

State of Minnesota
County of Rice

CITY OF FARIBAULT

ORDINANCE 2020-5

ADOPT CITY OF FARIBAULT OFFICIAL MAP NO. 1 – EAST VIEW DRIVE

WHEREAS, the City of Faribault’s current Comprehensive Plan, adopted by the Faribault City Council in 2003, identifies a future arterial road that is planned to connect the east terminus of 30th Street NW at Trunk Highway 3 to East View Drive at 14th Street NE and eventually to Trunk Highway 60; and

WHEREAS, the City Council desires to adopt an Official Map in accordance with Minnesota Statute 462.359, which identifies the land needed for the future street referenced above; and

WHEREAS, part of the future street is outside the current city limits of the City of Faribault and, therefore, Rice County intends to adopt an Official Map in accordance with Minnesota Statute 394.26 for the portion of the future street that will be located outside the current city limits; and

WHEREAS, the parcels that the above referenced future street will cross are legally described and illustrated in Exhibit 1 of this Ordinance; and

WHEREAS, Stonebrooke Engineering, Inc., on behalf of the City of Faribault, prepared “City of Faribault Official Map No. 1 – East View Drive” (attached as Exhibit 2 to this Ordinance), which legally describes and illustrates the future street construction described in the first recital; and

WHEREAS, the Planning Commission, on the 2nd day of March, 2020, following proper notice, held a public hearing to consider the adoption of this Ordinance, which adopts the attached Official Map; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of this Ordinance with following findings as

required by Section 2-180 of the City's Unified Development Ordinance;
and

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

Finding: The City's current Land Use Plan and Transportation Plan, which the City Council approved in 2003, identifies a future street connection consistent with the proposed Official Map that is part of this Ordinance.

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 Official Map that is part of this Ordinance is in the public interest in that it provides a "loop" street around the northeast area of the city that benefits property owners in northeast Faribault and the surrounding area. It also provides an alternative east/west route through Faribault.

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: This Ordinance does not rezone any property in Faribault or in the Town of Cannon City.

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: This Ordinance does not rezone any property in Faribault or in the Town of Cannon City. Adoption of the City of Faribault Official Map No. 1 does not prevent property owners from using their property consistent with the current zoning of their property.

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: This Ordinance does not rezone any property in Faribault or in the Town of Cannon City. However, the northeast area of Faribault has been developing and will continue to develop. Consequently, it is prudent to adopt the City of Faribault Official Map No. 1 before future development precludes development of the future street, which is in the best interest of the community.

WHEREAS, at a public meeting on March 10, 2020 and then again on March 24, 2020, the City Council considered adoption of this Ordinance and concurred with the recommendation and findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and incorporation of recitals. The findings and recitals set forth in this Ordinance are incorporated into and made part of this Ordinance, and where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 2: Adoption of Official Map. The City Council of the City of Faribault hereby adopts this Ordinance with the following provisions and with the map entitled "City of Faribault Official Map No. 1 – East View Drive", a copy of which is attached to Exhibit 2 of this Ordinance and incorporated herein by reference:

- A. Purpose. The purpose of this Ordinance and the attached City of Faribault Official Map No. 1 – East View Drive is as follows:
1. Identify land for the future construction of a street that will connect the east terminus of 30th Street NW at Minnesota Trunk Highway 3 with the west terminus of the platted, but unimproved, East View Drive at the Meadows Second Addition.
 2. Facilitate the ability of property owners affected by the future construction of the above referenced street to adjust their development and/or construction plans equitably and conveniently before making investments that would otherwise make future adjustments difficult.

3. Identify the authority and responsibility of the City of Faribault and Rice County to adopt and enforce the provisions of this Ordinance and the City of Faribault Official Map No. 1 – 30th Street NW.

- B. Authority to Adopt and Enforce. The City of Faribault Official Map No. 1 – East View Drive applies to areas in the City of Faribault and areas in the unincorporated Town of Cannon City in Rice County. Minnesota Statutes Section 462.359 authorizes the City of Faribault to adopt and enforce the provisions of this Ordinance as it applies to the areas in the City of Faribault. Minnesota Statutes Section 394.361 authorizes the Rice County to adopt and enforce provisions of a Rice County ordinance as it applies to the areas in the Town of Cannon City in Rice County.
- C. Effect. Every application for a building permit, grading permit, or similar permit received by the City of Faribault for property included on the City of Faribault Official Map shall be denied by an authorized agent of the City of Faribault if the proposed work would adversely affect the construction of the proposed street. The City shall not be required to compensate a property owner for any work conducted without a permit or in violation of the conditions of a permit within any area that is a part of the Faribault Official Map. Adoption of this Ordinance does not grant the City of Faribault any right, title, or interest in the property identified on the Official Map, but it does authorize the City to acquire such interest without paying compensation for structures or other work conducted in any area that is part of the Faribault Official Map without a permit or in violation of the conditions of the a permit.
- D. Appeals. Whenever an authorized agent of the City of Faribault denies a building permit, grading permit, or similar permit pursuant to this Ordinance, the property owner may appeal to the City of Faribault Board of Appeals.

Section 3: Authorization to take additional steps. City Staff and City Consultants are hereby authorized and directed to take additional steps and actions necessary or convenient to accomplish the intent of this Ordinance.

Section 4: Authorization to execute documents. The Mayor and City Administrator are hereby authorized and directed to take all necessary actions and to execute all appropriate documents to effectuate the approvals contemplated by this Ordinance.

Section 5: Effective Date. This Ordinance shall be effective immediately upon its passage and publication, in accordance with Chapter 3 of the Faribault City Charter.

Public Hearing: March 2, 2020
First Reading: March 10, 2020
Second Reading:
Publication:

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

**Exhibit 1: Legal Description of Parcels that the Future Street will
Cross**

Exhibit 2: City of Faribault Official Map No. 1 – East View Drive

