

D-485 Montgomery
Vlasak Petition &
City Resolution No. 44-2011

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 MONTGOMERY) CONCLUSIONS OF LAW
PURSUANT TO MINNESOTA STATUTES 414) AND ORDER

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

FINDINGS OF FACT

1. On December 13, 2011, the Chief Administrative Law Judge or authorized designee reviewed the detachment petition and supporting city resolution which was duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on November 28, 2011.

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:

That part of Government Lot 1 and part of the Northeast Quarter of the Southeast Quarter of Section 16, Township 111 North, Range 23 West, Le Sueur County, Minnesota, described as follows:

Commencing at the Northeast corner of said Section 16; thence South 00 degrees 26 minutes 46 seconds West, an assumed bearing on the east line of the Northeast Quarter of said Section 16, a distance of 1339.34 feet to a tangent spiral point; thence southerly on a Euler spiral, on the center line of the Minnesota Trunk Highway No. 13, concave to the west, central angle of 00 degrees 14 minutes 41 seconds, a distance of 16.32 feet to the point of beginning; thence South 89

degrees 37 minutes 17 seconds West, not tangent to said spiral, a distance of 1310.24 feet; thence South 00 degrees 33 minutes 15 seconds West, a distance of 1293.56 feet to the east/west centerline of said Section 16; thence South 89 degrees 54 minutes 07 seconds West on said east/west centerline, a distance of 18.00 feet to the west line of said Government Lot 1; thence South 00 degrees 13 minutes 12 seconds West on said west line, a distance of 655.36 feet to the south line of the North 20 acres of the Northeast Quarter of the Southeast Quarter of said Section 16; thence North 89 degrees 54 minutes 07 seconds East on said south line, a distance of 378.29 feet to the center line of said State Trunk Highway No. 13; thence North 40 degrees 19 minutes 09 seconds East on said centerline, a distance of 638.16 feet to a tangent spiral point; thence Northerly on said centerline, on a Euler spiral, concave to the west, central angle of 04 degrees 30 minutes 00 seconds, a distance of 300.00 feet to spiral curve point; thence Northerly on said centerline, on the central curve, radius 1909.86 feet, concave to the west, central angle 30 degrees 38 minutes 10 seconds, a distance of 1021.20 feet to curve spiral point; thence Northerly on said centerline on a Euler spiral, central angle 04 degrees 15 minutes 19 seconds, a distance of 283.68 feet to the point of beginning, Excepting therefrom:

Commencing at the East Quarter corner of section 16-111-23, Le Sueur County, Minnesota, thence North on the East Line of said Section 16, a distance of 67.10 feet, thence deflecting to the left at an angle of 90 degrees a distance of 349.45 feet to the center line of Minnesota Trunk Highway No. 13 which is the point of beginning of the parcel herein described: thence continuing West on an extension of the last described line a distance of 462.00 feet, thence deflecting to the left at an angle of 90 degrees and parallel to the East line of said Section 16, a distance of 232.00 feet, thence deflecting to the left at an angle of 90 degrees a distance of 279.15 feet to the center line of said Trunk Highway No. 13, thence northeasterly along said highway center line to place of beginning.

3. The area proposed for detachment is situated within the City of Montgomery and abuts the common boundary between the city and Montgomery Township, Le Sueur 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 45.42 acres and needs no municipal improvements.

CONCLUSIONS OF LAW

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

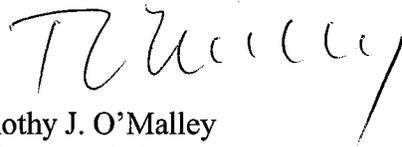
of the within proceeding.

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

ORDER

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

Dated this 13th day of December, 2011.

A handwritten signature in black ink, appearing to read "T. O'Malley", written in a cursive style.

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