

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

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|--------------------|--------------|
| Kenneth F. Sette   | Chair        |
| Robert J. Ferderer | Vice Chair   |
| John W. Carey      | Commissioner |

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|---------------------------------------|---------------------------|
| IN THE MATTER OF THE PETITION FOR )   |                           |
| THE DETACHMENT OF CERTAIN LAND FROM ) | <u>FINDINGS OF FACT</u>   |
| THE CITY OF SHELLY PURSUANT TO )      | <u>CONCLUSIONS OF LAW</u> |
| MINNESOTA STATUTES 414 )              | <u>AND ORDER</u>          |

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On May 25, 1993, the Minnesota Municipal Board received a petition by all of the property owners for the detachment of certain land from the City of Shelly. A resolution for the detachment of the same land was received from the City of Shelly on May 25, 1993.

After review of the petition and resolution, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. That a petition was duly filed with the Municipal Board by the requisite number of property owners and a resolution for the detachment of the same property was filed by the City of Shelly.
2. The petition and resolution contained all the information required by statute including a description of the territory proposed for detachment, which is as follows:

Commencing at the Southwest corner of the East Half of the Southwest Quarter (E½SW¼) of Section Eighteen (18), Township One Hundred Forty-six (146), Range Forty-eight (48); thence East along the South Section line of said Section a distance of 1465 feet; thence North on a line parallel with the West line of the East Half of the Southwest Quarter (E½SW¼) of said Section, a distance of 845 feet; thence West on a line parallel with the South Section line of

said Section a distance of 1,465 feet to the West boundary line of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ ) of said Section; thence South on the West boundary line of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ ) of said Section a distance of 845 feet to the point of beginning. Being 28.42 acres, more or less.

AND

Commencing at the Southwest corner of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 18, Township 146, North of Range 48, West of the 5th Principal Meridian, and running North along the west boundary of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 18 a distance of 332 feet; thence North 90 degrees East, a distance of 30 feet; thence South 63 degrees 30 minutes East a distance of 108 feet; thence North 78 degrees East a distance of 241 feet; thence North 69 degrees 15 minutes East a distance of 55 feet; thence South parallel to the West boundary a distance of 375 feet; thence North 65 degrees 30 minutes West a distance of 59 feet; thence North 84 degrees 45 minutes West a distance of 132 feet; thence South 80 degrees 15 minutes West a distance of 64 feet; thence North 90 degrees West along the section line a distance of 172 feet, closing at the southwest corner of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), Section 18, Township 146, Range 48, containing 3.014 acres, more or less;

consisting of 31.434 acres.

3. The area proposed for detachment is situated within the City of Shelly and abuts the municipal boundary.
4. The area proposed for detachment is approximately 31.434 acres.
5. The area proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
6. The area proposed for detachment has a farm-house, a barn, and other out buildings located on it.
7. There are no municipal improvements on the area proposed for detachment.
8. The population of the area proposed for detachment is 5.
9. The area abuts the Town of Shelly, Norman County.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has

jurisdiction of the within proceeding.

2. The area subject to detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

3. The detachment would not unreasonably affect the symmetry of the detaching municipality.

4. The area subject to detachment is not needed for reasonably anticipated future development.

5. An order should be issued by the Minnesota Municipal Board detaching the area described herein.

O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same hereby is, detached from the City of Shelly and made a part of the Town of Shelly, the same as if it had originally been made a part thereof.

2. IT IS FURTHER ORDERED: That the population of the City of Shelly is decreased by five persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Shelly is increased by five persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is June 10, 1993.

Dated this 14th day of June, 1993.

MINNESOTA MUNICIPAL BOARD  
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*Patricia Lundy*  
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