

resolve contested issues following their local discussion period; and

WHEREAS, on October 2, 2001, the parties were directed into mediation and to request a mediation process from several options offered; and

WHEREAS, the parties began mediation in January, 2002; and

WHEREAS, MBA received a request from the petitioners to withdraw and dismiss their Petition For Detachment, a Resolution For Adoption of Settlement Agreement Concerning A Certain Petition For Detachment of Lands From The City Delevan signed by the City and a Settlement Agreement signed by petitioners and the City representing settlement of the underlying dispute; and

WHEREAS, on June 14, 2002, the Director granted the petitioners' request to withdraw their petition and cancel the continued hearing;

IT IS HEREBY ORDERED: That the petition for the detachment of certain property from the City of Delavan described as:

- (a) Evelyn M. Whitney, Trustee of "Family Trust," is the owner of the following described property:

All that part of the West Half of the Southwest Quarter of Section 36 in Township 104 North, Range 27, West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota that lies South of the Right of Way of the Chicago, Milwaukee and St. Paul Railway Company and East of center line of Judicial Ditch No. 1; excepting therefrom a tract beginning at a point on the South line of said Right of Way 66 feet West of the Northwest corner of Block 12 in the Village of Delavan, running thence South 135 feet, thence West 106 feet, thence North 135 feet, and thence East 106 feet to the place of beginning.

This parcel contains approximately 10.6 acres.

- (b) Mary A. Stenzel, Life Estate. Remainder to Peter J. Stenzel, Mary E. Stenzel, Ann M. Stenzel, James J. Stenzel, Joseph P. Stenzel, Michael J. Stenzel and Holly M. Stenzel

are the owners of the following described property:

That part of the Southwest Quarter of Section 36, commencing at the Southeast corner of the Southeast Quarter of the Southwest Quarter of Section 36, Township 104, North of Range 27, thence North on the quarter section line for a distance of 102.72 rods, more or less, to a point 150 feet South of the Southeast corner of Block 9 of the Village of Delavan, thence West in a line parallel with and 150 feet distant from the South line of said Block 9 and 10 of the Original Plat of the Village of Delavan a distance of 560 feet, more or less, to the center of Main Street, extended South, thence South along the center line of Main Street extended South, a distance of 102.72 rods, more or less, to the South line of said Southwest Quarter, thence East along quarter section line a distance of 560 feet to the Southeast corner of said Southwest Quarter, the same being the point of beginning.

A tract commencing at a point on the South line of the railroad right-of-way of the Chicago, Milwaukee, St. Paul Railway Company, 40 feet West of the Northwest corner of Block 12 of the Original Plat of the Village of Delavan, thence South 135 feet, thence West 26 feet, thence North 135 feet, thence East 26 feet to the point of beginning.

All that part of the Southeast Quarter of Section 36, Township 104, North of Range 27, West of the Fifth Principal Meridian, Faribault County, Minnesota, lying South of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company right-of-way, excepting a tract of land commencing at the Northeast corner of Lot 1 in Block 9, in the Village of Delavan, East on a straight line from the South line of Third Street, extended East a distance of 200 feet, thence North 100 feet more or less to the South line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company, thence Westerly along the South line of said railroad right-of-way a distance of 200 feet, more or less, to the East line of warehouse Lot No. 11 as indicated on the Plat of the Village of Delavan, thence South to the point of beginning, excepting therefrom also a parcel of land commencing 33 feet West and 385.4 feet South of the Northeast corner of the Southeast Quarter of Section 36, Township 104, North of Range 27, West of the Fifth Principal Meridian, thence South 88 degrees 53 minutes West 800 feet to a point located on the South right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad, thence South 0 degrees 0 minutes West 217.8 feet to a point, thence North 88 degrees 53 minutes East 800 feet to a point located on the East right-of-way of the State Aid Highway No. 13, thence North 0 degrees 0 minutes East 217.8 feet to the point of beginning.

Auditor's Lot 52 as designated upon the Auditor's Plat of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, Township 104 North,

Range 27 West of the Fifth Principal Meridian, and all that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 36, all lying West of the Public Highway or Main Street, running North and South in the Village of Delavan, excepting therefrom the following tracts:

- A. Commencing 192 feet South of the Southeast corner of Auditor's Lot 60, as said Auditor's Lot is designated upon the Auditor's Plat of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, Township 104 North, Range 27 West of the Fifth Principal Meridian, running thence West 252 feet, thence South 172.85 feet, thence East 252 feet, thence North 172.85 feet to the point of beginning.
- B. A tract commencing at a point 92 feet South of the Southeast corner of Auditor's Lot 60, as designated upon the Auditor's Plat of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 36, Township 104 North, Range 27, running thence South 100 feet, thence West 150 feet, thence North 100 feet, thence East 150 feet to the point of beginning.
- C. A tract commencing 149 feet South and 252 feet West of the Southeast corner of Auditor's Lot 59, as designated upon the Auditor's Plat of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 36, Township 104 North, Range 27, Faribault County, Minnesota, running thence South 100 feet, thence East 102 feet, thence North 100 feet, thence West 102 feet to the point of beginning.
- D. A tract commencing at the Southeast corner of Auditor's Lot 60, as designated upon the Auditor's Plat of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, Township 104 North, Range 27 West of the Fifth Principal Meridian, running thence South 92 feet, thence West 252 feet, thence North 92 feet, thence East 252 feet to the point of beginning.
- E. A tract described as Auditor's Lot 60 of the Auditor's Plat of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 36, Township 104 North, Range 27 West of the Fifth Principal Meridian.
- F. A tract commencing at the Southwest corner of Auditor's Lot 60, as designated upon the Auditor's Plat of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, Township 104 North, Range 27, thence West 102 feet, thence North 86 feet, thence East 102 feet, thence South 86 feet to the point of beginning.
- G. A tract commencing at the Southwest corner of Auditor's Lot 58 as designated upon the Auditor's Plat of the Northeast Quarter of the

Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, Township 104 North, Range 27 West of the Fifth Principal Meridian, running thence West 102 feet, thence North 100 feet, thence East 102 feet, thence South 100 feet to the point of beginning.

- H. A tract commencing at the Southwest corner of Auditor's Lot 56, as designated upon the Auditor's Plat of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, Township 104 North, Range 27 West of the Fifth Principal Meridian, running thence West 102 feet, thence North 125 feet, thence East 102 feet, thence South 125 feet to the point of beginning.
- I. A tract commencing at the Southwest corner of Auditor's Lot 54 as designated upon the Auditor's Plat of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, Township 104 North, Range 27 West of the Fifth Principal Meridian, running thence West 102 feet, thence North 75 feet, thence East 102 feet, thence South 75 feet to the point of beginning.
- J. A tract commencing at a point 80 feet South and 150 feet West of the Southeast corner of Block 11 of the Original Plat of the Village of Delavan, on file and of record in the office of the Register of Deeds of Faribault County, Minnesota, thence South 104 feet, thence West 102 feet, thence North 104 feet, thence East 102 feet to the point of beginning.

These parcels contain approximately 178.49 acres.

- (c) Delbert C. Whitney Testamentary Trust, Paul Whitney, Trustee is the owner of the following described property:

The North Half of the Northeast Quarter and the East 17 acres of the Northeast Quarter of the Northwest Quarter of Section 36, Township 104, North of Range 27 West of the Fifth Principal Meridian, Faribault County, Minnesota.

The South Half of the Northeast Quarter of Section 36 in Township 104, North of Range 27, West of the Fifth Principal Meridian, excepting therefrom the following described land, to-wit: Commencing at the Southwest corner of the Northeast Quarter of said Section 36, running thence North along the quarter section line 1,320 feet more or less to the Northwest corner of the South Half of the Northeast Quarter of said Section 36, thence East along the North line of said South Half of the Northeast Quarter of said Section 36, 1,161.5 feet, thence South 1,045.5 feet more or less to a point 274.5 feet North of the South line of said Northeast Quarter of said Section 36, thence East parallel with said South

Northwest Quarter of the Northwest Quarter, Section 36, Township 104 North, Range 27 West, Faribault County, Minnesota.

The Northwest Quarter of the Southwest Quarter of Section 36, Township 104 North of Range 27, North of the Railroad Tracks except the East 165 feet thereof.

The Southwest Quarter of the Northwest Quarter of Section 36, Township 104 North of Range 27, except a tract commencing at the Southeast corner thereof, thence West 165 feet, thence North 85 feet, thence East 165 feet and thence South 85 feet to the place of beginning.

A tract of land commencing at a point on the West line of the Public Highway running North and South through the East Half of the Northwest Quarter of Section 36, Township 104 North of Range 27 West, which point is 630 feet North and 66 feet West of the Northwest corner of Block 2 in the Village of Delavan, according to the Plat of said Village on file and of record in the office of the Register of Deeds of Faribault County, running thence West about 734 feet to the West line of the Southeast Quarter of the Northwest Quarter of said Section 36, thence North to the North corner of the Southeast Quarter of the Northwest Quarter of said Section 36, thence East 734 feet to the West line of said Public Highway, thence South on the West line of said Public Highway to the point of beginning being a part of Auditor's Lots 25 and 41 as shown on the Plat of the Auditor's Subdivision of said Southeast Quarter of the Northwest Quarter of said Section 36 on file and of record in the office of the Register of Deeds.

All that part of the Northeast Quarter of the Northwest Quarter of said Section 36, Township 104 North of Range 27 West, lying West of the center of said Public Highway.

A tract commencing at the Northwest corner of the South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$) of Section 36 in Township 104 North of Range 27 West of the Fifth Principal Meridian in the County of Faribault, State of Minnesota, thence running South 279.5 feet, thence East 410 feet more or less to the West line of Delavan school tract, thence north along West line of said school tract to the North line of said South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$) of said Section 36 thence West 410 feet more or less to the point of beginning.

These parcels contain approximately 124 acres.

- (e) Roger W. Whitney & Diane J. Whitney is the owner of the following described property:

All that part of the West Half of the Southwest Quarter of Section 36, Township 104 North, Range 27 West of the Fifth Principal Meridian in the County of

line 374.5 feet, thence South 274.5 feet to the South line of said Northeast Quarter, thence West on said South line 1,546 feet to the place of beginning.

A tract commencing at a point 3 rods and 12 feet North, and 72 rods East of the Southwest corner of the South Half of the Northeast Quarter of Section 36, in Township 104, North of Range 27, West of the Fifth Principal Meridian, in the County of Faribault, and State of Minnesota, running thence North 12 rods and 15 feet, thence East parallel with said quarter Section line 21.5 rods and 11.5 feet, thence South to the North line of the highway 12 rods and 15 feet, thence West along the North line of the highway 21 rods and 11.5 feet to the point of beginning.

A tract of land commencing at a point 274.5 feet North and 661.8 feet East of the center of Section 36 in Township 104, North of Range 27, West of the Fifth Principal Meridian, said point being on the East line of property owned by Consolidated School District #102, thence North a distance of 325 feet to the Northeast corner of the land now belonging to said Consolidated School District, thence East in a line with the North line of the land belonging to the said Consolidated School District, extended a distance of 500 feet, thence South parallel with the East line of said Consolidated School District land a distance of 325 feet more or less to a point 274.5 feet North of the South line of the Northeast Quarter of said Section 36, thence West a distance of 500 feet to the point of beginning, except the West 60 feet thereof.

These parcels contain approximately 146.71 acres.

- (d) Richard Warren, Life Estate, remainder to Margaret Sankey, Linda Warren, Elaine Warren, Richard Warren, Jr., & Lisa Warren, are the owners of the following described property:

A tract commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 36 in Township 104 North of Range 27 West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota, running thence South 357.5 feet more or less to the North line of the tract heretofore conveyed by Warranty Deed recorded in Book 129 of Deeds on page 585 in the Office of the Register of Deeds in and for said Faribault County, thence West 85 feet along the North line of said last referred to tract, thence South 110 feet more or less along the West line of said last referred to tract to the North line of the Street there being, thence West 135 feet along North line of said Street, thence North 300 feet, thence West 300 feet, thence North 165.5, thence East 520 feet to the point of beginning, (being Auditor's Lot 24 and part of Auditor's Lot 23).

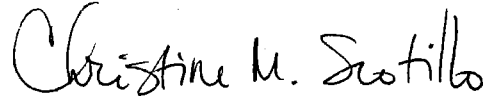
Faribault and State of Minnesota that lies South of the Right of Way of the Chicago, Milwaukee and St. Paul Railway Company and west of the centerline of Judicial Ditch No. 1.

This parcel contain approximately 56.6 acres.

is withdrawn, the continued hearing is canceled, and the file is closed without prejudice.

Dated this 17th day of June, 2002.

For the Director of the Office of Strategic & Long
Range Planning
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments