

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of D-526
Ghent/Grandview Township
Pursuant to Minnesota Statutes 414

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

The Ghent City Resolution and detachment petition of the property owners 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. The Chief Administrative Law Judge or authorized designee reviewed the city resolution and property owner petition which were filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on June 9, 2014. A resolution of support was received from Grandview Township on June 23, 2014.

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

1. All that part of the Northwest Quarter (NW¼) of Section Fifteen (15), Township One Hundred Twelve (112) North, Range Forty-two (42) West of the Fifth Principal Meridian, Lyon County, Minnesota, described as follows: Beginning at the quarter corner of the west line of said Section Fifteen (15), and running thence north on the said section line between Section Fifteen (15) and Section Sixteen (16) in said township and range, to the Chicago and North Western Transportation Company's right of way; thence southeasterly along said right of way a distance of 1,345 feet to the center line of Chapman Street, extended southwesterly, in the City of Ghent, according to the recorded plat thereof; thence southwesterly along the center line of said Chapman Street as extended a distance of 1,730 feet to the point of beginning, subject to all easements and

restrictions of record, and including the water rights agreement dated December 19, 1923, and recorded in Book "M" of Miscellaneous, page 221.

2. All that part of the Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twelve (112) North, Range Forty-two (42) West, Lyon County, Minnesota, described as follows: Beginning at the point of intersection of the southwesterly line of the Chicago and North Western Transportation Company's Station Grounds with the west line of said Northwest Quarter; thence southeasterly along said southwesterly line of Station Grounds, parallel with and distant 200 feet southwesterly at right angles from the center line of the main track of said Transportation Company, 1,310 feet, more or less, to the northwesterly line of Chapman Street, produced southwesterly, in the City of Ghent; thence northeasterly along said produced northwesterly line of Chapman Street 150 feet; thence northwesterly parallel with said railway center line and distant 50 feet southwesterly at right angles therefrom, a distance of 1,415 feet, more or less, to the west line of said Northwest Quarter; thence south along said west line to the point of beginning, subject to all easements and restrictions of record.

3. All that part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twelve (112) North, Range Forty-two (42), West of the Fifth Principal Meridian, County of Lyon and State of Minnesota, being more particularly described as follows, to-wit:

Beginning at the intersection of the Southwesterly extension of the Northwesterly line of Chapman Street as shown on the original plat of the Village (now City) of Ghent, Lyon County, Minnesota, with the former main track center line of the Chicago and North Western Transportation Company, thence in a Northwesterly direction along the former center line of the main track of the Chicago and North Western Transportation Company to the West section line of said Section Fifteen (15); thence South along the West section line to a point which is 50 feet measured at right angles from the said former main track center line; thence in a Southeasterly direction and parallel with the said former main track center line to a point on the Northwesterly line of said Chapman Street extended, which is 50 feet Southwesterly measured at right angles from the intersection of the said former main track center line with the Northwesterly line of Chapman Street extended; thence in a Northeasterly direction along said Northwesterly line of Chapman Street extended to the point of beginning.

Excepted Parcels

A. Beginning at a point on the westerly side of Chapman Street in the City of Ghent as it now lays and 380 feet southerly of the center line of the main track of the Chicago and North Western Transportation Company as it now lays, measured parallel with the above named Street; thence westerly 165 feet to a point located 372 feet southerly of the center line of the above mentioned railroad, measured parallel

with the above named Street, thence southerly 100 feet parallel with the above named Street; thence easterly 165 feet parallel with the first line, thence northerly to the point of beginning, said parcel of land being located in the southwesterly half of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Fifteen (15) lying southwesterly of the right-of-way of the Chicago and North Western Transportation Company.

B. A tract of land located in the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twelve (112) North, Range Forty-two (42), West, City of Ghent, Lyon County, Minnesota, being more particularly described as follows:

Beginning at a point on the northwesterly line of Chapman Street extended, which is 380 feet southwesterly from the intersection of the former center line of the main track of the Chicago and North Western Transportation Co.: thence northwesterly 165 feet to a point located 372 feet southwesterly from said former center line of the railroad, as measured at right angles; thence South 33 degrees 51 minutes 41 seconds West a distance of 30.20 feet; thence North 53 degrees 25 minutes 39 seconds West a distance of 191.10 feet; thence North 33 degrees 51 minutes 41 seconds East a distance of 344.84 feet to a point on the former southwesterly right of way line of said railroad; thence South 55 degrees 38 minutes 16 seconds East, along said former southwesterly right of way line a distance of 204.98 feet to a point which is 200.00 feet, measured at right angles, northwesterly of said Chapman Street extended; thence South 33 degrees 51 minutes 16 seconds West, parallel with said Chapman Street extended a distance of 150.00 feet; thence South 55 degrees 38 minutes 16 seconds East, parallel with said former southwesterly right of way line a distance of 166.25 feet to a point on the northwesterly right of way line of County State Aid Highway Number 5; thence southwesterly, along said northwesterly right of way, along a non tangential curve, concave to the northwest, having a central angle of 03 degrees 43 minutes 16 seconds, a radius of 2673.12 feet, an arc length of 173.61 feet, and a chord that bears South 38 degrees 45 minutes 17 seconds West; thence South 40 degrees 36 minutes 54 seconds West a distance of 6.98 feet, tangent to said curve, along said northwesterly right of way line to the point of beginning.

C. All that part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twelve (112) North, Range Forty-two (42), West of the Fifth Principal Meridian, City of Ghent, Lyon County, Minnesota, being more particularly described as follows:

Commencing at the intersection of the Southwesterly extension of the Northwesterly line of Chapman Street as shown on the original plat of the Village (now City) of said Ghent, and as filed and recorded in the office of the County Recorder in and for said Lyon County; with the former main track center line of the Chicago and North Western Transportation Company; thence North 55 degrees 38 minutes 40 seconds West, assumed bearing, along said center a line 170.00 feet to the point of beginning; thence continuing North 55 degrees 38 minutes 40 seconds West along

said center line 820.00 feet; thence South 34 degrees 21 minutes 20 seconds West 50.00 feet; thence South 55 degrees 38 minutes 40 seconds East along a line parallel with and 50 feet Southwesterly measured at right angles from said center line 820.00 feet; thence North 34 degrees 21 minutes 20 seconds East 50.00 feet to the point of beginning.

D. That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twelve (112) North, Range F01ty-two (42), West of the Fifth Principal Meridian, Lyon County, Minnesota, bounded and described as follows:

Beginning at a point on the Southwesterly extension of the Northwesterly line of Chapman Street, distant 200 feet Southwesterly, measured at right angles from the center line of the main track of the Chicago and North Western Transportation Company as said main track center line was originally located and established across said Section 15; thence Northwesterly parallel with said original main track center line a distance of 120 feet; thence Northeasterly at right angles to the last described course to a point 75 feet Southwesterly, measured at right angles from the center line of the main track of the Chicago and North Western Transportation Company, as now located; thence Southeasterly parallel with the main track center line a distance of 120 feet, more or less, to a point on the Southwesterly extension of the Northwesterly line of said Chapman Street; thence Southwesterly along said Northwesterly line, extended, of Chapman Street a distance of 125 feet to the point of beginning; said parcel being a tract 125 feet by 120 feet (125' by 120').

E. All that part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twelve (112) North, Range Forty-two (42), West of the Fifth Principal Meridian, Lyon County, Minnesota, being more particularly described as follows, to-wit:

Beginning at the intersection of the Southwesterly extension of the Northwesterly line of Chapman Street as shown on the original plat of the Village (now City) of Ghent, Lyon County, Minnesota, with the former main track center line of the Chicago and North Western Transportation Company; thence in a Northwesterly direction along the former center line of the main track of the Chicago and North Western Transportation Company a distance of 170 feet; thence South to a point which is 50 feet measured at right angles from the said former main track center line; thence in a Southeasterly direction and parallel with the said former main track center line to a point on the Northwesterly line of said Chapman Street extended, which is 50 feet Southwesterly measured at right angles from the intersection of said former main track center line with the Northwesterly line of Chapman Street extended; thence in a Northeasterly direction along said Northwesterly line of Chapman Street extended to the point of beginning.

F. That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

of Section Fifteen (15), Township One Hundred Twelve (112) North, Range Forty-two (42), West of the Fifth Principal Meridian, Lyon County, Minnesota, bounded and described as follows:

Beginning at a point on the Southwesterly extension of the Northwesterly line of Chapman Street, distant 200 feet Southwesterly measured at right angles from the center line of the former main track (now removed) of the Chicago and North Western Transportation Company, as it was located across said Section Fifteen (15); thence Northwesterly parallel with said former main track 120.00 feet to the Point of Beginning; thence continuing Northwesterly parallel with said former main track 50.00 feet; thence at right angles to the last described course 150.00 feet to a point which is 50 feet Southwesterly measured at right angles from said former main track; thence Southeasterly parallel with said former main track 170.00 feet to a point on said Southwesterly extension of Northwesterly line of Chapman Street; thence Southwesterly along said Southwesterly extension of the Northwesterly line of Chapman Street 25.00 feet; thence Northwesterly parallel with said former main track centerline 120.00 feet; thence Southwesterly at right angles 125.00 feet to the point of beginning.

G. All that part of the West Half of the Northwest Quarter of Section 15, Township 112 North, Range 42 West, Lyon County, Minnesota, being more particularly described as follows:

Commencing at the intersection of the northwesterly line of Chapman Street, as shown on the original plat of Grandview (now the City of Ghent), extended southwesterly, and the former centerline of the main track of the Chicago and Northwestern Transportation Co.; thence South 33 degrees 49 minutes 29 seconds West, bearing based on Lyon County Coordinate System, along said southwesterly extension, a distance of 58.53 feet; thence southwesterly, along said southwesterly extension, along a curve concave to the northwest, having a central angle of 06 degrees 39 minutes 03 seconds, a radius of 2673.12 feet, and an arc length of 310.29 feet; thence South 40 degrees 28 minutes 43 seconds West, along said southwesterly extension, a distance of 11.79 feet; thence North 52 degrees 52 minutes 46 seconds West a distance of 165.00 feet, to a point that is 372 feet southwest of said former centerline; thence South 33 degrees 49 minutes 41 seconds West a distance of 30.20 feet, to the point of beginning; thence continuing South 33 degrees 49 minutes 41 seconds West a distance of 69.80 feet; thence South 52 degrees 52 minutes 46 seconds East a distance of 193.47 feet, to a point on the centerline of County State Aid Highway No.5; thence South 40 degrees 28 minutes 43 seconds West, along said centerline, a distance of 1160.79 feet; thence North 00 degrees 09 minutes 20 seconds East a distance of 1700.78 feet, to a point on the former centerline of said main track; thence South 55 degrees 39 minutes 30 seconds East a distance of 51.78 feet, to a point that is 990 feet, as measured along said former centerline, from the northwesterly line of said Chapman Street; thence South 34 degrees 20 minutes 30 seconds West a distance of 50.00 feet, to a point on the southwesterly right of

way line of said former Chicago and Northwestern Transportation Co., said point hereafter know as Point A; thence beginning again at said point of beginning; thence North 53 degrees 27 minutes 39 seconds West a distance of 191.10 feet; thence North 33 degrees 49 minutes 41 seconds East a distance of 344.88 feet, to a point on said southwesterly right of way line; thence North 55 degrees 39 minutes 30 seconds West, along said southwesterly right of way line, a distance of 615.46 feet, to said Point A, said description there terminating.

Said tract is subject to any existing highways, roadways, or easements.

3. The area proposed for detachment is situated within the City of Ghent and abuts the common boundary between the City of Ghent and Grandview Township, Lyon County.

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

CONCLUSIONS OF LAW

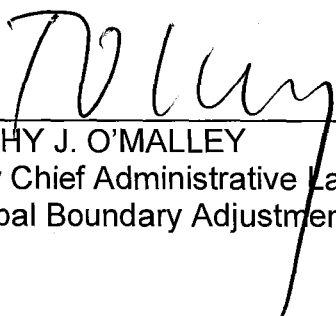
1. The Office of Administrative Hearings has jurisdiction of the within proceeding.

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 Ghent and made a part of Grandview Township.

Dated: August 12, 2014


TIMOTHY J. O'MALLEY
Deputy Chief Administrative Law Judge
Municipal Boundary Adjustment Unit