

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE PETITION FOR )  
THE DETACHMENT OF CERTAIN LAND ) FINDINGS OF FACT  
FROM THE CITY OF WELLS PURSUANT ) CONCLUSIONS OF LAW  
TO MINNESOTA STATUTES 414 ) AND ORDER  
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The detachment petition of the property owners along with a supporting resolution from the City of Wells was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge's designee hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On August 17, 2010, the Chief Administrative Law Judge reviewed the detachment petition and supporting city resolution which was duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on August 11, 2010.
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:

LEGAL 1 – PID R30.008.1090

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota described as follows:

Beginning at the Southeast Corner of the Northwest Quarter Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota; thence South 90 degrees 00 minutes 00

seconds West (assumed bearing) along the South line of the Northwest Quarter a distance of 392.70 feet to an iron pipe survey marker; thence North 00 degrees 20 minutes 38 seconds West along the east line of a tract deeded to Orville J. Meyer and recorded and described in the office of the Faribault County Recorder in Document No. 239651 a distance of 160.00 feet to an iron pipe survey marker; thence continuing North 0 degrees 20 minutes 38 seconds West along the east line of said Meyer tract a distance of 59.00 feet to an iron pipe survey marker; thence North 90 degrees 00 minutes 00 seconds East a distance of 392.33 feet to the East line of the Northwest Quarter; thence South 00 degrees 26 minutes 32 seconds East along the East line of the Northwest Quarter a distance of 219.00 feet to the point of beginning.

**EXCEPTING THEREFROM** the following described Tract:

Commencing at the Southeast Corner of the Northwest Quarter Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing) along the South line of the Northwest Quarter a distance of 231.00 feet to the point of beginning; thence continuing South 90 degrees 00 minutes 00 seconds West along the South line of the Northwest Quarter a distance of 161.70 feet to an iron pipe survey marker; thence North 00 degrees 20 minutes 38 seconds West a distance of 160.00 feet to an iron pipe survey marker; thence North 90 degrees 00 minutes 00 seconds East a distance of 161.43 feet to a line lying parallel with and 231.00 feet West of the East line of the Northwest Quarter; thence South 00 degrees 26 minutes 32 seconds East parallel with the East line of the Northwest Quarter a distance of 160.00 feet to the point of beginning.

**LEGAL 2** – PID R30.008.1100

A tract of land in the Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section Eight (8), Township One Hundred Three (103) North, Range Twenty-four (24) West of the Fifth Principal Meridian described as follows, to-wit:

Commencing at a point on the East line of said Northwest Quarter (NW  $\frac{1}{4}$ ) which point is 219 feet North of the Southeast corner thereof the same being the point of beginning; thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) 392.33 feet

to an iron pipe survey marker; thence North 0 degrees 20 minutes 38 seconds West 120 feet; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) 392.33 feet to a point on the East line of said Northwest Quarter (NW ¼), which point is 120 feet North of the point of beginning; thence South along the East line of the said Northwest Quarter (NW ¼) to the point of beginning.

**LEGAL 3** – PID R30.008.1170

A tract of land in the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) of Section Eight (8), Township One Hundred Three (103) North, Range Twenty-four (24) West, in Faribault County, Minnesota and described as follows:

Commencing at the Northeast corner of the Southwest Quarter (SW ¼) of Section Eight (8), Township One Hundred Three (103) North, Range Twenty-four (24) West, Faribault County, Minnesota; thence South 90°00'0'' West (assumed bearing) along the North line of the Southwest Quarter (SW ¼) a distance of 217.81 feet to the point of beginning; thence continuing South 90°00'0'' West (assumed bearing) along the North line of the Southwest Quarter (SW ¼) a distance of 109 feet; thence South 00°26'32'' East a distance of 200.00 feet; thence North 90°00'00'' East a distance of 109 feet; thence North 00°26'32'' West a distance of 200.00 feet to the point of beginning. Said tract containing 5 acres, more or less.

**LEGAL 4** – PID R30.008.1080

A TRACT OF LAND IN THE Southeast Quarter of the Northwest Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota described as follows:

Commencing at the Southeast Corner of the Northwest Quarter Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota; thence South 90 degrees 00 minutes 00 seconds West (assumed bearing) along the South line of the Northwest Quarter a distance of 231.00 feet to the point of beginning; thence continuing South 90 degrees 00 minutes 00 seconds West along the south line of the Northwest Quarter a distance of 161.70 feet to an iron pipe survey marker; thence North

00 degrees 20 minutes 38 seconds West a distance of 160.00 feet to an iron pipe survey marker; thence North 90 degrees 00 minutes 00 seconds East a distance of 161.43 feet to a line lying parallel with and 231.00 feet West of the East line of the Northwest Quarter; thence South 00 degrees 26 minutes 32 seconds East parallel with the East line of the Northwest Quarter a distance of 160.00 feet to the point of beginning.

Said tract contains 0.593 acres.

**LEGAL 5** – PIDs R30.450.0320 & R30.008.1160

The West 27 feet of Lot Two (2) Block Four (4) in Moja Subdivision of Wells, Faribault County, Minnesota, according to the plat on file and of record in the office of the Faribault County Recorder together with a second tract of land in the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota, described as follows:

Beginning at the Northeast corner of the Southwest Quarter of Section 8, Township 103, North, Range 24 West in Faribault County, Minnesota; thence South 90 degrees, 00 minutes, 00 seconds, West (assumed bearing) along the North line of the Southwest Quarter, a distance of 217.81 feet; thence South 0 degrees 26 minutes, 32 seconds East a distance of 200.00 feet to an iron pipe survey marker; thence North 90 degrees 00 minutes, 00 seconds East a distance of 217.81 feet to an iron pipe survey marker on the East line of the Southwest Quarter; thence North 0 degrees, 26 minutes, 32 seconds, West along the East line of the Southwest Quarter a distance of 200.00 feet to the point of beginning. Said second tract contains 1.000 acres.

The total area of the two described tracts is 1.087 acres.

**LEGAL 6** – PID R30.008.1180

A TRACT OF LAND IN THE Northeast Quarter of the Southwest Quarter of Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota described as follows:

Commencing at the Southeast corner of the Southwest Quarter of

Section 8, Township 103 North, Range 24 West in Faribault County, Minnesota; thence North 0 degrees 26 minutes 32 seconds West (assumed bearing) along the East line of the Southwest Quarter a distance of 1637.26 feet to the point of beginning; thence continuing North 0 degrees 26 minutes 32 seconds West along the East line of the Southwest Quarter a distance of 799.97 feet to the southeast corner of a tract of land contracted to Michael and Cindy Stenzel Weber and recorded and described in the office of the Faribault County Recorder in Document No. 287374; thence South 90 degrees 00 minutes 00 seconds West along the south line of said Weber tract a distance of 217.81 feet to the southwest corner of said Weber tract; thence South 0 degrees 26 minutes 32 seconds East a distance of 799.97 feet to an iron pipe survey marker; thence North 90 degrees 00 minutes 00 seconds East a distance of 217.81 feet to the point of beginning.

Said tract contains 4.000 acres.

3. The area proposed for detachment is situated within the City of Wells and abuts the common boundary between the city and Clark Township, Faribault County.
4. The area proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The area proposed for detachment is approximately 8.82 acres and needs no municipal improvements.

#### 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.

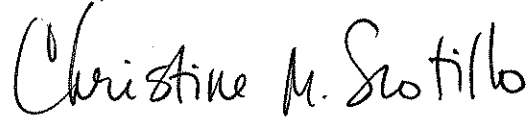
#### ORDER

1. The property described in Findings of Fact 2 is detached from the City of

Wells and made a part of Clark Township, the same as if it had originally been made a part thereof.

Dated this 17<sup>th</sup> day of August, 2010.

For the Chief Administrative Law Judge's designee  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial 'C'.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments