

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of D-498  
Dakota/New Hartford Township  
Pursuant to Minnesota Statutes 414

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

The detachment petition of the property owners along with a supporting resolution from the City of Dakota was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. On August 7, 2012, the Chief Administrative Law Judge or authorized designee reviewed the detachment petition and supporting city resolution which was duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on July 23, 2012.

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 Lot Ten (10), Subdivision of Section 1, Township 105, Range 5, more particularly described as follows:

Commencing at the Southwest corner of Government Lot 4, in said Section 1; thence North perpendicular to the South line of said Government Lot 4 a distance of 266.75 feet to the actual point of beginning of the tract of land to be described; thence continuing North on last described course a distance of 230.67 feet to the center of County State Aid Highway; thence at a deflection angle to the right of 121°59' along the center line of said Highway a distance of 145 feet; thence at a deflection angle to the right of 90° a distance of 193 feet; thence at a deflection

angle to the right of 83° 20' 40" a distance of 22.97 feet, more or less, to the point of beginning.

And, commencing at the Southeast corner of the Southwest quarter of the Southeast quarter (SW ¼ of SE ¼) of said Section 1; thence North on a line perpendicular to the South line of the Southeast quarter (SW ¼ of SE ¼) of said Section 1 a distance of 266.75 feet to the actual point of beginning of the tract of land to be described; thence continuing North on last described course a distance of 230.67 feet to the center of the County State Aid Highway; thence at a deflection angle to the left of 58° 01' along the center line of said Highway a distance of 155 feet; thence at a deflection angle to the left of 90° a distance of 228 feet; thence at a deflection angle to the left of 96° 39' 20" a distance of 279.07 feet, more or less, to the point of beginning.

The above being located upon and forming a part of Government Lot Four (4) and of the Southwest quarter of the Southeast quarter (SW ¼ of SE ¼) of Section One (1), Township One hundred five (105) North, of Range Five (5), West of the Fifth Principal Meridian, Winona County, Minnesota.

3. The area proposed for detachment is situated within the City of Dakota and abuts the common boundary between the city and New Hartford Township, Winona 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 1.47 acres.

#### **CONCLUSIONS OF LAW**

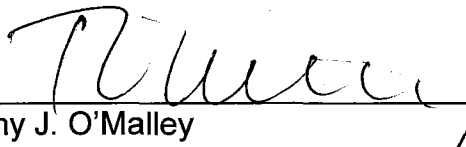
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Chief Administrative Law Judge or authorized designee detaching the area described herein.

#### **ORDER**

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

Dakota and made a part of New Hartford Township, the same as if it had originally been made a part thereof.

Dated: August 7, 2012

A handwritten signature in black ink, appearing to read "Timothy J. O'Malley", written over a horizontal line.

Timothy J. O'Malley  
Assistant Chief Administrative Law Judge  
Municipal Boundary Adjustment Unit