

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of D-503 Arco/Lake Stay Township
Pursuant to Minnesota Statutes 414
(Serreyn Revocable Trust Petition)

**NOTICE OF HEARING CANCELLATION AND
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

The detachment petition by all of the property owners and the supporting resolution from the City of Arco were reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Notice of Hearing Cancellation and Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On October 29, 2012, a petition requesting the detachment of certain property from the City of Arco to Lake Stay Township was filed by all of the property owners with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit (OAH-MBAU) pursuant to Minnesota Statutes § 414.06.

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

- A. The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), the East Half of the Southwest Quarter of the Northwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), except the West 200 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Excepting therefrom the following described parcel:

A parcel of land in the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Eleven (111) North of Range Forty-four (44) West of the 5th Principal Meridian in the City of Arco,

Lincoln County, described as follows: Beginning at a point on the Southerly line of Outlot E of the Subdivision entitled "Blocks 14, 15, 16 and 17 of Outlots A-H inclusive to the Town of Arco in the Village of Arco", said point of beginning being 200 feet from the Northwest corner of the Southwest Quarter (SW¼) of said Section 32; thence Southerly and parallel to the Easterly line of said Outlot E a distance of 250 feet; thence Easterly and parallel to the Southerly line of said Outlot E a distance of 250 feet; to the Southerly line of said Outlot E; thence Westerly along the Southerly line of said Outlot E a distance of 250 feet more or less to the point of beginning.

AND

- B. All that part of the South Half of the Northeast Quarter of the Northwest Quarter (S½NE¼ NW¼) and the East Half of the Northwest Quarter of the Northwest Quarter (E½NW¼ NW¼) lying South of County State Aid Highway 7.

All in Section Thirty-two (32), Township One Hundred Eleven (111) North, Range Forty-four (44) West, Lincoln County, Minnesota.

3. Lake Stay Township submitted a resolution, dated November 12, 2012, to the OAH-MBAU stating that they are neutral to the detachment petition.
4. The City of Arco submitted a resolution, dated November 13, 2012, to the OAH-MBAU opposing the detachment petition.
5. After due and appropriate legal notice, the first statutory hearing on the petition was convened December 19, 2012, and was continued.
6. On December 19, 2012, the parties were ordered to participate in a mediation session pursuant to Minnesota Statutes § 414.06, Subd. 2.
7. On July 8, 2013, the OAH-MBAU received documentation from the City of Arco stating that the City no longer opposes the detachment.
8. The area proposed for detachment is situated within the City of Arco and abuts the common boundary between the city and Lake Stay Township, Lincoln County.
9. The area proposed for detachment is approximately 138.48 acres.

10. The area proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

11. There are no municipal improvements, buildings, or population on the area proposed for detachment.

12. Minn. Stat. § 414.06, Subd. 2 provides:

If both a resolution of support from the municipality and a petition by all the property owners are submitted, and no resolution of opposition has been received from a town as provided in subdivision 1a, no hearing is necessary and the chief administrative law judge shall grant the petition...

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

2. No hearing is necessary to resolve this detachment petition.


3. An order shall be issued by the Chief Administrative Law Judge cancelling the continued hearing and detaching the area described herein.

ORDER

1. The Chief Administrative Law Judge, through the undersigned designee, hereby cancels the continued hearing in this matter.

2. The property described in Findings of Fact 2 is detached from the City of Arco and made a part of Lake Stay Township, the same as if it had originally been made a part thereof.

Dated: July 15, 2013



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