

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer Chair
John W. Carey Vice Chair
Paul E. Double Commissioner

IN THE MATTER OF THE PETITION FOR) FINDINGS OF FACT
THE DETACHMENT OF CERTAIN LAND FROM) CONCLUSIONS OF LAW
THE CITY OF STEWART PURSUANT TO) AND ORDER
MINNESOTA STATUTES 414.06)

On May 30, 1995, the Minnesota Municipal Board received a petition by all of the property owners for the detachment of certain land from the City of Stewart. A resolution for the detachment of the same land was received from the City of Stewart on May 30, 1995.

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 Stewart.
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:

Lots Five (5), Six (6), Seven (7) and Eight (8) of AUDITOR'S PLAT OF SECTION 31-115-30, described as beginning at a stone monument at the northwest corner of Section 31, Township 115, Range 30; thence south along the West line of said Section for 2160 feet to the center of a public highway running easterly

into the Village of Stewart, thence easterly along the center line of said highway 1950.5 feet to the West line of Grove Street of the Village of Stewart; thence North along the West line of said street 235.5 feet to a stake 40 feet North of and 40 feet West of the Northwest corner of Block 5 in the Village of Stewart; thence east along the north line of North Street in the aforesaid Village of Stewart 499 feet to the center of a public highway; thence northerly along the center line of said public highway 1913.4 feet to an iron post at the Northeast corner of the Northwest Quarter of said Section 31; thence West 2496 feet to the point of beginning, EXCEPT that part of said Lots 6 and 8 described as follows: Beginning at the intersection of the North line of North Street with the West line of Grove Street in the Village of Stewart as recorded in the office of the Register of Deeds in and for McLeod County, Minnesota; thence northerly, parallel with the West line of said Northwest Quarter of Section 31, a distance of 1625.30 feet; thence easterly, parallel with the North line of said Northwest Quarter a distance of 537.36 feet to the centerline of the public road; thence Southerly along said centerline a distance of 1625.00 feet to the North line of said North Street; thence westerly along said North line of North Street a distance of 499.00 feet to the point of beginning,

AND

That part of Lot Eight (8) of the Auditor's Plat of Section Thirty One (31) in Township One Hundred Fifteen (115) North of Range Thirty (30) West described as follows, to-wit: Commencing at the intersection of the North line of North Street with the West line of Grove Street in the Village of Stewart as recorded in the Office of the Register of Deeds in and for said County; thence Northerly, parallel with the West line of said Northwest Quarter of Section 31, a distance of 640 feet to the point of beginning of the tract to be described; thence continue Northerly, along said parallel line, a distance of 985.3 feet; thence Easterly, parallel with the North line

of said Northwest Quarter, a distance of 537.36 feet to the centerline of the public road; thence Southerly along said centerline a distance of 985 feet; thence Westerly along a line parallel with said North line to the point of beginning,

AND

The North 330 Feet of the West 660 Feet of Lot Nine (9) of the Auditor's Plat of Section 31-Township 115-Range 30.

Excepting from said legal descriptions all street and public road right-of-ways.

3. The area proposed for detachment is situated within the City of Stewart and abuts the municipal boundary.
4. The area proposed for detachment is 117.14 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 no buildings located on it.
7. There are no municipal improvements on the area proposed for detachment.
8. The area abuts the Town of Collins, McLeod 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. The remainder of the municipality can continue to carry on the functions of government without undue hardship.

6. An order should be issued by the Minnesota municipal board detaching the area described herein.

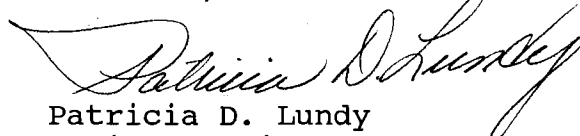
O R D E R

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 Stewart and made a part of the Town of Collins, the same as if it had originally been made a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is June 2, 1995.

Dated this 19th day of June, 1995.

MINNESOTA MUNICIPAL BOARD
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Patricia D. Lundy
Assistant Director