

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner

IN THE MATTER OF THE PETITION AND)	<u>FINDINGS OF FACT</u>
RESOLUTION FOR THE DETACHMENT OF)	<u>CONCLUSIONS OF LAW</u>
CERTAIN LAND FROM THE CITY OF TYLER)	<u>AND ORDER</u>
PURSUANT TO MINNESOTA STATUTES 414.06)	

On December 3, 1984, the Minnesota Municipal Board received a petition by all of the property owners for the detachment of certain land from the City of Tyler. A resolution for the detachment of the same land was received from the City of Tyler on the 3rd day of December, 1984.

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

1. 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 Tyler.

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

- A. That part of the Northeast Quarter of Section Four (4), Township One Hundred Nine (109) North, of Range Forty-four (44), lying and being Northeasterly of the Tyler-Astoria Branch line of the Chicago & Northwestern Railroad Right of Way, described as follows: Commencing at the Northeast corner of Section Four (4) Town One Hundred Nine (109), Range Forty-four (44), thence South on Section line a distance of 2468 feet to the North Right of Way fence, thence West and Northerly on a 3 Degree curve for a distance of 1431.7 feet, thence Northwesterly along Railroad Right of Way fence a distance of 2245.8 feet to the North line of Section 4, thence East on the Section line for a distance of

2436.5 feet to the point of beginning, said tract containing 87.06 acres;

and

- B. Also that tract of land lying and being West of the Right of Way of the Tyler-Astoria branch line, described as follows: Commencing at the North Quarter corner of Section 4-109-44, thence South on the Quarter line for a distance of 2042.6 feet to the North Right of Way fence of Main line Chicago & Northwestern Right of Way, thence Easterly on and along said Right of Way line for a distance of 785 feet, thence Northerly on a 12 Degree curve for a distance of 1142.8 feet, thence Northwesterly on and along Railroad Right of Way line for a distance of 1880 feet to the North Section line, thence West on Section line for a distance of 135.5 feet to the point of beginning. Said tract containing 42.28 acres;

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS:

1. All that part of the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section Four (4), Township One Hundred Nine (109) North, of Range Forty-four (44) West of the Fifth Principal Meridian in Lincoln County, Minnesota, described as follows: Beginning at a point on the East line of said Section 4 a distance of 1988.1 feet South of the Northeast corner of said Section, thence West at an angle of 90 degrees for a distance of 290.7 feet, thence South at an angle of 90 degrees for a distance of 397.8 feet to the Chicago Northwestern Right-of-way, thence Southeasterly along said Railroad Right-of-way for a distance of 303.0 feet to the section line, thence North on the Section line for a distance of 482.2 feet to the point of beginning, said tract containing 2.94 acres,

and

2. All that part of the Northeast Quarter (NE 1/4) of Section Four (4), Township One Hundred Nine (109) North, of Range Forty-Four (44) West of the Fifth Principal Meridian in Lincoln County, Minnesota, described as follows: Beginning at the Northeast Corner of said Section Four (4), thence West on and along the North line of said Section 4 for a distance of 2465.0 feet to the Chicago Northwestern Railroad Right-of-way, thence Southeasterly along said Railroad Right of Way for a distance of 731.8 feet, thence East parallel to the north line of said Section 4 for a distance of 2023.5 feet to the East line of said Section 4, thence North along the Section line for a distance of 584.3 feet to the point of beginning, said tract containing 30.11 acres;

and

3. All that part of the Northeast Quarter of Section Numbered Four in Township Numbered 109 North, of Range Numbered Forty-four (44) West of the Fifth Principal Meridian, described as follows: Beginning at a point on the East line of said Section Four; 1608.1 feet south of the Northeast corner of said section; thence

west at an angle of 90 degrees for a distance of 230 feet; thence South at an angle of 90 degrees for a distance of 380 feet; thence East at an angle of 90 degrees for a distance of 230 feet; thence North on the section line for a distance of 380 feet to the point of beginning;

and

4. The Easterly 400 feet of the above described tracts A and B.

AND

All that part of the Northeast Quarter (NE 1/4) of Section Four (4) in Township One Hundred Nine (109) North of Range Forty-four (44) West of the 5th P.M., lying and being South of the Chicago & Northwestern Railroad Right of Way, containing 16 acres, more or less, according to the Government Survey thereof;

and

The Southeast Quarter (SE 1/4) of Section Four (4) in Township One Hundred Nine (109) North, Range Forty-four (44) West of the 5th P.M., more particularly described as follows: Government Lots Seven (7) and Eight (8) in Section Four (4), Township One Hundred Nine (109) North, Range Forty-Four (44) West of the 5th P.M. and the following described tract of land, to-wit: Commencing at the southwest meander corner of said Lot Eight (8) and running thence West along the South line of said Lot Eight (8), extended West to a point where said South line of said Lot Eight (8), so extended, intersects the East line of said Lot Five (5) of said Section Four (4) extended South; thence North to the center of said Section Four (4); thence East to the northwest meander corner of said Lot Seven (7); thence in a southerly direction, along the meander line forming the West boundary of Lots Seven (7) and Eight (8) to the point of commencement, containing 160 acres, more or less.

AND EXCEPTING FROM THE ABOVE-DESCRIBED PARCELS:

All that parcel or tract of land lying east of the following described line: Commencing at a point on the south line of the Southeast Quarter of Section Four (4), Township One Hundred Nine (109), North, Range Forty-four (44) West of the Fifth P.M., which point is 400 feet west of the southeast (SE) corner of said Southeast quarter, thence northerly parallel to and 400 feet west of the East Section line, a distance of 2,040 feet; thence Westerly, parallel to the South Section line, a distance of 800 feet; thence Northerly, parallel to and distance 1,200 feet from the East Section line to the South Right-of-Way line of the Chicago & Northwestern Railway.

3. The area proposed for detachment is situated within the City of Tyler and abuts the municipal boundary.

4. The area proposed for detachment is 209 acres.

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

6. There are no people, buildings, or municipal improvements on the area proposed for detachment.

7. The area abuts the Town of Hope, Lincoln County.

CONCLUSIONS OF LAW

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

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

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

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

5. An order should be issued by the Minnesota Municipal Board detaching the area described herein.

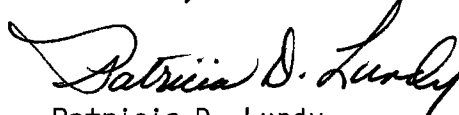
O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same hereby is, detached from the City of Tyler and made a part of the Town of Hope, the same as if it had originally been made a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is December 18, 1984.

Dated this 18th day of December, 1984.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101



Patricia D. Lundy
Assistant Director

M E M O R A N D U M

The board in approving the detachment wishes to note for the record that the board does have concerns about the affect this detachment will have on the symmetry of the corporate boundary lines of the City of Tyler. Under Chapter 414, one of the factors the Municipal Board considers in making a determination on boundary adjustments is the contiguity of the boundaries between the affected city, the subject area, and the town. In this detachment, a petition was received by all of the property owners and a resolution supporting the detachment was also received from the City of Tyler. However, the boundaries resulting from the detachment leaves irregular boundaries. In future detachments, or any other boundary adjustments, the board urges the concerned parties to very carefully address the issue of contiguity as well as other factors contained in Minnesota Statutes 414.

12/18/84
JSC