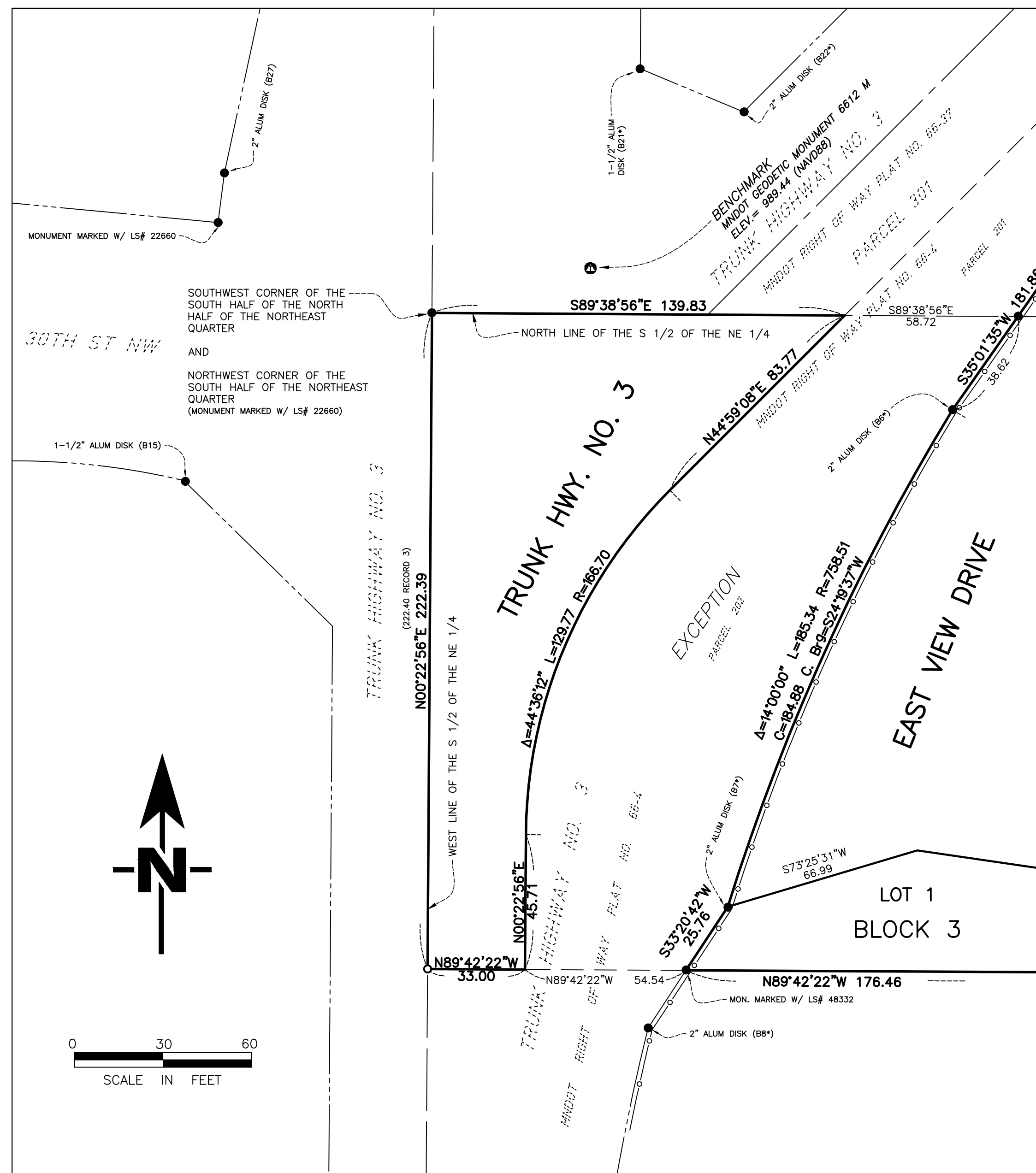


BEING 5 FEET IN WIDTH, ADJOINING SIDE AND REAR LOT LINES, AND 10 FEET IN WIDTH, ADJOINING LOT LINES ALONG THE PLAT BOUNDARY AND RIGHT OF WAY LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON PLAT.

DETAIL A



DETAIL B



Orientation of the bearing system is based on Rice County Coordinates, NAD 83, (2011 adjustment).

BENCH MARK:
MnDOT Geodetic Monument 6612 M
ELEVATION = 989.44 (NAVD 88)

RECORD 1 - Refers to dimensions as stated in Certificate of Title No. 13968 on file and of record in the Office of County Registrar, Rice County, Minnesota.

RECORD 2 - Refers to dimensions as stated in Certificate of Title No. 13975 on file and of record in the Office of County Registrar, Rice County, Minnesota.

RECORD 3 - Refers to dimensions as stated in Limited Warranty Deed, recorded as Document No. A747535 in the office of the County Recorder and as Document No. T60869 in the Office of County Registrar, Rice County, Minnesota.

THIS PLAT PREPARED BY STONEBROOKE ENGINEERING, INC.