

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE PETITION FOR)
THE DETACHMENT OF CERTAIN LAND)
FROM THE CITY OF RED LAKE FALLS)
PURSUANT TO MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

WHEREAS, on June 28, 2005, Municipal Boundary Adjustments received a petition for the detachment of certain land from the City of Red Lake Falls and City Resolution supporting the petition for detachment; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

After review of the petition and resolution, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. That a petition and resolution were duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments for the detachment of property from the City of Red Lake Falls.

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:

All that part of G. L. 7 and 9 in Section 14 of Twp. 151 N. of R. 44 W., bounded by a line commencing at the NW corner of Block 4 in Kretzschmar's Add'n to R. L. F., according to the plat thereof of record in the offices of the Reg. of Deeds in and for Red Lake Co. and Polk Co., Minn.; running thence N. to the center of the Red Lake River; running thence in a NE course along the center of and up said river to a point where the SW line of Lot 1 in Block 4 of Park Add'n to R. L. F. (according to the plat

thereof also of record in the offices of said Reg. of Deeds), would, if extended NW, intersect the center of said river; thence in a SE direction along said line so extended and the SW line of Blocks 4, 3, 2 and 1 of said Park Add'n, to the center of said Red Lake River, thence in a S. direction up the center of said stream to a point where the N. line of Block 2 of said Kretzschmar's Add'n would, if extended E. intersect the same; thence W. along said line so extended and the N. line of Blocks 2, 3 and 4 of said Kretzschmar's Add'n to the place of beginning (excepting therefrom the R/W of the Great Northern Railway) and also the dam extended across the Red Lake River from said G. L. 7 and 9 and the property next above described by metes and bounds to G. L. 11 in said Section, Twp. and Range; and also all that portion of said G. L. 11 occupied by said dam or any part of said dam or any appurtenance of said dam, and all of said Lot 11 appurtenant to said dam and necessary or convenient to the use, maintenance, repair and improvement of said dam; and also all water power and water power rights upon, connected with, adjacent to or appurtenant to said G. L. 7 and 9 and 11, which lies west of Central Avenue and North of the Burlington Northern Railway.

And all of Park Addition to the City of Red Lake Falls, Red Lake County, State of Minnesota.

3. The area proposed for detachment is situated within the City of Red Lake Falls and abuts the municipal boundary.
4. The area proposed for detachment is approximately 47 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 municipal improvements needed on the area proposed for detachment.
7. The area abuts the Town of Red Lake Falls, Red Lake County.

CONCLUSIONS OF LAW


1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Chief Administrative Law Judge detaching the area described herein.

ORDER

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

Dated this 13th day of July, 2005.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments