IN THE MATTER OF THE PETITION FOR DETACHMENT OF CERTAIN LAND FROM THE CITY OF ST CLOUD, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.06

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

Pursuant to the 2012 amendment to Minn. Stat. § 414.06, the petitioner(s) shall also provide a copy of this petition to:
1) the city from which the land may be detached;
2) all property owners who have not signed this petition;
3) the clerk of the town to which the property may be attached if granted;
4) the clerk of any other abutting town or city; and
5) the county recorder in the county in which the land is located.

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 414.06, Subd. 1, to commence this proceeding is: all of the property owners if the area is less than 40 acres; or 75% or more of the property owners in number if the area is more than 40 acres.

It is hereby requested by all of the property owners, the area is less than 40 acres, to detach certain properties described herein from the City of St. Cloud and make a part of the Township of St. Joseph.

1.   There is one property owners in the area proposed for detachment.

2.   The lone property owners have signed this petition. (If the land is owned by more than one person, all must sign the petition to represent all owners.)

3.   The property is situated within the City of St. Cloud, abuts the municipal boundary, and is located in the County of Stearns.

       The petitioned area abuts on the city's west boundary.

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

5. The reason detachment is requested is the property cannot be readily serviced with municipal utilities and is contiguous to property within the City of St. Joseph and St. Joseph Township orderly annexation area.

6. Summarize what efforts were taken prior to filing this petition to resolve the issues: The City of St. Cloud, City of St. Joseph, and St. Joseph Township have all agreed to the proposed action.

7. The number of acres in the property proposed for detachment is _4.5_ and is described as follows:

    See attached survey.

8. The number and character of buildings on said property is one 3,697 square foot commercial building.

9. The number of residents in the area proposed for detachment is zero

10. Public improvements on said property are: _Built New Building 42x66_

Date: _10/26/2023_
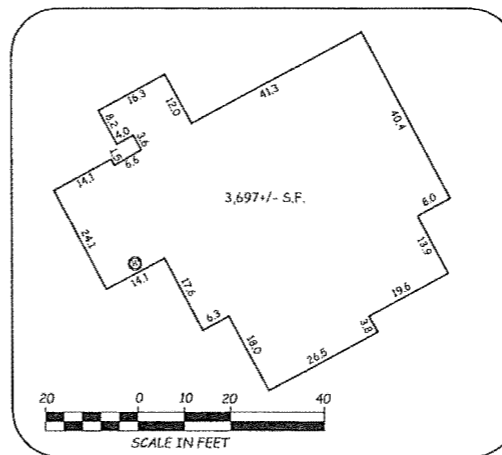
Donald J Ophein
Property Owner

Durl J gl
Property Owner

<u>Legal Description of Property</u>

That part of the Northwest Quarter (NW¼) of Section 18, Township 124, Range 28 West, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence Northerly along the Westerly line of said NW¼ on a bearing of North 01 degree, 09 minutes, 00 seconds East a distance of 367.84 feet, more or less, to the thread of the Sauk River for point of beginning; thence continuing North 01 degrees, 09 minutes, 00 seconds East 160.00 feet to an iron monument; thence continuing North 01 degrees, 09 minutes, 00 seconds East, a distance of 470.90 feet, more or less, to the right of way line of State Trunk Highway No. 52; thence South 65 degrees, 10 minutes, 00 seconds East along said right of way line a distance of 486.12 feet to an iron monument; thence continuing South 65 degrees, 10 minutes, 00 seconds East along said right of way line a distance of 103 feet, more or less to the Westerly Bank of the Sauk River; thence Southwesterly along said Westerly Bank to a point which is 132 feet Southwesterly from the centerline of said Highway 52 (as measured at right angles to said centerline); thence South 65 degrees, 10 minutes, 00 seconds East along the proposed right of way line of Interstate Highway 1-94 a distance of 55 feet, more or less, to the thread of Sauk River; thence Southwesterly along the thread of said Sauk River to the point of beginning.

BUILDING DETAIL

3,697+/- S.F.
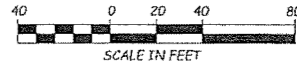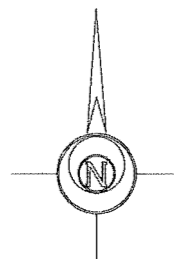
SCALE IN FEET
20   0   10   20   40
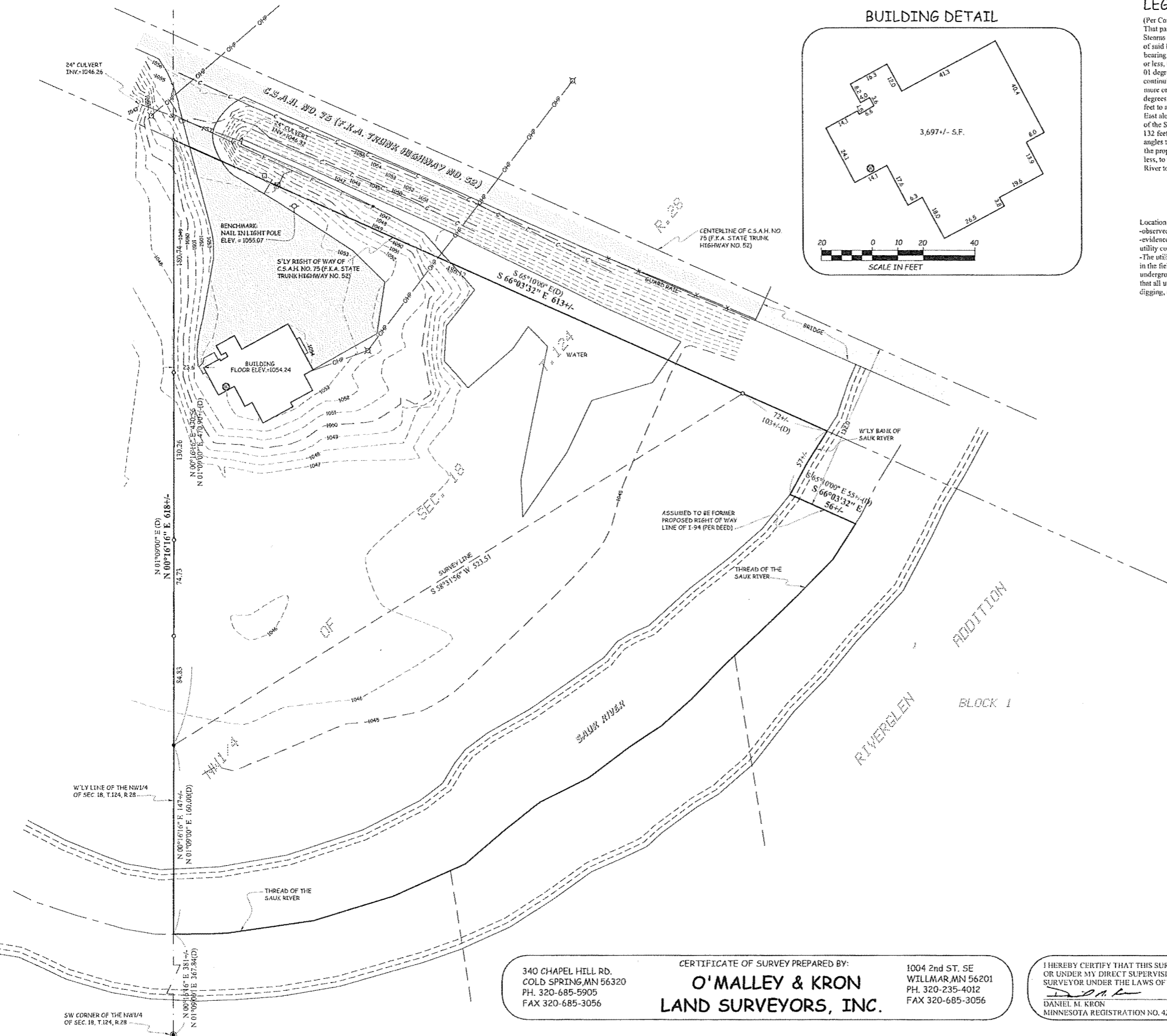
LEGAL DESCRIPTION

(Per Commitment file number 20210404)

That part of the Northwest Quarter (NW¼) of Section 18, Township 124, Range 28 West, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence Northerly along the Westerly line of said NW¼ on a bearing of North 01 degree, 09 minutes, 00 seconds East a distance of 367.84 feet, more or less, to the thread of the Sauk River for point of beginning; thence continuing North 01 degrees, 09 minutes, 00 seconds East 160.00 feet to an iron monument; thence continuing North 01 degrees, 09 minutes, 00 seconds East, a distance of 470.90 feet, more or less, to the right of way line of State Trunk Highway No. 52; thence South 65 degrees, 10 minutes, 00 seconds East along said right of way line a distance of 486.12 feet to an iron monument; thence continuing South 65 degrees, 10 minutes, 00 seconds East along said right of way line a distance of 103 feet, more or less to the Westerly Bank of the Sauk River; thence Southwesterly along said Westerly Bank to a point which is 132 feet Southwesterly from the centerline of said Highway 52 (as measured at right angles to said centerline); thence South 65 degrees, 10 minutes, 00 seconds East along the proposed right of way line of Interstate Highway I-94 a distance of 55 feet, more or less, to the thread of Sauk River; thence Southwesterly along the thread of said Sauk River to the point of beginning.

Location of utilities existing on or serving subject property have been determined by:
-observed evidence collected pursuant to Section 5.E.iv.
-evidence from plans requested by O'Malley and Kron Land Surveyors and obtained from utility companies, or provided by client.
-The utilities shown hereon were located using the Gopher State One-Call system and verified in the field where possible. Private utility locations, such as underground sprinklers, underground service lines, etc may not have been located. O'Malley & Kron cannot guarantee that all utility companies responded or that accuracy or completeness of the locates. Prior to digging, contact Gopher One at 1-800-252-1166 and refer to ticket number 211201546.

SCALE IN FEET
40   0   20   40   80

Legend

—o— INDICATES IRON MONUMENT PLACED
—•— INDICATES IRON MONUMENT FOUND
⊙ INDICATES STEARNS COUNTY CAST IRON MONUMENT
—ST— INDICATES STORM SEWER LINE
—C— INDICATES UNDERGROUND CABLE
—F— INDICATES UNDERGROUND FIBER OPTIC
—OHP— INDICATES OVERHEAD POWER
⋈ INDICATES POWER POLE
-○- INDICATES LIGHT POLE
▫ INDICATES CABLE PEDESTAL
▣ INDICATES FIBER OPTIC PEDESTAL
⊚ INDICATES WELL
▭ INDICATES BITUMINOUS SURFACE
▭ INDICATES CONCRETE SURFACE

Map labels

24" CULVERT INV.=1046.26
C.S.A.H. NO. 75 (F.K.A. STATE TRUNK HIGHWAY NO. 52)
24" CULVERT INV.=1046.33
BENCHMARK: NAIL IN LIGHT POLE ELEV.=1055.07
S'LY RIGHT OF WAY OF C.S.A.H. NO. 75 (F.K.A. STATE TRUNK HIGHWAY NO. 52)
BUILDING FLOOR ELEV.=1054.24
CENTERLINE OF C.S.A.H. NO. 75 (F.K.A. STATE TRUNK HIGHWAY NO. 52)
S 65°10'00" E(D)
S 66°03'32" E 613+/-
GUARD RAIL
BRIDGE
WATER
W'LY BANK OF SAUK RIVER
THREAD OF THE SAUK RIVER
ASSUMED TO BE FORMER PROPOSED RIGHT OF WAY LINE OF I-94 (PER DEED)
SURVEY LINE S 58°31'56" W 523.51
SAUK RIVER
RIVERGLEN ADDITION
BLOCK 1
W'LY LINE OF THE NW1/4 OF SEC. 18, T.124, R.28
SW CORNER OF THE NW1/4 OF SEC. 18, T.124, R.28

CERTIFICATE OF SURVEY PREPARED BY:

340 CHAPEL HILL RD.
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

O'MALLEY & KRON LAND SURVEYORS, INC.

1004 2nd ST. SE
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 05-06-2022
DANIEL M. KRON
MINNESOTA REGISTRATION NO. 42621

CERTIFICATE OF SURVEY PREPARED FOR:
AL LUBERDA

JOB NO: 2021-283
FILE NAME: 2021-283topo.dwg
LOCATION: 18-124-28

SHEET 1 OF 1

Westwood Parkway

MAC

St Joseph

St Cloud

Pineview Park

Waite Park

23

N

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:36,056

Date: 7/24/2023

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.