

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of D-511
Darfur/Adrian Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The detachment petition of the property owners along with supporting resolution from the City of Darfur were 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 12, 2013, the Chief Administrative Law Judge or authorized designee reviewed the property owners' petition and the City of Darfur's supporting resolution, which were duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on August 12, 2013 and September 4, 2013, respectively. No resolution was received from Adrian Township.

2. Minn. Stat. § 414.06, Subd. 2 states, in part:

“Subd. 2. Hearing, if needed. 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.”

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

The East One-half of the Southwest Quarter of Section Twenty (20),

Township One Hundred Seven (107) North, Range Thirty-three (33) West, including that part thereof platted as Heppners Addition to the City of Darfur, Watonwan County, Minnesota, excepting therefrom the following described tracts:

Tract 1

Commencing at the Southwest corner Section 20 of Township 107 North, Range 33 West, Watonwan County, Minnesota; thence on an assumed bearing of North 88 degrees 58 minutes 44 seconds East, along the south line of said section, a distance of 1500.90 feet; thence North 1 degree 01 minute 16 seconds West a distance of 35.00 feet to an iron monument located on the south of line of Heppners Addition to the City of Darfur, according to the recorded plat thereof, said iron monument being the point of beginning of the tract to be described; thence North 16 degrees 06 minutes West a distance of 168.00 feet to an iron monument; thence North 38 degrees 46 minutes West a distance of 219.65 feet to an iron monument located on the west line of said Heppners Addition; thence North 0 degrees 11 minutes 48 seconds West, along the west line of said Heppners Addition, a distance of 20.38 feet to an iron monument; thence North 85 degrees 53 minutes East a distance of 270.18 feet to an iron monument; thence North 4 degrees 40 minutes East a distance of 56.00 feet to an iron monument; thence North 88 degrees 17 minutes East a distance of 342.00 feet to an iron monument; thence South 0 degrees 56 minutes West a distance of 431.00 feet to an iron monument located on the south line of said Heppners Addition; thence South 88 degrees 58 minutes 44 seconds West, along the south line of said Heppners Addition, a distance of 424.73 feet to the point of beginning, containing 4.75 acres, subject to easements now of record in said county and state, and,

Tract 2

That part of vacated Heppner Street and vacated Titus Street and that part of Lots 1, 2, 3, 4, 5, and 6 of Block 9, Heppners Addition to the City of Darfur, Watonwan County, Minnesota, lying west of the following described line:

Commencing at the Southwest Corner Section 20 of Township 107 North, Range 33 West, Watonwan County, Minnesota; thence on an assumed bearing of North 88 degrees 58 minutes 44 seconds East, along the south line of said section, a distance of 1500.90 feet; thence North 1 degree 01 minute 16 seconds West a distance of 35.00 feet to an iron monument located on the south of line of Heppners Addition to the City of Darfur, according to the recorded plat thereof, said iron monument being the point of beginning of the line to be described; thence North 16 degrees 06 minutes West a distance of 168 feet to an iron monument; thence North 38 degrees 46 minutes West a distance of 219.65 feet to an iron monument located on the west line of said Heppners Addition and said line there terminating.

4. The area proposed for detachment is situated within the City of Darfur and abuts the common boundary between the City of Darfur and Adrian Township, Watonwan County.

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

6. The area proposed for detachment is approximately 73.20 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 3 is detached from the City of Darfur and made a part of Adrian Township, the same as if it had originally been made a part thereof.

Dated: September 10, 2013



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