

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of
Certain Real Property from the City
of Nielsville to Hubbard Township
(MBAU Docket D-622)

CORRECTED
ORDER APPROVING
DETACHMENT

On November 19, 2020, a Petition for Detachment (Petition for Detachment) was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2020), of certain real property (Property) from the City of Nielsville (City) legally described as follows:

That part of the East Half of the Southeast Quarter of Section 19, Township 147 North, Range 48 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows:

Commencing at the southwest corner of said East Half of the Southeast Quarter; thence North 00 degrees 27 minutes 30 seconds East, assumed bearing, along the west line of the said East Half of the Southeast Quarter, a distance of 553.625 feet to the point of beginning; thence South 86 degrees 08 minutes 31 seconds East, parallel to the south line of the said Southeast Quarter, a distance of 227.04 feet, more or less, to the west line of a parcel described in Document No. 606477, of record in the office of the County Recorder in and for the County of Polk and the State of Minnesota; thence North 00 degrees 46 minutes 50 seconds East, along the west line of said parcel described in Document No. 606477, a distance of 85.19 feet, more or less, to the south line of a parcel described in Document No. 599613, of record a said Recorder's Office; thence North 89 degrees 13 minutes 10 seconds West, along the south line of said parcel described in Document No. 599613, a distance of 9.51 feet, more or less, to the southwest corner of said parcel described in Document No. 599613; thence North 00 degrees 46 minutes 29 seconds East, along the west line of said parcel described in Document No. 599613, a distance of 121.64 feet, more or less, to the northwest corner of said parcel described in Document No. 599613; thence South 89 degrees 13 minutes 31 seconds East, along the north line of said parcel described in Document No. 599613, a distance of 11.00 feet, more or less, to the southwest corner of a parcel described in Document No. 569028, of record at said Recorder's Office; thence North 00 degrees 46 minutes 29 seconds East, along the west line of said parcel, a distance of 69.76 feet, more or less, to the northwest corner of said parcel

described in Document No. 569028; thence South 89 degrees 13 minutes 31 seconds East, along the north line of said parcel described in Document No. 569028, a distance of 200.00 feet, more or less, to the northeast corner of said parcel described in Document No. 569028; thence South 00 degrees 46 minutes 29 seconds West, along the east line of said parcel described in Document No. 569028, a distance of 69.76 feet, more or less, to the north line of a parcel described in Document No. 599613, of record at said Recorder's Office; thence South 89 degrees 13 minutes 31 seconds East, along the north line of said parcel described in Document No. 599613, a distance of 13.00 feet, more or less, to the west line of HUBBARD AVENUE as shown in the PLAT OF NIELSVILLE, of record at said Recorder's Office; thence North 00 degrees 46 minutes 29 seconds East, along the west line of HUBBARD AVENUE, a distance of 5.00 feet, more or less, to the intersection with the north line of FIRST STREET as shown is said PLAT OF NIELSVILLE; thence South 89 degrees 13 minutes 31 seconds East, along the north line of said FIRST STREET, a distance of 23.00 feet, more or less, to the southwest corner of a parcel described in Document No. 672307, at said Recorder's Office; thence North 00 degrees 46 minutes 29 seconds East, along the west line of parcels described in Document No. 672307 and 407343, a distance of 267.00 feet, more or less, to the northwest corner of said parcel described in Document No. 407343, at said Recorder's Office; thence South 89 degrees 13 minutes 31 seconds East, along the north line of said parcel described in Document No. 407343, a distance of 327.00 feet, more or less, to the intersection of the southerly extension of the west line of a parcel described in Document No. 514897, of record at said Recorder's Office; thence North 00 degrees 46 minutes 29 seconds East, along the west line and southerly extension of said west line of a parcel described in Document No. 514897, a distance of 60.90 feet, more or less, to the southwest corner of a parcel described in Document No. 558113, of record at said Recorder's Office; thence South 89 degrees 13 minutes 31 seconds East, along the south line of said parcel described in Document No. 558113, a distance of 128 feet, more or less, to the southeast corner of said parcel described in Document No. 558113; thence North 00 degrees 46 minutes 29 seconds East, along the east line and northerly extension of said east line of said parcel described in Document No. 558113, a distance of 886.53 feet, more or less, to the northeast corner of a parcel described in Document No. 577133, of record at said Recorder's Office; thence South 89 degrees 13 minutes 31 seconds East, along the north line of said parcel described in Document No. 577133, a distance of 231.00 feet, more or less, to the westerly right of way line of the Burlington Northern Railroad; thence North 00 degrees 46 minutes 28 seconds East, along the westerly right of way line of Burlington Northern Railroad, a distance of 616.76 feet, more or less, to the north line of said East Half of the Southeast Quarter; thence North 88 degrees 22 minutes 23 seconds West, along the north line of said East Half of the Southeast Quarter, a distance of 1161.63 feet, more or less, to the northwest corner of said East

Half of the Southeast Quarter; thence South 00 degrees 27 minutes 30 seconds West, along the west line of said East Half of the Southeast Quarter, a distance of 2048.21 feet, more or less, to the point of beginning.

Said parcel above contains 39.39 acres, more or less, and is subject to easements, restrictions, or reservations of record, if any.

On October 5, 2020, the City adopted a Resolution (City Resolution) supporting the Petition for Detachment. On October 28, 2020, the Hubbard Town Board (Township) adopted a Resolution (Township Resolution) supporting the Petition for Detachment. The City Resolution and Township Resolution were filed with the Office of Administrative Hearings on November 19, 2020.

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 this Order, the Property is **DETACHED** from the City of Westbrook Nielsville.

Dated: December 11, 2020


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 (2020). 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 (2019). However, no request for amendment shall extend the time of appeal from this Order.