

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of  
Certain Real Property from the City  
of St. Clair to McPherson Township  
(MBAU Docket D-602)

**ORDER APPROVING  
DETACHMENT**

On December 14, 2018, a Petition for Detachment by the sole property owner (Petition for Detachment) was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2018), of certain real property (Property) from the City of St. Clair (City) legally described as follows:

The Southeast Quarter of the Northeast Quarter of Section 7-107-25, which lies easterly of the easterly Right-of-Way line of State Highway No. 83, excepting therefrom Sader Addition, according to the plat thereof on file and of record with the Blue Earth County Recorder. (PIDs R17.15.07.200.025 & R17.15.07.200.010)

On November 13, 2018, the City adopted Resolution Number 2018-09 (City Resolution) supporting the Petition for Detachment. On November 14, 2018, the McPherson Town Board (Township) adopted a Resolution of McPherson Township (Township Resolution) supporting the Petition for Detachment. The City Resolution and Township Resolution were filed with the Office of Administrative Hearings on December 14, 2018. Clarification of the map of the Property was necessary, and the City filed a revised map on July 22, 2019.

Based upon a review of the Petition for Detachment, the City Resolution, and the Township Resolution, the Administrative Law Judge makes the following:

**ORDER**

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

2. Pursuant to the operation of Minn. Stat. § 414.06 and notwithstanding the concerns addressed in the attached Memorandum, the Property is **DETACHED** from the City of St. Clair.

Dated: July 23, 2019

  
JESSICA A. PALMER-DENIG  
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 Blue Earth 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.

## MEMORANDUM

Minn. Stat. § 414.06 governs the detachment of property from an incorporated municipality. This section requires consideration of certain criteria when a city or township objects to a petition for detachment. The statutory factors include: (1) the rural and undeveloped character of the property; (2) its location within and abutting a city boundary; (3) the detachment's effect on the symmetry of a city; (4) the property's relationship to reasonably anticipated future development; and (5) the city's ability to carry on the functions of government post-detachment.<sup>1</sup>

If those factors applied in this case, the requested detachment would be denied because the detachment "unreasonably affect[s] the symmetry of the detaching municipality."<sup>2</sup> The detachment statute does not define "symmetry." The common definition of symmetry includes "balanced proportions" and "the property of being symmetrical; especially: correspondence in size, shape, and relative position of parts on opposite sides of a dividing line or median plane or about a center or axis."<sup>3</sup>

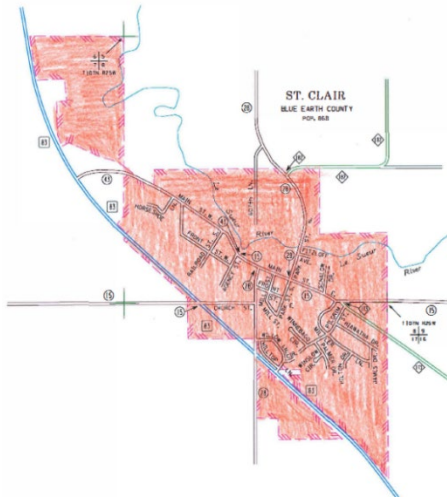
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<sup>1</sup> Minn. Stat. § 414.06, subd. 3.

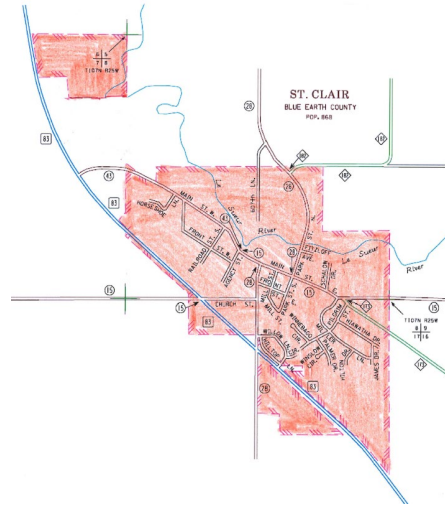
<sup>2</sup> *Id.*

<sup>3</sup> *Symmetry*, MERRIAM-WEBSTER DICTIONARY, <http://www.merriam-webster.com/dictionary/symmetry> (last visited July 23, 2019); see also *City of Lake Elmo v. Nass*, No. A12-2008, 2013 WL 3491161, at \*8 (Minn. Ct. App. Jul. 15, 2013) (approving use of common meaning to define symmetry).

The boundaries of the City are already somewhat asymmetrical, but the detachment of the Property results in an additional complication to the City's symmetry, as depicted on the following maps. Exhibit A below shows the current boundaries of the City of St. Clair shaded in red. Exhibit B shows the boundaries of the City after the detachment.



**Exhibit A:** Before Detachment



**Exhibit B:** After Detachment

Detaching the Property from the City dissects the City into two portions, leaving land within the City marooned without any connection to other City land. The resulting shape of the City boundary is clearly not symmetrical.

Nevertheless, the Administrative Law Judge lacks authority to deny the detachment in this uncontested case. The statute directs as follows:

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*.<sup>4</sup>

As the City and Township adopted resolutions supporting the Petition for Detachment, the detachment must be granted. Additionally, granting the detachment is consistent with one of the legislative findings underlying the municipal boundary laws, in that cooperative efforts among cities and towns are to be encouraged.<sup>5</sup>

**J. P. D.**

<sup>4</sup> Minn. Stat. § 414.06, subd. 2 (emphasis added).

<sup>5</sup> Minn. Stat. § 414.01, subd. 1a(5) 2018.