

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons            Chairman  
Robert W. Johnson         Vice Chairman  
Robert J. Ferderer        Member

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IN THE MATTER OF THE PETITION AND RESOLUTION )  
FOR THE DETACHMENT OF CERTAIN LAND FROM THE )  
CITY OF CHASKA PURSUANT TO MINNESOTA         )  
STATUTES 414.06                                    )  
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AMENDED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

On September 9, 1980, the Minnesota Municipal Board received a petition by all of the property owners for the detachment of certain land from the City of Chaska. A joint resolution for the detachment of the same land was received from the City of Chaska and Township of Chaska on the 9th day of September, 1980.

After review of the petition and resolution, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I. That a petition was duly filed with the Municipal Board by the requisite number of property owners and a resolution for the detachment of the same property was filed by the City of Chaska.

II. The petition and resolution contained all the information required by statute including a description of the territory proposed for detachment which is as follows:

All that land lying West of the East Right of Way Line of County State Aid Highway No. 10 in the Southeast Quarter or the Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 5, Township 115 North of Range 23 West, Carver County, excepting therefrom the following described real property:

Commencing at the Southwest Section Corner of Section Five (5), Twp. 115, R. 23, and running thence North along the West Section line of said Section 5 a distance of 1318.45 feet to an iron pin; thence deflecting Right 90° 00' 30" and running East a distance of 2442.18 feet to the West right of way line of State Aid Road No. 2; thence deflecting Right 51° 38' 30" and running Southeasterly along said Westerly R/W line a distance of 806.38 feet to a point; thence deflecting Right 00° 18' and running Southeasterly along said Westerly R/W line a distance of 214.77 feet to a point; thence deflecting Right 90° 00' and running Southwesterly a distance of 150.0 feet to a point; thence deflecting Left 90° 00' and running Southeasterly a distance of 363.0 feet to a point, said point being the place of beginning for this description;

Thence deflecting Left 42° 39' and running Easterly a distance of 80.55 feet to a point;

Thence deflecting Left 51° 16' and running Northeasterly a distance of 137.8 feet to a point on the Westerly right of way line of said State Aid Road No. 2;

Thence deflecting Left  $101^{\circ} 32'$  and running Northwesterly along said Westerly R/W line a distance of 76.55 feet to a point;

Thence deflecting Right  $7^{\circ} 08'$  and running Northwesterly along said Westerly R/W line a distance of 97.4 feet to a point;

Thence deflecting left  $97^{\circ} 04'$  and running Southwesterly a distance of 68.0 feet to a point;

Thence deflecting Left  $32^{\circ} 44'$  and running Southerly a distance of 137.6 feet to the place of beginning, and there terminating and being a description of a tract of land abutting State Aid Road No. 2 located in the Southwest Quarter of the Southeast Quarter of Section Five in Chaska Township, Carver County, Minnesota.

Also excepting therefrom the following described real property:

Beginning at the southeast corner of the Southwest Quarter of the Southeast Quarter of Section 5, running thence West along the South line of said Southwest Quarter of the Southeast Quarter, 11.49 chains; thence North  $17^{\circ}$  West 5.57 chains; thence South  $85^{\circ} 35'$  East 2.50 chains; thence South  $57^{\circ} 30'$  East 4.36 chains; thence North  $84^{\circ} 30'$  East 4.44 chains; thence South  $34^{\circ}$  East 4.00 chains to the place of beginning, containing 4.07 acres, more or less, together with an additional strip of land 16 feet wide around said tract on the east side, to be used for a public highway.

Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 8, running thence South on the quarter line 3.00 chains; thence East 66 feet; thence North parallel with said first mentioned line 3.00 chains; thence West 66 feet to the place of beginning, containing .4 of an acre, more or less.

Beginning at the Northeast Corner of the West Half of the Northeast Quarter of Section 8, running thence South along the center line of the Northeast Quarter 9.81 chains; thence North  $15^{\circ}$  West 3.40 chains; thence North  $56^{\circ}$  West 9.85 chains to a post on the north line of said Section 8; thence East along the section line 11.49 chains to the place of beginning, containing 4 acres, more or less.

All of the tracts of land above described being situated in Township 115 North of Range 23 West of the Fifth Principal Meridian.

III. An amended property description to better describe the property under consideration was received by the Municipal Board on August 11, 1981 which is as follows:

All that land lying West of the East Right of Way Line of County State Aid Highway No. 10 in the Southeast Quarter of the Southwest Quarter ( $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) and the Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 5, Township 115 North of Range 23 West, Carver County, excepting therefrom the following described real property:

Commencing at the Southwest Section Corner of Section Five (5), Twp. 115, R. 23, and running thence North along the West Section line of said Section 5 a distance of 1318.45

feet to an iron pin; thence deflecting Right 90° 00' 30" and running East a distance of 2442.18 feet to the West right of way line of State Aid Road No. 2; thence deflecting Right 51° 38' 30" and running Southeasterly along said Westerly R/W line a distance of 806.38 feet to a point; thence deflecting Right 00° 18' and running Southeasterly along said Westerly R/W line a distance of 214.77 feet to a point; thence deflecting Right 90° 00' and running Southwesterly a distance of 150.0 feet to a point; thence deflecting Left 90° 00' and running Southeasterly a distance of 363.0 feet to a point, said point being the place of beginning for this description;

Thence deflecting Left 42° 39' and running Easterly a distance of 80.55 feet to a point;

Thence deflecting Left 51° 16' and running Northeasterly a distance of 137.8 feet to a point on the Westerly right of way line of said State Aid Road No. 2;

Thence deflecting Left 101° 32' and running Northwesterly along said Westerly R/W line a distance of 76.55 feet to a point;

Thence deflecting Right 7° 08' and running Northwesterly along said Westerly R/W line a distance of 97.4 feet to a point;

Thence deflecting left 97° 04' and running Southwesterly a distance of 68.0 feet to a point;

Thence deflecting Left 32° 44' and running Southerly a distance of 137.6 feet to the place of beginning, and there terminating and being a description of a tract of land abutting State Aid Road No. 2 located in the Southwest Quarter of the Southeast Quarter of Section Five in Chaska Township, Carver County, Minnesota.

Also excepting therefrom the following described real property:

Commencing at the Southwest Section Corner of Section Five (5), Twp. 115, R. 23, and running thence North along the West Section line of said Section 5 a distance of 1318.45 feet to an iron pin; thence deflecting Right 90° 00' 30" and running East a distance of 2442.18 feet to the West right of way line of State Aid Road No. 2; thence deflecting Right 51° 38' 30" and running Southeasterly along said Westerly R/W line a distance of 214.77 feet to a point; thence deflecting Right 90° 00' and running Southwesterly a distance of 150.0 feet to a point; thence deflecting Left 90° 00' and running Southeasterly a distance of 363.0 feet to a point, said point being the place of beginning of this description;

Thence deflecting Left 42° 39' and running Easterly a distance of 80.55 feet to a point;

Thence deflecting Left 51° 16' and running Northeasterly a distance of 137.8 feet to a point on the Westerly right of way line of said State Aid Road No. 2;

Thence deflecting right and running Southeasterly along the Westerly right of way line of said State Aid Road No. 2 to a point where said right of way line intersects the south line of the SW¼ of the SE¼ of 5-115-23; said point being 141 feet westerly of Southeast corner of the SW¼ of the SE¼ of 5-115-23; thence running west along the South line of said Southwest Quarter of the Southeast Quarter 617.34 feet to a point; thence North 17° West to a point on the Southeast line of a tract of land conveyed to Claude Kulkes and Evelyn Kulkes in a deed dated the \_\_\_\_\_ day of June, 1957 and filed of record March 12, 1958 in the Office of the Register of Deeds, Carver County, Minnesota in Book 64 of Deeds, Page 55, thence running northeasterly along said southeast line to the point of beginning

THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

The SE ¼ SW ¼ and SW¼ SE ¼ Section 5, Township 115 North, Range 23 West, lying west of the easterly right-of-way line of CSAH #10, except the following described property:

Beginning at the intersection of the east right-of-way line of CSAH #10 and the south line of said Section 5; thence west on said south line to a point 758.34' west of the southeast corner of the SW ¼ SE¼ of said Section 5; thence north 17° west to the southeasterly line of Claude Kalke's property; thence northeasterly on said property line to the westerly corner of Peter and Shirley-Bruer's property; thence northerly on westerly property line of the Bruer property 137.6' to a point. Thence deflecting right 32°44' on the northwesterly property line and its extension to the easterly right-of-way of CSAH #10; thence southeasterly on said right-of-way to the point of beginning.

IV III. The area proposed for detachment is situated within the City of Chaska and abuts the municipal boundary.

V IV. The area proposed for detachment is approximately 52 acres.

VI V. The area proposed for detachment is rural in character and not developed for urban, residential, commercial or industrial purposes.

VII VI. The number and character of buildings on the concerned area are as follows: six residential houses and garages

VIII VII. Municipal improvements in the area are: none

IX VIII. The population of the area subject to detachment is 18 adults and five children.

X IX. The area abuts the Township of Chaska.

XI. Resolutions were received by the Municipal Board from both the City of Chaska and the Township of Chaska stating that the population count in the area under consideration had previously been counted as part of Chaska Township and should not be added to the population of Chaska Township; there should be no change in the population of the City or Township due to the detachment of the property described herein.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

III. The area subject to detachment is not needed for reasonably anticipated future development.

IV. The remainder of the municipality can continue to carry on the functions of government without undue hardship.

V. An order should be issued by the Minnesota Municipal Board detaching the area described herein in Findings of Fact III.

ORDER

I. IT IS HEREBY ORDERED: That the following described property be, and the same hereby is, detached from the City of Chaska and made a part of the township of Chaska, the same as if it had originally been made a part thereof as described in Findings of Fact ~~II.~~ III.

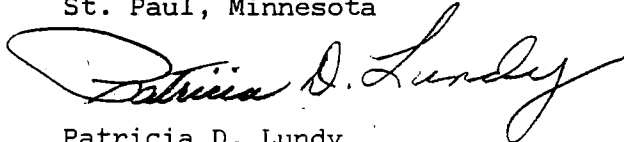
~~II. IT IS FURTHER ORDERED: That the population of the City of Chaska be and the same hereby is decreased by 23 persons for all purposes until the next Federal Census.~~

~~III. IT IS FURTHER ORDERED: That the population of the Township of Chaska be and the same hereby is increased by 23 persons for all purposes until the next Federal Census.~~

V. IT IS FURTHER ORDERED: That the effective date of this order is November 7, 1980.

Dated this 7th day of November, 1980

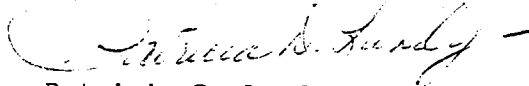
MINNESOTA MUNICIPAL BOARD  
165 Metro Square Building  
St. Paul, Minnesota



Patricia D. Lundy  
Assistant Executive Director

Amended order dated this 18th day of March, 1982.

MINNESOTA MUNICIPAL BOARD  
165 Metro Square Building  
St. Paul, Minnesota



Patricia D. Lundy  
Assistant Executive Director