

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Lea De Souza Speeter Chair
Paul B. Double Vice Chair
Robert J. Ferderer Vice Chair

IN THE MATTER OF THE PETITION FOR)
THE DETACHMENT OF CERTAIN LAND)
FROM THE CITY OF SHELLY PURSUANT)
TO MINNESOTA STATUTES 414.06)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

On May 13, 1996, 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 13, 1996.

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:

The East Half of the Southwest Quarter (E½SW¼), less 3.014 acres deeded to Bernt Benson, said Deed recorded in Book 27 on page 595;

AND THE West Half of the Southeast Quarter (W½SE¼), less Railroad Right-of-Way and less platted as Original Townsite of the Village of Shelly and Efteland's First Addition to the Village of Shelly, and also less the following pieces of land conveyed by deeds recorded in the office of the Register of Deeds in and for Norman County, Minnesota, to-wit: To Iver Thompson, 2.85 acres by Deed

recorded in Book 15 on page 84; To Ingvald Efteland, 75 by 150 feet by Deed recorded in Book 35, page 527; To Einar D. Lunde, 25 by 150 feet by Deed recorded in Book 15, page 10; To Edwin Lunde, 62½ by 150 feet by Deed recorded in Book 33 on page 502; To Thomas O. Johnson, 100 by 150 feet by Deeds recorded in Book 34 on page 355 and Book 34 on page 353;

To C.R. Engelstad, 100 by 150 feet by Deeds recorded in Book 34 on page 352 and Book 35 on page 526;

To Village of Shelly, 13.3 acres by Deed recorded in Book 66 on page 114; and to Orville L. Amundson, 25 by 150 feet by Deed recorded under Microfilm No. 142708;

AND ALSO LESS A 28.42 ACRE PARCEL DESCRIBED AS:

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 One Thousand Four Hundred Sixty-five (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 Eight Hundred Forty-five (845') feet; thence West on a line parallel with the South Section line of said Section a distance of One Thousand Four Hundred Sixty-five (1465') feet to the West boundary line of the East Half of the Southwest Quarter (E½SW¼) of said Section; thence South on the West boundary line of the East Half of the Southwest Quarter (E½SW¼) of said Section a distance of Eight Hundred Forty-five (845') feet to the point of beginning. Being 28.42 acres, more or less.

LESS A 2.12 ACRE PARCEL DESCRIBED AS: That part of the Southwest Quarter of the Southeast Quarter of Section 18, Township 146 North, Range 48 West, Norman County, Minnesota, described as follows:

Commencing at the southwest corner of the plat of EFTELAND'S 3RD ADDITION TO SHELLY, according to the recorded plat thereof on file and of record in the office of the County Recorder in said county; thence North 00 degrees 08 minutes 14 seconds West along the west line of said EFTELAND'S 3RD ADDITION TO SHELLY 453.00 feet; thence northwesterly along said west line on a tangential curve, concave to the southwest, having a radius of 70.00 feet and a central angle of 43 degrees 29 minutes 03 seconds 53.13 feet; thence North 43 degrees 37 minutes 17 seconds West along said West line 121.97 feet; thence Northwesterly along a tangential curve, concave to the northeast having a radius of 320.17 feet and a central angle of 18 degrees 25 minutes 25 seconds 102.95 feet; thence South 00 degrees 02 minutes 15 seconds West 675.97 feet to the south line of the said Southwest Quarter of the Southeast Quarter; thence South 89 degrees 58 minutes 57 seconds East along said south line 163.22 feet to the point of beginning.

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 85.34 acres.
5. The area proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
6. There are no people, buildings, or municipal improvements on the area proposed for detachment.
7. The area abuts the Town of Shelly.

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.

ORDER

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 effective date of this order is June 6, 1996.

Dated this 6th day of June, 1996.

MINNESOTA MUNICIPAL BOARD
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Patricia D. Lundy
Assistant Director