

State of Minnesota  
County of Rice

**CITY OF FARIBAULT**

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**ORDINANCE 2018-12  
VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT AT  
320 NW 3<sup>RD</sup> STREET**

**WHEREAS**, Jake Rysavy (the Applicant) on behalf of Rice County (the Owner) submitted a complete application to the City of Faribault on August 30, 2018 requesting that the City of Faribault vacate a portion of an existing drainage and utility easement (legally described and graphically depicted in Exhibit A) to allow for the proposed expansion of the Rice County Government Services Building at 320 NW 3<sup>rd</sup> Street; and

**WHEREAS**, the City Engineer has determined that there are no municipal utilities in that portion of the subject drainage and utility easement to be vacated; and

**WHEREAS**, the City of Faribault Development Review Committee reviewed the Applicant's request and does not object to the requested vacation; and

**WHEREAS**, City Staff reviewed the Applicant's request and made a report to the Planning Commission (Case Number: VAC 26-18); and

**WHEREAS**, the Planning Commission, on the 17<sup>th</sup> day of September, 2018, following proper notice, held a public hearing regarding said request; and

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

- 1. No private rights will be injured or endangered because of said vacation.** The requested vacation will not affect private rights in any manner. The existing municipal utilities will continue to function without change.

2. **The public will not suffer loss or inconvenience because of said vacation.**  
There are no municipal utilities in that portion of the existing drainage and utility easement that the Applicant has requested be vacated. The vacation will not adversely affect the public.
3. **No written objection was received, prior to the public hearing, from an adjacent property owner who did not join in the application.** The proposed vacation will not affect adjacent property owners.

**WHEREAS**, the City Council of the City of Faribault held a public meeting on September 25, 2018 to consider the Applicant's request, the City Planner's report, the summary results of the public hearing, and the written findings and recommendation of the Planning Commission related to the Applicant's request; and

**WHEREAS**, the City Council of the City of Faribault concurred with the recommendation and written findings of the Planning Commission as stated in the above recitals, made the identical findings related to the vacation request, and approved the first reading of Ordinance 2018-12; and

**WHEREAS**, the City Council of the City of Faribault also held a public meeting on October 9, 2018, at which the City Council approved the second reading of Ordinance 2018-12.

***NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:***

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

**Section 2. Vacation.** That portion of the drainage and utility easement at 320 NW 3<sup>rd</sup> Street as legally described and graphically depicted in Exhibit A is hereby vacated.

**Section 3. Responsibility for Private Utilities.** The Owner shall verify the existence of any private utilities affected by the Applicant's request. The Owner shall be responsible for any associated costs with relocating said facilities.

**Section 4. Authorization to take Additional City Action.** The Mayor, City Administrator, and the City's Consultants are hereby authorized and directed to take any and all additional steps and actions necessary and convenient to accomplish the intent of this ordinance.

**Section 5. Summary Ordinance Publication.** City Staff, upon an affirmative vote of no fewer than five of seven City Council members, have the following summary ordinance shall be published in the official City newspaper in lieu of publishing the entire ordinance in the newspaper. This summary clearly informs the public of the intent and



effect of this ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published:

***SUMMARY OF ORDINANCE 2018-12: VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT AT 320 NW 3<sup>rd</sup> STREET***

*On October 9, 2018, the Faribault City Council adopted Ordinance 2018-12 that vacates a portion of an existing drainage and utility easement to allow the expansion of the Rice County Government Services Building at 320 NW 3<sup>rd</sup> Street. A printed copy of the ordinance with a complete legal description of the vacated portion of the existing drainage and utility easement is available for inspection during regular business hours at Faribault City Hall.*

**Section 6. Effective Date.** This ordinance shall be effective after its passage and publication, in accordance with Chapter 3 of the City Charter.

Public Hearing: September 17, 2018

First Reading: September 25, 2018

Second Reading and Adoption: October 9, 2018

Publication Date: October 13, 2018

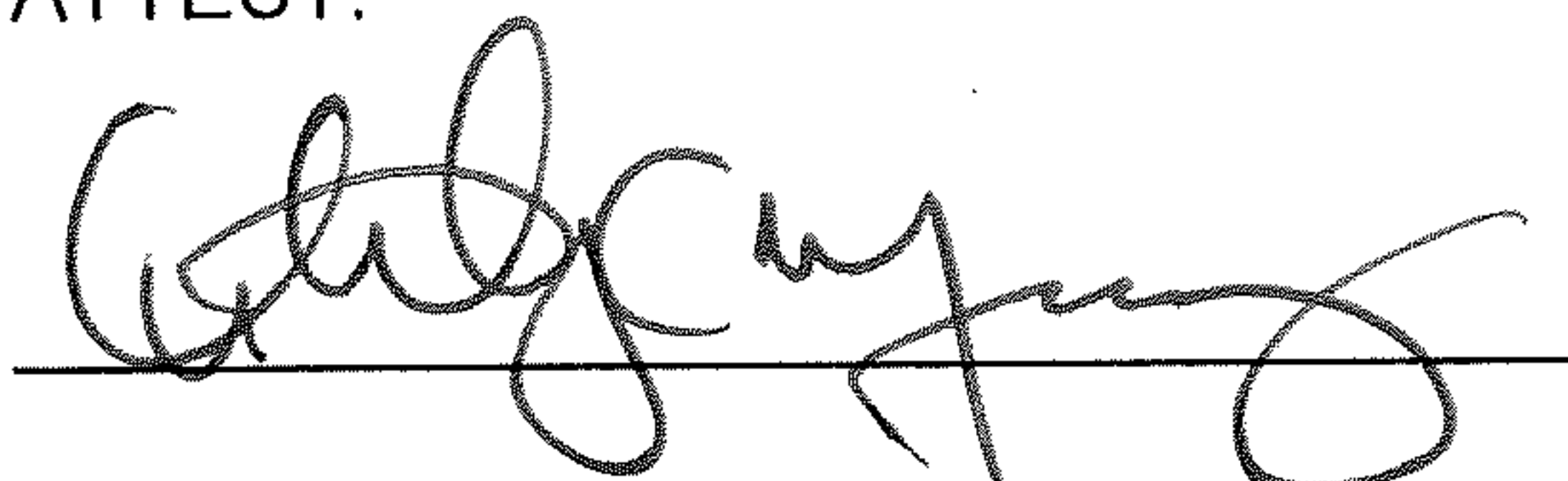
City of Faribault



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Kevin F. Voracek, Mayor

ATTEST:



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Timothy C. Murray, City Administrator



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE VACATED PORTION OF THE  
DRAINAGE AND UTILITY EASEMENT AT 320 NW 3<sup>rd</sup> STREET**

The west one-half of the vacated Third Avenue Northwest in the City of Faribault, Minnesota, bounded on the north by the south line of Fourth Street Northwest and on the south by the north line of Third Street Northwest, and in between Blocks 42 and 43 of the Original Town of Faribault.

**GRAPHIC DEPICTION OF THE VACATED PORTION OF THE  
DRAINAGE AND UTILITY EASEMENT AT 320 NW 3<sup>rd</sup> STREET**

