

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Thomas J. Simmons
Gerald J. Isaacs

Chairman
Vice Chairman
Member

IN THE MATTER OF THE PETITION)
FOR THE DETACHMENT OF CERTAIN) FINDINGS OF FACT, CONCLUSION
LAND FROM THE VILLAGE OF GEM LAKE,) OF LAW AND ORDER
RAMSEY COUNTY, MINNESOTA)

The above matter came on for hearing before the Commission at the Tousley Ford Meeting Room in the City of Gem Lake, Minnesota, on January 9, 1974, upon the petition of Richard M. Hansen and Rojo Company for the detachment of certain land from the City of Gem Lake, Minnesota, pursuant to the provisions of Minnesota Statutes, Section 414.06. William S. Rosen and James E. Ballenthin, 630 Osborn Building, Saint Paul, Minnesota, appeared for the petitioners, and in support of the petition. Bruce E. Hanson, 1500 First National Bank Building, Saint Paul, Minnesota, appeared for the City of Gem Lake, and in opposition to the petition.

The Commission, after having considered the evidence adduced at the hearing and having viewed the affected land, and upon all of the files, records and proceedings herein, makes the following:

FINDINGS OF FACT

1. Petitioners are all of the property owners of the land proposed for the detachment, which land is less than 40 acres and legally described as follows, to wit:

That part of the Southwest Quarter (SW 1/4) of Section Twenty-seven (27), Township Thirty (30), Range Twenty-two (22), Ramsey County, Minnesota, described as follows: Beginning at a point on the south line of said Southwest Quarter (SW 1/4), a distant 874.07 feet west of the Southeast corner of said Southwest Quarter (SW 1/4);

thence North 0° 03' 30" East 1139.59 feet more or less to the southerly line of premises described in deed recorded in the office of the Register of Deeds of Ramsey County, Minnesota in Book "1453" of Deeds, Page 152, thence westerly along the southerly line of premises described in Book "1453" of Deeds, Page 152, and said line extended to the easterly line of premises described in Deed recorded in the office of the Register of Deeds of Ramsey County, Minnesota, in Book "1454" of Deeds, Page 213; thence south 50° 50' west, a distance of 46.61 feet; thence south 68° 31' west, a distance of 85 feet; thence north 72° 03' west, a distance of 52 feet; thence south 26° 21' west, a distance of 210.5 feet; thence south at right angles to the south line of said Southwest Quarter (SW 1/4) a distance of 886 feet to the south line of said Southwest Quarter (SW 1/4), thence east along the south line of said Southwest Quarter (SW 1/4) a distance of 816.28 feet, more or less, to the point of beginning. Excepting therefrom a 40 foot wide road easement, the westerly and northerly line of which is described as follows: Beginning at a point on the south line of said Southwest Quarter (SW 1/4) of said Section Twenty-seven (27), a distant 935 feet east of the Southwest corner of said Section Twenty-seven (27); thence north at right angles to said south line 886 feet; thence north 26° 20' east, 210.5 feet; thence south 72° 03' east 52 feet; thence north 68° 31' east 85 feet; thence north 50° 50' east to the extended south line of premises described in said Book "1453" Deeds, Page 152. Together with an easement for road purposes, in common with others, over and across the last above-described 40 foot road easement.

2. Said land is situated within the City of Gem Lake in the County of Ramsey and State of Minnesota, and abuts the municipal boundary of the City of Gem Lake.
3. Said land is unplatted.
4. Said land is not used and occupied primarily for agricultural purposes.
5. Detachment of said land would unreasonably affect the symmetry of the City of Gem Lake.
6. Said land is needed for reasonably anticipated future development of the City of Gem Lake.
7. Said land should not be detached from the City of Gem Lake.

CONCLUSION OF LAW


1. Said land cannot and should not be detached from the City of Gem Lake.

ORDER

IT IS ORDERED that the petition for detachment may be, and hereby
is, in all respect denied.

Dated this 24th day of May, 1974.

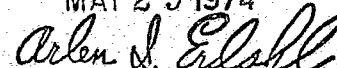
MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
Saint Paul, Minnesota 55101


Howard L. Kaibel
Executive Secretary

#26804

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 29 1974


Arlen J. Elsahl
Secretary of State

MEMORANDUM

It is clear from the testimony and briefs of counsel in this proceeding that petitioners intended to annex the property involved to an adjacent municipality immediately upon approval of the requested detachment. Respondents argue that such a proceeding is properly brought only under the concurrent annexation and detachment section of the law (Minnesota Statutes 414.061). Although it is not necessary to decide that question in the within proceeding, we are inclined to agree with respondents.

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