

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of  
Certain Real Property from the City  
of Erskine to Knute Township  
(MBAU Docket D-592)

**ORDER APPROVING  
DETACHMENT**

On or about June 25, 2018, a Property Owner Petition for Detachment (Petition for Detachment) was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2016), of approximately 53.8 acres of certain real property (Property) from the City of Erskine (City) legally described as follows:

The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4); the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) and that part of the Northeast quarter of the Southwest Quarter (NE1/4SW1/4) lying South of the Great Northern Railroad Right of Way, Section Three (3), Township One Hundred Forty-eight (148) North of Range Forty-two (42) West of the Fifth Principal Meridian;

**EXCEPT**

That part of the East Half of the Southwest Quarter (E1/2SW1/4) of Section Three (3), Township One Hundred Forty-eight (148) North of Range Forty-two (42) West of the Fifth Principal Meridian, described as follows: Commencing at an iron pipe monument at the Southwest corner of said Sec. 3; thence North 88 degrees 47 minutes 47 seconds East, assumed bearing, along the South line of said Sec. 3, a distance of 1319.82 feet to the Southwest corner of the said E1/2SW1/4; point being the point of beginning of the tract to be described; thence North 01 degrees 34 minutes 42 seconds West along the Westline of the said E1/2SW1/4 a distance of 2329.41 feet to an iron pipe monument on the Southerly right of way line of the Burlington Northern, Inc. Railroad; thence South 61 degrees 10 minutes 38 seconds East along said right of way line 1231.72 feet to an iron pipe monument; thence South 36 degrees 57 minutes 03 seconds West 533.55 feet to an iron pipe monument; thence South 07 degrees 29 minutes 36 seconds West 386.15 feet to an iron pipe monument; thence North 79 degrees 51 minutes 30 seconds West 82.26 feet to an iron pipe monument; thence South 06 degrees 57 minutes 23 seconds West 937.41 feet to the South line of the said E1/2SW1/4; thence South 88 degrees 47 minutes 47 seconds West along said South line 449.47 feet to the point of beginning.

## **AND EXCEPT**

That part of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ), Section Three (3), Township One Hundred Forty-eight (148) North of Range Forty-two (42) West of the Fifth Principal Meridian, Polk County, Minnesota, described as follows: Commencing at the Southeast corner of said Sec. 3; thence North 89 degrees 55 minutes 01 seconds West along the South line of said Sec. 3 a distance of 1314.54 feet to the Southeast Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Sec. 3, being the point of beginning; thence continuing North 89 degrees 55 minutes 01 seconds West along the South line of said Sec. 3 a distance of 562.00 feet; thence North 0 degrees 34 minutes 12 seconds West a distance of 989.07 feet to a point on the Southerly right of way of the BNSF Railroad; thence Southeasterly along said Southerly railroad right of way along a non-tangential spiral, concave to the Northeast, central angle 3 degrees 18 minutes 00 seconds a distance of 216.47 feet to spiral curve point; thence Southeasterly along said Southerly railroad right of way on a central curve, concave to the Northeast have a radius of 3647.47 feet, central angle of 06 degrees 20 minutes 38 seconds, a distance of 403.85 feet to the East line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 3; thence South 0 degrees 34 minutes 12 seconds East a distance of 734.40 feet to the point of beginning.

Together with a roadway easement for access to and from the above-described real property over and across that part of the E1/2SW1/4 of Sec. 3, Twp. 148 N., R. 42 W., described as follows: Commencing at an iron pipe monument at the Southwest corner of said Sec. 3; thence North 88 degrees 47 minutes 47 seconds East, assumed bearing, along the South line of said Sec. 3 a distance of 1769.29 feet to the point of beginning of the easement to be described; thence continuing North 88 degrees 47 minutes 47 seconds East 33.34 feet; thence North 06 degrees 57 minutes 23 seconds East 931.03 feet; thence North 79 degrees 51 minutes 30 seconds West 33.05 feet; thence South 06 degrees 57 minutes 23 seconds West 937.41 feet to the point of beginning.

On June 11, 2018, the City and the Knute Town Board (Township) adopted resolutions supporting the Petition for Detachment. The resolutions were filed with the Office of Administrative Hearings on or about June 25, 2018.

Based upon a review of the Petition for Detachment, the City supporting resolution, the Township supporting resolution, and finding that the detachment would be in the best interests of the Property, the Chief Administrative Law Judge makes the following:

## **ORDER**

1. Pursuant to Minn. Stat. § 414.06, the Petition for Detachment, the City supporting resolution, and the Township supporting resolution are deemed adequate in all legal respects and found to properly support this Order.

2. Pursuant to this Order, the Property is **DETACHED** from the City of Erskine.

Dated: September 12, 2018



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TAMMY L. PUST  
Chief Administrative Law Judge

### **NOTICE**

This Order is the final administrative order in this case under Minn. Stat. §§ 414.06, .07, .09, .12 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Polk County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2017). However, no request for amendment shall extend the time of appeal from this Order.