

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons Chairman
Robert W. Johnson Vice Chairman
Gerald J. Isaacs Member

IN THE MATTER OF THE PETITION AND)
RESOLUTION FOR THE DETACHMENT OF)
CERTAIN LAND FROM THE CITY OF)
HERMAN PURSUANT TO MINNESOTA)
STATUTES 414)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

On May 27, 1975 the Minnesota Municipal Board received a petition by all the property owners for the detachment of certain land from the City of Herman. On September 4, 1975 a hearing was conducted at Herman, Minnesota by Howard Kaibel, executive secretary, pursuant to Minnesota Statutes 414.01(12). I.L. Swanson appeared in behalf of the petitioners, Dewey M. Nelson appeared in behalf of the City of Herman, and Morris A. Grover appeared in behalf of Russell Hepola.

After review of the petition and resolution the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That a petition was duly filed with the Municipal Board by the requisite number of property owners and a resolution for the detachment of the same property was filed by the City of Herman.

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

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Twenty-seven (127), Range Forty-four (44).

Beginning at a point in the center of the road running North from the North end of Fifth Street, Herman, Minnesota, 23.35 chains North of North line of Hamburg Avenue at the North end of Fifth Street, Herman, Minnesota and running along the center of said road northeasterly 16.2 chains to the North line of the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of said Section Thirteen (13), 18.35 chains; thence Southeasterly 9.65 chains to place of beginning, being a part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Twenty-seven (127), Range Forty-four (44) West of the Fifth Principal Meridian.

All those tracts or parcels of land of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Twenty-seven (127), North of Range Forty-four (44) West of the Fifth Principal Meridian described as follows: The East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$); also that part of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Thirteen (13), Township One Hundred Twenty-seven (127), Range Forty-four (44), West described as follows: Beginning at the quarter section corner common to Sections 13, Township 127, Range 44, and Section 18, Township 127, Range 43, and running from thence West 1323 feet, thence North 496 feet, thence North 58 degrees 30 minutes East 1553 $\frac{1}{2}$ feet, thence South 1309 feet to point of beginning, except that portion thereof seized by the State of Minnesota in eminent domain proceedings; In RE: Trunk Highway No. 27.

3. The area proposed for detachment is situated within the City of Herman and abuts the municipal boundary.
4. The area proposed for detachment is about 200 acres.
5. The area proposed for detachment is unplatted and occupied and used primarily for agricultural purposes.
6. The number and character of buildings on the concerned area are as follows: Three farm outbuildings.
7. Municipal improvements in the area are: None
8. The population of the area subject to detachment is 0.
9. The area abuts the township of Logan.
10. The city of Herman has been unable to establish an urban/rural service taxing district.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Minnesota Municipal Board detaching the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the following described property be, and the same is, detached from the City of Herman and made a part of the township of Logan, the same as if it had originally been made a part thereof:

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Twenty-seven (127), Range Forty-four (44).

Beginning at a point in the center of the road running North from the North end of Fifth Street, Herman, Minnesota, 23.35 chains North of North line of Hamburg Avenue at the North end of Fifth Street, Herman, Minnesota and running along the center of said road northeasterly 16.2 chains to the North line of the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of said Section Thirteen (13), 18.35 chains; thence Southeasterly 9.65 chains to place of beginning, being a part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred

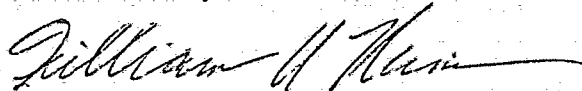
Twenty-seven (127), Range Forty-four(44) West of the Fifth Principal Meridian.

All those tracts or parcels of land of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirteen (13), Township One Hundred Twenty-seven (127), North of Range Forty-four (44) West of the Fifth Principal Meridian described as follows: The East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$); also that part of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Thirteen (13), Township One Hundred Twenty-seven (127), Range Forty-four (44), West described as follows: Beginning at the quarter section corner common to Sections 13, Township 127, Range 44, and Section 18, Township 127, Range 43, and running from thence West 1323 feet, thence North 496 feet, thence North 58 degrees 30 minutes East 1553 $\frac{1}{2}$ feet, thence South 1309 feet to point of beginning, except that portion thereof seized by the State of Minnesota in eminent domain proceedings; In Re: Trunk Highway No. 27.

IT IS FURTHER ORDERED: That the effective date of this order is March 1, 1977, unless the City of Herman has by that date established an urban/rural service taxing district affecting the property which is the subject of this proceeding.

Dated this 27th day of January, 1977

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101



William A. Neiman
Executive Secretary

#30220
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 1 - 1977
James Andrew Howe
Secretary of State