

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

-----

IN THE MATTER OF THE PETITION FOR THE	)	
DETACHMENT OF CERTAIN LAND FROM THE	)	<u>NOTICE OF</u>
CITY OF FLORENCE PURSUANT TO	)	<u>RECONVENED HEARING</u>
MINNESOTA STATUTES 414	)	

-----

The evidentiary hearing concerning this Petition will reconvene on Wednesday, December 28, 2011, beginning at 1:00 p.m. at the Law Offices of Runchey, Louwagie & Wellman, 533 West Main Street, Marshall, Minnesota. The hearing will be before Administrative Law Judge Barbara J. Runchey. This is a continuation of the first hearing in this matter held on August 18, 2011.

The only formal parties to this proceeding to date are the Petitioners, City of Florence, and Shelburne Township. The Petitioners have petitioned the State for authority to detach certain land.

The hearing will be conducted pursuant to the procedure set out in Minn. Rules, Chapter 6000 as supplemented by Minnesota Rules 14.57 - 14.62. A copy of the Rules may be purchased from the Minnesota Bookstore, telephone: 651-297-3000. The Rules are also located on the Internet at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us).

The property proposed for detachment is described as follows:

All that part of the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$ ) of Section Twenty (20), Township One Hundred Nine (109), Range Forty-three (43), lying east and south of the railroad right of way,

AND

All that part of the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ ) of said Section

Twenty (20), bounded as follows: Beginning at a point on the quarter line of said section distant 80 rods north of the center of said section, running thence north on said quarter line a distance of 14 rods; running thence west at right angles to last mentioned line to a point in the southeast line of the right-of-way of the Great Northern Railway Company; beginning again at the point of beginning and running thence west and parallel to the second mentioned line and on the 80 rod line to a point in the southeast line of the right of way of the Great Northern Railway Company; running thence in a northeasterly direction along the southeasterly line of the right of way of the great northern railway company to point where said second line above mentioned ends.

EXCEPTING THEREFROM the following described property:

All that part of the three following described tracts:

1. That part of the southeast quarter of the northwest quarter (SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of section 20, township 109 north, range 43 west, lying east of the right of way of the Great Northern Railway Company;
2. That part of the northeast quarter of the northwest quarter (NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of section 20, township 109 north, range 43 west, lying easterly of Trunk Highway No. 23 as now located and established and southerly of the following described line: From a point on the quarter line of said section 20, distant 80 rods north of the center line of said section, run north on said quarter line a distance of 14 rods to the point of beginning; thence run west at right angles to the last mentioned line to a point on the southeast line of the right of way of the Great Northern Railway Company and there terminating;
3. The south 900 feet of the northwest quarter of the northeast quarter (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of section 20, township 109 north, range 43 west, excepting therefrom that part described as follows: Commencing at the southeast corner of Outlot 3 of the Village of Florence; thence run east 112 feet; thence north 389 feet 9 inches; thence west 112 feet to the east line of said outlot; thence south along said line to the southeast corner of said outlot;

which lies northwesterly of a line run parallel with and distant 100 feet southeasterly of Line A described as follows:

Line A. Beginning at a point on the west line of said section 20 distant 1115.2 feet north of the southwest corner thereof; thence run northeasterly at an angle of  $44^{\circ}23'$  with said west section line for 1786.27 feet; thence deflect to the left a  $1^{\circ}15'$  curve (delta angle  $23^{\circ}16'$ ) for 1861.33 feet; thence on tangent to said curve for 260.68 feet; thence deflect to the right on a  $1^{\circ}00'$  curve (delta angle  $8^{\circ}00'$ ) for 800 feet and there terminating;

containing 3.25 acres, more or less, in to the existing highway;

in addition to the existing highway.

Following the close of the hearing, the Chief Administrative Law Judge will issue a written final decision pursuant to Minnesota Statutes, Chapter 414 and the October 11, 2011 referral from the Municipal Boundary Adjustment Unit.

Any questions concerning the proposed detachment can be directed to Barbara Runchey, Administrative Law Judge, at 507-537-0515, or Shirley Pagel, Florence City Clerk, at 507-823-4695.

For special accommodations, please contact the Office of Administrative Hearings, at (651) 361-7900; or Greater Minnesota TTY 1-800-627-3529.

Dated this 6<sup>th</sup> day of December, 2011.

A handwritten signature in black ink, appearing to read "T. O'Malley", written over a horizontal line.

Timothy J. O'Malley  
Assistant Chief Administrative Law Judge  
Municipal Boundary Adjustment Unit