

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE PETITION)
FOR THE DETACHMENT OF CERTAIN)
LAND FROM THE CITY OF ST. CLAIR)
PURSUANT TO MINNESOTA)
STATUTES 414)

NOTICE OF CANCELLATION
OF HEARING; AND
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The petition for detachment submitted by the property owners, and other pertinent documents in the file, were reviewed for conformity with applicable law. The Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

1. On October 28, 2010, a petition requesting the detachment of certain property from the City of St. Clair to McPherson Township was filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit pursuant to Minnesota Statutes §414.06.
2. On December 14, 2010, the Chief Administrative Law Judge, through his designee, ordered the petitioners, the City, and the Township to meet at least three times over a period of sixty days to address resolution of issues pursuant to Minnesota Statutes Section 414.01, subd. 16.
3. A first statutory hearing on the petition was convened December 20, 2010, after due and appropriate legal notice, and the hearing was continued to an indefinite date to allow the parties time to complete the directed meetings.

4. On February 14, 2011, the Office of Administrative Hearings-Municipal Boundary Adjustment Unit received City Resolution 2011-03, dated February 8, 2011, from the City of St. Clair requesting that the Office of Administrative Hearings-Municipal Boundary Adjustment Unit detach the property described herein from the City of St. Clair and make it a part of McPherson Township.

5. After review of the petition and resolution, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. That a petition and city resolution was duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit for the detachment of property from the City of St. Clair.

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

The property proposed for detachment is described as follows:

The South Half of the Northeast Quarter, and the North Half of the Southeast Quarter of Section 17, Township 107, Range 25, being subject to all easements of record. Excepting there from the following described parcels: 1) 1.22 acres Cemetery, further described as: a tract of land lying within the Northeast Quarter of Section 17, Township 107N, Range 25W, described as follows, to wit: Commencing 80 rods South of the Northwest corner of the Northeast Quarter of Section 17-107-25, thence a strip of land one rod wide running East 36 rods, thence South 8 rods, thence East 20 rods, and to contain one acre 36 sq. rods, with the strip one rod wide. Also a small tract of land 40 feet wide of the Northwest Quarter of the Northeast Quarter, Section 17, Township 107, Range 25, commencing at a point on the South westerly side of the right of way of the C.M.St.P.&P.R.R. Co., said point being 40 feet North of the South line of the above described tract; thence running West parallel with the South line of the above described tract until it intersects with the Northerly line of State of Minnesota Highway No. 83, thence Southeasterly along the Northerly side of said Highway until it intersects with the

South line of the above described tract, thence running East on the South line of the above described tract until it intersects with the Southwesterly line of the said railway right of way, thence running Northwesterly along said right of way line to the place of beginning, as shown on the St. John's Cemetery Plat, St. Clair, Minn., filed November 9, 1961. 2) All that certain parcel of land as shown in the Final Certificate filed December 20, 1965, lying with in the Highway #83 right of way. 3) That part of the Southwest Quarter of the Northeast Quarter and that part of the Northwest Quarter of the Southeast Quarter, all in Section 17, Township 107 North, Range 25 West, Blue Earth County, Minnesota, described as: Commencing at the North Quarter corner of Section 17; thence South 00 degrees 09 minutes 27 seconds East, (assumed bearing), along the North-South centerline of Section 17, a distance of 2267.77 feet to the point of beginning; thence continuing South 00 degrees 09 minutes 27 seconds East, along said North-South centerline, 415.00 feet; thence North 89 degrees 46 minutes 20 seconds East, 466.63 feet; thence North 00 degrees 05 minutes 48 seconds West, 415.00 feet; thence South 89 degrees 46 minutes 20 seconds West, 467.07 feet to the point of beginning. Said tract contains 4.45 acres, subject to an easement for County Highway No. 28 purposes over and across the Westerly boundary; also subject to any other easements of record.

3. The area proposed for detachment is situated within the City of St. Clair and abuts the municipal boundary.
4. The area proposed for detachment is approximately 69.28 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 municipal improvements needed on the area proposed for detachment.
7. There are no buildings and no population on the area proposed for detachment.
8. The area abuts the Township of McPherson, Blue Earth County.

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 cancelling the continued hearing and detaching the area described herein.

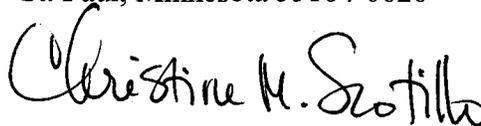
ORDER

1. The Chief Administrative Law Judge hereby cancels the continued hearing in this matter.

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

Dated this 8th day of March, 2011.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments