

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE PETITION FOR)
THE DETACHMENT OF CERTAIN LAND) FINDINGS OF FACT
FROM THE CITY OF ROCHESTER PURSUANT) CONCLUSIONS OF LAW
TO MINNESOTA STATUTES 414) AND ORDER

The detachment petition of the property owners along with a supporting resolution from the City of Rochester was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On May 10, 2010, the Chief Administrative Law Judge reviewed the detachment petition and supporting city resolution which was duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on May 10, 2010.
2. The petition and city resolution contained all the information required by statute including a description of the territory proposed for detachment, which is as follows:

63.16.33.035845 Dennis A & Nancy J Junge (4217 29 ST SE ROCHESTER)

COM AT NWCOR S1/2 SW1/4 TH E1023FT TH S316FT FOR PL OF
BEG TH E210.6FT TH S315FT TO CEN OF A RD TH W210.6FT TH
N315FT TO BEG SEC 16 106 13

63.16.34.035854 Edward John Brereton (4235 29 ST SE ROCHESTER)

COM AT NWCOR SE1/4 SW1/4 TH E352.79FT TH S PAR WITH W LINE
316FT TH W88.15FT FOR PT OF BEG TH CONTINUE W346FT TH

S315FT TH E PAR WITH N LINE S1/2 SW1/4 346FT TH N PAR WITH
W LINE 315FT TO PT OF BEG LESS S33FT FOR RD SEC 16-106-13

63.16.34.035853 Betsy S. & Ronald L. Streyle (4305 29th ST SE ROCHESTER)

COM AT NWCOR SE1/4 SW1/4 RUN TH E352.79FT FOR PL OF BEG TH
S316FT TH W88.15FT TH SLY 315FT TH ELY 295.25FT TH
N631FT TO N LINE S1/2 SW1/4 TH W207.1FT TO BEG LESS S33FT FOR
RD SEC 16-106-13

63.16.34.035848 James R. and Lynn R, Muthart (4345 29th ST SE ROCHESTER)

S332FT OF FOLL COM AT NWCOR SE1/4 SW1/4 TH E559.89FT FOR
PL OF BEG TH S631FT TH E345.17FT TH N631FT TH
W345.17FT TO BEG SEC 16 106 13

63.16.33.035870 Arnold J. & Carolyn V. Bjerke (undeveloped parcel)

COM AT SWCOR SEC RUN TH N613.5FT TO SWLY R O W T H 52
TH SELY AL RD 767.9FT TO S LINE SEC TH W451.9FT TO BEG
SEC 16 106 13

**63.21.24.036329 Harvard C & Peggy L. Jendersee (3335 Marion RD SE
ROCHESTER)**

Lot 33 Auditor's Plat C

63.21.24.036330 Orville A. and Ruth Kirkham (3351 Marion RD SE ROCHESTER)

Lot 34 Auditor's Plat C

63.21.23.036336 Mary Ann Seltun (3320 42 Ave SE ROCHESTER)

Lot 39 Auditor's Plat C

63.21.24.036337 Larry L. Batterson (3330 42 Ave SE ROCHESTER)

Lot 40 Less PC ON CONT TO ROLSCH

63.21.23.036338 Jorge Martinez (3328 42 Ave SE ROCHESTER)

COM AT SWCOR SEC RUN TH N613.5FT TO SWLY R O W T H 52
TH SELY AL RD 767.9FT TO S LINE SEC TH W451.9FT TO BEG
SEC 16 106 13

3. The area proposed for detachment is situated within the City of Rochester and abuts the common boundary between the city and Marion Township, Olmsted County.

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

5. The area proposed for detachment is approximately 40 acres and needs no municipal improvements.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

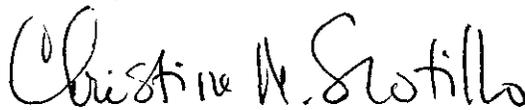
2. An order should be issued by the Chief Administrative Law Judge detaching the area described herein.

ORDER

1. The property described in Findings of Fact 2 is detached from the City of Rochester and made a part of Marion Township, the same as if it had originally been made a part thereof.

Dated this 10th day of May, 2010.

For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments