

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of D-529  
Arco/Lake Stay Township  
Pursuant to Minnesota Statutes 414

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

The detachment petition of the property owner 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 Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. The Chief Administrative Law Judge or authorized designee reviewed the petition and supporting city resolution which were filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on June 16, 2014 and July 21, 2014, respectively. A resolution stating neutrality was received from Lake Stay Township on July 2, 2014.

2. 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:

Tract 1 and 2 (Parcels 16-0013-000 and 16-0011-000)

Tract 1:

All that part of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty-one (31) of Township One Hundred Eleven (111) North of Range Forty-four (44) West of the Fifth (5th) Principal Meridian, bounded and described as follows: Beginning at the Southwest (SW) corner of said Northeast Quarter (NE $\frac{1}{4}$ ) thence East along the South line of said Northeast Quarter (NE $\frac{1}{4}$ ) to a point Three Hundred and Sixty

(360) feet west of the Southwest (SW) corner of Outlot "B" as shown upon the recorded plat of the subdivision entitled Blocks Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17) and Outlots "A" to "H" inclusive to the City of Arco; thence North on a line parallel with and distant West Three Hundred Sixty (360) feet from the West line of said Outlots "B" to the South line of Holly Street in said City; thence West Thirty (30) feet along said South line of Holly Street to the West line of Cherry Street in said City; thence North along said West line of Cherry Street to a point Three Hundred (300) feet south of the South line of Laurel Street in said City; thence West on a line parallel with and distant South Three Hundred (300) feet from said South line of Laurel Street to the West line of said Northeast Quarter (NE $\frac{1}{4}$ ); thence South along the West line of said Northeast Quarter (NE $\frac{1}{4}$ ) to the point of beginning; containing Twenty-nine and Fifteen One-Hundredths (29.15) acres, more or less, EXCEPTING THEREFROM:

- A. All that part within the following described boundary: Beginning at the intersection of the west line of Cherry Street and the South line of Holly Street in the City of Arco, Lincoln County, Minnesota, thence South on the projected West line of Cherry Street for a distance of Ten (10) feet, thence West parallel with the South line of Laurel Street for a distance of Two Hundred and Ten (210) feet, thence North parallel with the West line of Cherry Street, for a distance of Four Hundred and Fifty (450) feet, thence East parallel with the South line of Laurel Street for a distance of Two Hundred and Ten (210) feet to the West line of Cherry Street, thence South on the West line of Cherry Street Four Hundred and Forty (440) feet to the point of beginning. Said tract containing 2.17 acres.
- B. A tract of land located in the City of Arco, being more particularly described as follows: Commencing at the Southeast corner of Block Fifteen (15) of the recorded plat: of Blocks 14-15-16 and 17 and Outlots A to H inclusive to the City of Arco, Lincoln County, Minnesota, said point also being the point of beginning of this description; thence West, assumed bearing, along the South line of said Block 15, a distance of One Hundred Eighty (180) feet; thence South, a distance of One Hundred (100) feet; thence East, parallel with said South Block line, a distance of Two Hundred Fifty (250) feet; thence North, a distance of One Hundred (100) feet to the Southwest corner of Block Fourteen (14) of said plat; thence West, along the South end of Oak Street, according to said plat, a distance of Seventy (70) feet to the point of beginning.

The above described property subject to any easements of record.

and Tract 2:

All that part of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty-one (31) of Township One Hundred Eleven (111) North of Range Forty-four (44) West of the

Fifth (5th) Principal Meridian bounded as follows, to-wit: On the North by the South line of Holly Street in the City of Arco; on the East by the West line of Outlot "B" of the Subdivision entitled "Blocks 14, 15, 16 and 17 and Outlots "A to H" inclusive" in said City; on the South by the South line of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Thirty-One (31); on the West by a line parallel with and distant West One Hundred Eighty (180) feet from the said West line of Outlot "B", containing 2.24 acres more or less, as laid down and described on the plat of said City as recorded in the office of the County Recorder in and for said County, and

All that part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section Numbered Thirty-one (31) in Township Numbered One Hundred Eleven (111) North of Range Numbered Forty-four (44) West of the Fifth (5th) Principal Meridian in the City of Arco, County of Lincoln, State of Minnesota bounded and described as follows, to-wit: On the North by the South line of Holly Street; on the East by a line Distant One Hundred Eighty (180) feet West and parallel with the West line of Outlot "B"; on the South by the South line of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said Section Numbered Thirty-one (31); on the West by a line distant Three Hundred Sixty (360) feet West and parallel with the West line of Outlot "B" as said Street and said Outlot are laid down and described on the plat of the Subdivision entitled "Blocks 14, 15, 16, and 17 and Outlots "A" to "H" inclusive to the City of Arco" on file and of record in the office of the County Recorder in and for said County and State.

Tract 3 (Parcel 16-0004-000):

The West 100 feet of Outlot B, City of Arco.

3. The area proposed for detachment is situated within the City of Arco and abuts the common boundary between the City of Arco and Lake Stay Township, Lincoln 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 Arco and made a part of Lake Stay Township.

Dated: August 12, 2014

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