



## Request for Council Action

**TO:** Mayor and City Council  
**THROUGH:** Tim Murray, City Administrator  
**FROM:** Deanna Kuennen, Com and Econ Dev Director  
**MEETING DATE:** October 27, 2020  
**SUBJECT:** Ordinance 2020-16 Authorize Conveyance of Real Property Owned by the City - Second Reading

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### **Background:**

On October 13, 2020, the City Council approved the first reading of Ordinance 2020-16, which authorizes the conveyance of the west two (2) feet of the following described property:

The East 26 feet of Lots 9 and 10, in Block 45 of the Original Town (now City) of Faribault, Rice County, Minnesota, subject to an alley easement over the north 8 feet thereof.

Since the first reading of Ordinance 2020-16, no comments have been received and no changes have been made to the ordinance. The City Council is now asked to take action on the second reading, along with a separate action to approve the summary publication of the ordinance. These are the final actions associated with rescinding the Party-Wall Agreement associated with the alley at 20 3<sup>rd</sup> Street NW and redrawing property lines per City Council Resolution 2020-076.

### **Recommendation:**

Approve Ordinance 2020-16 Authorize Conveyance of Real Property Owned by the City.

Approve Summary Publication of Ordinance 2020-16 (5/7 vote)

### **Attachments:**

- Ordinance 2020-16
- Summary Publication of Ordinance 2020-16

**CITY OF FARIBAULT  
ORDINANCE No. 2020-16**

**AUTHORIZE CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY**

**WHEREAS**, the City of Faribault ("City") is the owner of real property legally described as follows:

The West 2.00 feet of the following described real property:

The East 26 feet of Lots 9 and 10, in Block 45 of the Original Town (now City) of Faribault, Rice County, Minnesota, subject to an alley easement over the north 8 feet thereof,

hereinafter the "Property"; and

**WHEREAS**, the Property is presently part of a larger parcel owned by the City and contains on it a small portion of a building located on an adjacent parcel and owned by MARY J. ALMENDINGER, a single person, and PETER ROESSLER, a married person (collectively, the "Owners"); and

**WHEREAS**, the Property is no longer needed for City purposes and the City desires for it to be split from the larger City-owned parcel, conveyed to the Owners, and combined with the Owners' adjacent parcel that contains the aforementioned building; and

**WHEREAS**, said conveyance is contemplated pursuant to that certain Agreement Terminating Party Wall Agreement, dated October 6, 2020, entered into between the City and the Owners.

**NOW, THEREFORE, THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, HEREBY ORDAINS:**

**Section 1.** An uncodified City ordinance is adopted pursuant to Chapter 12.04 of the Faribault City Charter to provide as follows:

Subdivision 1. The recitals set forth in this Ordinance are incorporated into and made a part of this Ordinance.

Subdivision 2. The City owns the Property located in Rice County, Minnesota, with the legal description of the Property being as follows:

The West 2.00 feet of the following described real property:

The East 26 feet of Lots 9 and 10, in Block 45 of the Original Town (now City) of Faribault, Rice County, Minnesota, subject

to an alley easement over the north 8 feet thereof.

Subdivision 3. The City Council has determined that conveyance of the Property to the Owners for the purposes outlined in the above recitals will further the public interest and welfare.

Subdivision 4. As provided by Section 12.04 of the Faribault City Charter, the City Council authorizes conveyance of the Property to the Owners pursuant to a quit claim deed in the general form attached hereto as Exhibit A; and

Subdivision 5. The Mayor and City Administrator, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Ordinance.

**Section 2.** This ordinance shall take effect and be in force after its passage and publication, in accordance with Section 3.05 of the City Charter.

First Reading: October 13, 2020

Second Reading: October 27, 2020

Publication Date: October 29, 2020

**Faribault City Council**

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Kevin F. Voracek, Mayor

**ATTEST:**

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Timothy C. Murray, City Administrator

EXHIBIT A

FORM OF QUIT CLAIM DEED

Quit Claim Deed

**Deed Tax Due: \$1.65**

**ECRV: NA Consideration for this transfer is less than \$500.00.**

Date: \_\_\_\_\_, 2020.

FOR VALUABLE CONSIDERATION, City of Faribault, a municipal corporation under the laws of the State of Minnesota, Grantor, hereby conveys and quitclaims to Mary Almendinger, a single person, and Peter Roessler, a married person, Grantees as tenants in common, real property in Rice County, Minnesota, described on the attached Exhibit A, together with all hereditaments and appurtenances.

*Check here if part or all of the land is Registered (Torrens)*

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: \_\_\_\_\_).
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

CITY OF FARIBAULT

By \_\_\_\_\_  
Kevin F. Voracek  
Its Mayor

By \_\_\_\_\_  
Timothy C. Murray  
Its City Administrator

STATE OF MINNESOTA    )  
                                  )    ss.:  
COUNTY OF RICE        )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Kevin F. Voracek and Timothy C. Murray, the mayor and city administrator, respectively, of the City of Faribault, a municipal corporation organized under the laws of the State of Minnesota, on behalf of the municipal corporation, Grantor.

*NOTARY STAMP*

\_\_\_\_\_  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

This instrument was drafted by:

Kennedy & Graven, Chartered  
470 U.S. Bank Plaza  
200 South Sixth Street  
Minneapolis, MN 55402  
(612) 337-9300

Tax Statements should be sent to:

Mary Almendinger and Peter Roessler  
20 3<sup>rd</sup> St. NW  
Faribault, MN 55021

**EXHIBIT A**

The West 2.00 feet of the following described real property:

The East 26 feet of Lots 9 and 10, in Block 45 of the Original Town (now City) of Faribault, Rice County, Minnesota, subject to an alley easement over the north 8 feet thereof.

**Summary Publication**

**City of Faribault  
ORDINANCE 2020-16**

**ORDINANCE AUTHORIZING CONVEYANCE OF REAL PROPERTY OWNED BY CITY**

On October 27, 2020, the Faribault City Council adopted Ordinance 2020-16, which authorized the conveyance of the west two (2) feet of the following described property:

The East 26 feet of Lots 9 and 10, in Block 45 of the Original Town (now City) of Faribault, Rice County, Minnesota, subject to an alley easement over the north 8 feet thereof.

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