

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE PETITION FOR ) AMENDED  
THE DETACHMENT OF CERTAIN LAND ) FINDINGS OF FACT  
FROM THE CITY OF ROCHESTER PURSUANT ) CONCLUSIONS OF LAW  
TO MINNESOTA STATUTES 414 ) AND ORDER  
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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 29<sup>th</sup> 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 29<sup>th</sup> 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 TH 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 ROW TH 52  
TH SELY AL RD 767.9FT TO S LINE SEC TH W451.9FT TO BEG  
SEC 16 106 13~~

The following five (5) described parcels within Section 16, Township 106, Range 13, Olmsted County, Minnesota:

**Property owned by Dennis A. & Nancy J. Junge, 4217 29 ST SE, Rochester, MN 55904 (PIN: 63.16.33.035845) described as follows:**

Commencing at the Northwest Corner of the South Half of the Southwest Quarter of Section 16, Township 106, Range 13, Olmsted County, Minnesota, thence East 1023 feet then South 316 feet for the place of beginning; thence East 210.6 feet; thence South 315 feet to the center of road; thence West 210.6 feet then North 315 Feet to the beginning.

**Property owned by Edward John Brereton, 4235 29 ST SE, Rochester, MN 55904 (PIN: 63.16.34.035854) described as follows:**

Commencing at the Northwest Corner of the Southeast Quarter of the Southwest Quarter of Section 16, Township 106, Range 13, Olmsted County, Minnesota, thence East 352.79 feet; thence South parallel with the West line 316 feet; thence West 88.15 feet for the point of beginning; thence continue West 346 feet; thence South 315 feet; thence East parallel with the North line of the South Half of the Southwest Quarter 346 feet; thence North parallel with the West line 315 feet to the point of beginning less the South 33 feet for the road.

**Property owned by Betsy S. & Ronald L. Streytle, 4305 29 ST SE, Rochester, MN 55904 (PIN 63.16.34.035853) described as follows:**

Commencing at the Northwest Corner of the Southeast Quarter of the Southwest Quarter of Section 16, Township 106, Range 13, Olmsted County, Minnesota, thence East 352.79 feet for the place of beginning; thence South 316 feet; thence West 88.15 feet; thence southerly 315 feet; thence easterly 295.25 feet; thence North 631 feet to north line of the South Half of the Southwest Quarter; thence West 207.1 feet to the point of beginning less the South 33 feet for the road.

**Property owned by James R. and Lynn R. Muthart, 4345 29 ST SE, Rochester, MN 55904 (PIN: 63.16.34.035848) described as follows:**

The South 332 feet of the following described parcel commencing at the Northwest Corner of the Southeast Quarter of the Southwest Quarter of Section 16, Township 106, Range 13, Olmsted County, Minnesota, thence East 559.89 feet for a place of beginning; thence South 631 feet; thence East 345.17 feet; thence North 631 feet; thence West 345.17 feet to the point of beginning.

**Property owned by Arnold J. & Carolyn V. Bjerke (PIN: 63.16.33.035870) described as follows:**

Commencing at the Southwest Corner of Section 16, Township 106, Range 13, Olmsted County, Minnesota, thence running North 613.5 feet to the southwesterly Right-of-Way of County State Aid Highway No. 36; thence Southeasterly along CSAH #36 right of way for a distance of 767.9 feet to the South line of the section; thence West 451.9 feet to the point of beginning.

And also:

The following five (5) described parcels within Section 21, Township 106, Range 13, Olmsted County, Minnesota:

**Property owned by Harvard C. & Peggy L. Jendersee, 3335 Marion RD SE, Rochester, MN 55904 (PIN: 63.21.24.036329) described as follows:**

Lot 33, Auditor's Plat C, in the City of Rochester, Olmsted County, Minnesota.

**Property owned by Orville A. and Ruth Kirkham, 3351 Marion RD SE, Rochester, MN 55904 (63.21.24.036330) described as follows:**

Lot 34, Auditor's Plat C, in the City of Rochester, Olmsted County, Minnesota.

**Property owned by Mary Ann Seltun, 3320 42 Ave SE, Rochester, MN 55904 (PIN 63.21.23.036336) described as follows:**

Lot 39, Auditor's Plat C, in the City of Rochester, Olmsted County, Minnesota.

**Property owned by Larry L. Batterson, 3330 42 Ave SE, Rochester, MN 55904 (PIN 63.21.24.036337) described as a part of Lot 40, Auditor's Plat C, in the City of Rochester, Olmsted County Minnesota described as follows:**

Commencing at the Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 21, Township 106, Range 13, Olmsted County, Minnesota,; and running thence North a distance of 618.26 feet for a place of beginning, thence West parallel with the South line of the said Southwest quarter 230.66 feet; thence North 0 degrees 42 minutes West 128.41 feet; thence East parallel with the South line of said Southwest quarter 230.66 feet; running thence South 0 degrees 48 minutes a distance of 128.41 feet; running thence West a distance of 386 feet to the place of beginning.

**Property owned by Jorge Martinez, 3328 42 Ave SE, Rochester, MN 55904 (PIN: 63.21.23.036338) described as part of Lot 40, Auditor's Plat C, in the City of Rochester, Olmsted County Minnesota described as follows:**

Commencing at the Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 21, Township 106, Range 13, Olmsted County, Minnesota; running thence North 0 degrees 48 minutes West along the East line of said Southwest Quarter, 618.26 feet; thence West parallel with the South line of said Southwest Quarter, 230.66 feet for a place of beginning; thence West 133.84 feet to the center of a township road; thence North 13 degrees 36 minutes West along the center of said road, 131.04 feet; thence East 100.54 feet; thence North 1.06 feet; thence East 62.34 feet, thence South 0 degrees 48 minutes East 128.41 feet to the place of beginning.

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.

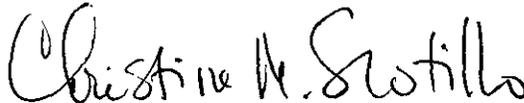
2. An order should be issued by the Chief Administrative Law Judge detaching the area described herein.

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 10<sup>th</sup> day of May, 2010.

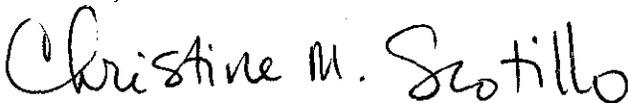
For the Assistant Chief Administrative Law Judge  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

Amended this 25<sup>th</sup> 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