



## Request for Council Action

**TO:** Mayor and City Council  
**THROUGH:** Tim Murray, City Administrator  
Deanna Kuennen, CED Director  
**FROM:** Peter Waldock, AICP Planning Coordinator  
**MEETING DATE:** April 9, 2019  
**SUBJECT:** Approve Subdivision Agreement Release and  
Satisfaction – Boldt Addition

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### **Background:**

In 2006, the City entered into a Subdivision Agreement with David and JoAnn Boldt and Crown Properties regarding the subdivision of property where Boldt Funeral Home and the ISG Office Building (formerly Southern Heights Dental Office) are located on Town Square Lane at Prairie Avenue. The agreement called for the removal of parking lot pavement that upon subdivision, crossed a property line into the corner lot (otherwise a vacant lot) which is not permitted by zoning regulations.

The owners removed the parking lot pavement and installed new curbs and restored the lot as agreed. The City released the escrow funds for the parking lot removal and site restoration in 2009. The terms of the agreement have been fully satisfied and the owners are requesting release of the subdivision agreement at this time.

### **Recommendation:**

Authorize the Mayor and City Administrator to sign the subdivision agreement release and satisfaction document as requested by the owners for the Boldt Addition.

### **Attachments:**

- Subdivision Agreement Release and Satisfaction

(Top 3 inches reserved for recording data)

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SUBDIVISION AGREEMENT RELEASE AND SATISFACTION

Dated: April\_\_\_\_\_, 2019

The Boldt Addition Subdivision Agreement -Platting Only, dated April 27, 2006 executed by the City of Faribault, a municipal corporation, and by David E. Boldt and JoAnn B. Boldt, husband and wife, and Crown Properties Faribault, a partnership (the Developer), was recorded May 8, 2006, in the Office of the Rice County Recorder as Document No. 572928. The property therein described as recited on Exhibit A is now platted and described as Boldt Addition. The terms, conditions, and obligations of the Subdivision Agreement have been fully satisfied, and the remaining escrow funds were previously refunded to the Developer.

Wherefore, the Subdivision Agreement owned by the undersigned, City of Faribault, dated April 27, 2006 executed by David E. Boldt and JoAnn B. Boldt, husband and wife, and Crown Properties Faribault, a partnership (the Developer) recorded May 8, 2006, as Document No. 572928 in the Office of the Rice County Recorder is with the indebtedness and obligations thereby secured, fully paid, satisfied and discharged.

CITY OF FARIBAULT

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

By: \_\_\_\_\_  
Timothy C. Murray, City Administrator

State of Minnesota  
County of Rice

This instrument was acknowledged before me on April \_\_\_\_\_, 2019, by Kevin F. Voracek as Mayor and Timothy C. Murray as City Administrator of the City of Faribault, a municipal corporation under the laws of the State of Minnesota.

\_\_\_\_\_  
*Notary*

THIS INSTRUMENT WAS DRAFTED BY:

Gary M. Peterson, P.A.  
Attorney at Law  
415 Second Avenue Northwest  
Faribault, Minnesota 55021  
507-334-6411  
Attorney Reg. No. 85911

EXHIBIT A

Part of Lot 31 in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Beginning at a point in the south line of said Lot 31, distant 84.66 feet westerly from the southeast corner of said Lot 31; thence westerly, along said south line (for purposes of this description bearings are assumed and based on said south line being South 89°56'50" West), a distance of 487.33 feet; thence North 0°00'00", a distance of 135.83 feet; thence South 89°48'20" West, 13.00 feet; thence North 0°00'00", a distance of 232.43 feet; thence North 90°00'00" West, 220.82 feet to a point in the southeasterly right of way line of County State Aid Highway 48; thence North 15°49'40" East, along said right of way line, 37.42 feet; thence North 90°00'00" East, 252.91 feet; thence North 0°00'00", a distance of 38.65 feet to a point in the southerly line of Town Square Lane; thence southeasterly, along said southerly line, on a non-tangential curve, concave northeasterly (curve data: delta angle = 27°17'56"; radius = 347.06 feet; chord bearing and distance = South 76°21'02" East, 163.80 feet), an arc distance of 165.36 feet; thence continue along said southerly line; North 90°00'00" East, 383.54 feet to a point in the east line of said Lot 31; thence South 0°00'00", along said east line, 139.44 feet; thence South 89°48'20" West, 16.50 feet to a point in the west line of Prairie Avenue; thence South 0°00'00", along said west line, 181.44 feet to a point in the northwesterly line of Conliffe Avenue; thence South 39°26'52" West, along said northwesterly line, 107.28 feet to said point of beginning;