

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE PETITION FOR THE	)	<u>A M E N D E D</u>
DETACHMENT OF CERTAIN LAND FROM THE	)	<u>FINDINGS OF FACT</u>
CITY OF ST. CHARLES PURSUANT TO	)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414	)	<u>AND ORDER</u>

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WHEREAS, on May 2, 2007, Municipal Boundary Adjustments received a petition for the detachment of certain land from the City of St. Charles and City Resolution No. 07-11 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 city resolution were duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments for the detachment of property from the City of St. Charles.

2. The petition and city resolution contained all the information required by statute including a description of the territory proposed for detachment, which is as

follows:

That part of the Southwest Quarter of the Northwest quarter of Section 17, Township 106 North, Range 10 West, Winona County, Minnesota, described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 17; thence North 00 degrees 03 minutes 09 seconds East (Note: all bearings are in relationship with the west line of said Northwest Quarter) along the west line of said Northwest Quarter for a distance of 889.79 feet to the Point of Beginning; thence South 82 degrees 01 minutes 26 seconds East for a distance of 127.55 feet; thence southeasterly on a non-tangential curve concave northeasterly, having a central angle of 142 degrees 04 minutes 26 seconds, radius of 60.00 feet, chord bears South 63 degrees 03 minutes 39 seconds East, for an arc length of 148.78 feet; thence southeasterly on a non-tangential curve concave southwesterly, having a central angle of 45 degrees 08 minutes 21 seconds, radius of 167.00 feet, chord bears South 22 degrees 30 minutes 27 seconds East, for an arc length of 131.57 feet; thence South 00 degrees 03 minutes 44 seconds West for a distance of 192.08 feet; thence southeasterly on a tangential curve concave northeasterly, having a central angle of 30 degrees 40 minutes 53 seconds, radius of 233.00 feet, for an arc length of 136.97 feet; thence North 56 degrees 22 minutes 50 seconds East for a distance of 66.00 feet; thence southeasterly on a non-tangential curve concave northeasterly, having a central angle of 55 degrees 55 minutes 12 seconds, radius of 167.00 feet, chord bears South 61 degrees 34 minutes 46 seconds East, for an arc length of 162.99 feet; thence South 89 degrees 32 minutes 21 seconds East for a distance of 439.08 feet; thence southeasterly on a tangential curve concave southwesterly, having a central angle of 38 degrees 35 minutes 16 seconds, radius of 183.00 feet, for an arc length of 123.25 feet; thence South 50 degrees 57 minutes 05 seconds West for a distance of 48.18 feet to the centerline of the Township Road; thence North 39 degrees 02 minutes 55 seconds East a distance of 33.00 feet; thence northeasterly along said centerline along a curve, concave northwesterly, radius of 900.00 feet, central angle of 14 degrees 37 minutes 18 seconds, for an arc distance of 229.68 feet; thence North 24 degrees 25 minutes 37 seconds East along said centerline for a distance of 187.53 feet to a point in the east line of the Southwest Quarter of said Northwest Quarter; thence North 00 degrees 02 minutes 26 seconds East a distance of 187.07 feet along said east line, being a point in the center of the South Branch of the Whitewater River; thence Southwesterly, Westerly, and Northerly along the center of said river to a point on the north line of the Southwest Quarter of said Northwest Quarter which is previously describes as being 37 rods (610.5 feet) east of the Northwest corner of the Southwest Quarter of said Northwest Quarter; thence North 89 degrees 37 minutes 23 seconds west along said north line for 37 rods (610.5 feet) to said northwest corner; thence South 00 degrees 03 minutes 09 seconds West along the west line of the Southwest Quarter of said Northwest Quarter for a distance of 423.80 feet to the Point of Beginning. Excepting there from the township road. Containing 14.3 acres more or less.

3. The area proposed for detachment is situated within the City of St.

Charles and abuts the municipal boundary.

4. The area proposed for detachment is approximately 14.3 ~~9.04~~ 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 St. Charles, Winona County.

CONCLUSIONS OF LAW

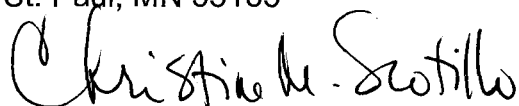
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Chief Administrative Law Judge detaching the area described herein.

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

Amended order dated this 25<sup>th</sup> day of June, 2007.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

Dated this 17<sup>th</sup> day of May, 2007.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments