

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of D-513  
Lake Benton/Lake Benton Township  
Pursuant to Minnesota Statutes 414

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

The detachment petition of the property owners along with supporting resolutions from the City of Lake Benton and Lake Benton Township 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 September 10, 2013, the Chief Administrative Law Judge or authorized designee reviewed the petition, the supporting city resolution, and the supporting township resolution which were duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on August 9, 2013, September 9, 2013, and August 22, 2013, respectively.

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

Government Lots 5 and 6 and the Northwest Quarter of the Southeast Quarter of Section 5, Township 109 North, Range 45 West, of the Fifth Principal Meridian, Lincoln County, Minnesota, excepting therefrom the following described parcels:

1) (Book 102 of Deeds, Page 545)

That part of Tract A described below:

Tract A. That part of Government Lot 6 of Section 5, Township 109 North,

Range 45 West, Lincoln County, Minnesota, lying westerly of the westerly right of way line of Trunk Highway No. 75 as the same is now located and established; which lies easterly of a line run parallel with and distant 100 feet westerly of Line 1 described below:

Line 1. From a point on the north line of said Section 5, distant 1057 feet west of the northeast corner thereof, run southwesterly at an angle of 60 degrees 05 minutes 00 seconds from said north section line (measured from west to south) for 423.9 feet; thence deflect to the left at an angle of 31 degrees 53 minutes 00 seconds for 1921.1 feet; thence deflect to the right at an angle of 08 degrees 20 minutes 00 seconds for 1126.5 feet; thence deflect to the left on a 01 degree 00 minute 00 second curve, having a delta angle of 07 degrees 58 minutes 00 seconds and a length of 796.7 feet for 713.2 feet to the point of beginning of Line 1 to be described; thence continue southerly along said curve for 83.5 feet; thence on tangent to said curve for 316.5 feet and there terminating;

containing 0.23 acre, more or less;

also a right to use the following described strip for highway purposes, which right shall cease on December 11 1994, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes;

A strip being that part of Tract A hereinbefore described adjoining and westerly of the above described strip which lies easterly of a line run parallel with and distant 150 feet westerly of Line 1 described above; containing 0.46 acre, more or less; and

2) (Book 72 of Deeds, Page 11)

Parcel 47 S.P. 4108-01 (75-6) 902

All that part of the two following described tracts:

1. Government Lots 5 and 6 of section 5, township 109 north, range 45 west;
2. The northwest quarter of the southeast quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of section 5, township 109 north, range 45 west, which lies within a distance of 75 feet on each side of the following described line:

From a point on the north line of said section 5, distance 1057 feet west of the northeast corner thereof, run northeasterly at an angle of 60°05' with said north section line for 456.1 feet to the point of beginning of line to be described; thence run southwesterly along last described course for 100 feet; thence deflect to the left on a ten chord spiral curve of decreasing radius (spiral angle 3°07'30") for 250 feet; thence deflect to the left on a

2°30' circular curve (delta angle 25°38') for 1025.3 feet; thence deflect to the left on a ten chord spiral curve of increasing radius (spiral angle 3°07'30") for 250 feet; thence on tangent to said curve for 723.7 feet; thence deflect to the right on a 1°00' curve (delta angle 8°20') for 833.3 feet; thence on tangent to said curve for 709.1 feet; thence deflect to the left on a 1°00' curve (delta angle 7°58') for 796.7 feet; thence on tangent to said curve for 466.2 feet and there terminating;

Together with a strip 25 feet in width adjoining and easterly of the above described strip:

beginning opposite a point distant 196.0 feet southerly of the north line of the northwest quarter of the southeast quarter (NW¼ SE¼) of said section 5 and extending southerly for 630 feet (both measurements being along the above described line);

Also together with a strip of land 30 feet in width adjoining and westerly of the first above described strip and extending over and across the northwest quarter of the southeast quarter (NW¼ SE¼) of said section 5;

Also together with a strip of land 45 feet in width adjoining and westerly of the last above described strip:

beginning opposite a point distant 226.0 feet southerly of the north line of the northwest quarter of the southeast quarter (NW¼ SE¼), said section 5, and extending south;

Excepting therefrom the right of way of existing highway;

Containing 5.90 acres, more or less.

3. The area proposed for detachment is situated within the City of Lake Benton and abuts the common boundary between the City of Lake Benton and Lake Benton Township, Lincoln 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 134.66 acres.

#### **CONCLUSIONS OF LAW**

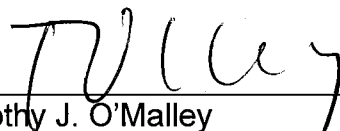
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

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

Dated: September 10, 2013

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