



**STATE OF MINNESOTA
MUNICIPAL BOARD**

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

October 2, 1984

Secretary of State
c/o Donna Scott
State Office Building
St. Paul, Minnesota 55155

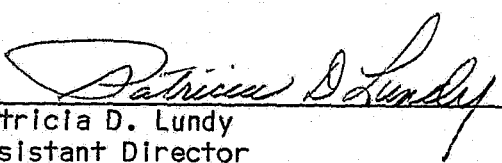
Re: Municipal Board Docket Number: D-179 Walters (Haukoos Petition)
D-180 Walters (Korn Petition)
D-181 Walters (Courrier Petition)
D-182 Walters (Treptow Petition)

The subject order of the Minnesota Municipal Board makes the following changes in the population of the named units of government:

The population of the Town of Foster is increased by 4.

The population of the City of Walters is decreased by 4.

Official date of the Order is September 14, 1984.


Patricia D. Lundy
Assistant Director

PDL:sg

cc: Commissioner
Department of Revenue
c/o Wallace Dahl, Director
Tax Research Division
205 Centennial Building

R. Thomas Gillaspay, Ph.D.
State Demographer
101 Capitol Square Building

D-179 Walters (Haukoos Petition)
D-180 Walters (Korn Petition)
D-181 Walters (Courrier Petition)
D-182 Walters (Treptow Petition)

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner

IN THE MATTER OF THE PETITION AND)	<u>FINDINGS OF FACT</u>
STIPULATION FOR THE DETACHMENT OF)	<u>CONCLUSIONS OF LAW</u>
CERTAIN LAND FROM THE CITY OF WALTERS)	<u>AND ORDER</u>
PURSUANT TO MINNESOTA STATUTES 414.06)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on January 5, 1984 and was continued from time to time at the Walters Community Center, Walters, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Pursuant to request and agreement of counsel, the hearing was continued. On August 21, 1984, a stipulation was received from the City of Walters and the petitioning property owners agreeing to the detachment of certain land from the City of Walters, the Treptow property, which is the subject of Minnesota Municipal Board File D-182, and the withdrawal and dismissal of the petitions for detachment by the Haukoos, Korns, and Courriers, Minnesota Municipal Board Files D-179, D-180, and D-181.

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

FINDINGS OF FACT

1. That four petitions were duly filed with the Minnesota Municipal Board by the requisite number of property owners for the following described properties:

D-179 (Haukoos Petition)

A tract of land lying and being in the County of Faribault and State of Minnesota, described as follows, to-wit:

All that part of Auditor's Lots Three and Four (3 & 4) of the Auditor's Subdivision of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-six (26), Township One Hundred Two (102) North, of Range Twenty-four (24), West of the Fifth Principal Meridian, described as follows, to-wit: Commencing 150 feet west of the northeast corner of said Auditor's Lot 3, thence south 474 feet, thence west 32 feet, thence south 225 feet, thence west to the west line of Auditor's Lot 4, thence North to the northwest corner of said Auditor's Lot 3, thence east to point of beginning.

and

D-180 (Korn Petition)

The tract of land lying and being in the County of Faribault and State of Minnesota, described as follows, to-wit:

A tract commencing 544 $\frac{1}{2}$ feet East of the Northeast corner of Lot One (1) in Block One (1) in the Village of Walters, Faribault County, Minnesota, as designated upon the Plat of said Village on file in the office of the Register of Deeds of said County, running thence South 200 feet, thence East 368 feet, thence North 200 feet, thence West 368 feet to the point of beginning. The North boundary of said described tract lying 50 feet South and being parallel to the South boundary line of the tract to be described to the Burlington, Cedar Rapids and Northern Railroad, all lying and

being situated in the Southeast Quarter of Section Twenty-six (26), Township One Hundred Two (102), Range Twenty-four (24), Faribault County, Minnesota.

and,

The West 528 feet of Auditor's Lots 12 and 13 of the City of Walters, Faribault County, Minnesota.

and

D-181 (Courrier Petition)

A tract of land located in the County of Faribault, State of Minnesota, described as follows, to-wit:

A tract commencing at the Southeast corner of Block Six (6) in the Village of Walters, Faribault County, Minnesota, according to the plat of said Village on file and of record in the office of the Register of Deeds (now County Recorder) of said County, running thence South to the South line of Section Twenty-six (26) in Township One Hundred Two (102) North, Range Twenty-four (24) West of the Fifth Principal Meridian in the County of Faribault, State of Minnesota, thence West on said line to the Quarter Section corner on South side of Section Twenty-six (26), thence North on said line between the Southeast Quarter (SE $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-six (26) to a point on said line directly West of point of beginning, thence East to point of beginning; except a strip of land 166 feet wide and 660 feet long being in the Northeast corner of above described land. Said strip of land lying East and West; and except a tract commencing 166 feet South and 277 feet West of the Southeast corner of said Block Six (6), thence South 115 feet, thence West 300 feet, thence North 115 feet, thence East 300 feet to the point of beginning.

Also, a tract commencing 12 feet South of the Southeast corner of Brown's First Addition to the Village of Walters, according to the Plat of said Addition on file and of record in the office of the Register of Deeds (now County Recorder) of said County of Faribault, State of Minnesota, thence running South 154 feet, thence West 313 $\frac{1}{2}$ feet, thence North 154 feet,

thence East 313½ feet to place of beginning,
excepting therefrom the East 200 feet thereof.

and

D-182 (Treptow Petition)

A tract of land located in the County of
Faribault and State of Minnesota described
as follows, to-wit:

North Ten acres of the Northeast Quarter
(NE¼) of Section 35, lying within the Village
limits of Walters and the East Half of the
Northeast Quarter of Section 35, Township
102, Range 24 West except the North ten
acres of the Northeast Quarter lying within
the Village limits of Walters.

2. The petition for D-182 and the stipulation and agreement
for the detachment by the City of Walters contained all of the
information required by statute, including a description of the area
proposed for detachment, which is as follows:

A tract of land located in the County of Faribault and
State of Minnesota described as follows, to-wit:

North Ten acres of the Northeast Quarter (NE¼) of Section
35, lying within the Village limits of Walters and the East
Half of the Northeast Quarter of Section 35, Township 102,
Range 24 West except the North ten acres of the Northeast
Quarter lying within the Village limits of Walters.

The remaining Findings of Fact relate solely to Minnesota
Municipal Board File D-182.

3. The area proposed for detachment is situated within the
City of Walters and abuts the municipal boundary.

4. The area proposed for detachment is 10 acres in size.

5. The area proposed for detachment is rural in character and
not developed for urban residential, commercial, or industrial
purposes.

6. There is a farmhouse, a hog house, and two cattle sheds on the area proposed for detachment.

7. There are four people living on the area proposed for detachment.

8. The area abuts the Town of Foster.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The area subject to detachment in Minnesota Municipal Board File D-182 is rural in character and not developed for urban residential, commercial, or industrial purposes.

3. The detachment of the property described in Minnesota Municipal Board File D-182 would not unreasonably affect the symmetry of the detaching municipality.

4. The area subject to detachment in D-182 is not needed for reasonably anticipated future development.

5. The remainder of the municipality can continue to carry on the functions of government without undue hardship.

6. An order should be issued by the Minnesota Municipal Board detaching the area described in D-182 and allowing the withdrawal and dismissal of the petitions for detachment in D-179, D-180, and D-181.

ORDER

1. IT IS HEREBY ORDERED: That the property described hereinafter be, and the same hereby is detached from the City of Walters and made a part of the Town of Foster, the same as if it had

been originally made a part thereof:

A tract of land located in the County of Faribault and State of Minnesota described as follows, to-wit:

North Ten acres of the Northeast Quarter (NE1/4) of Section 35, lying within the Village limits of Walters and the East Half of the Northeast Quarter of Section 35, Township 102, Range 24 West except the North ten acres of the Northeast Quarter lying within the Village limits of Walters.

2. IT IS FURTHER ORDERED: That the population of the City of Walters is decreased by four.

3. IT IS FURTHER ORDERED: That the population of the Town of Foster is increased by four.

4. IT IS FURTHER ORDERED: That the petitions for detachment in Minnesota Municipal Board Files D-179, D-180, and D-181 are hereby allowed to be withdrawn and dismissed and the respective files are hereby closed.

5. IT IS FURTHER ORDERED: That the effective date of this order is September 14, 1984.

Dated this 14th day of September, 1984.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

Terrence A. Merritt

Terrence A. Merritt
Executive Director

#35535
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT-8 1984
Joan Anderson Howe
Secretary of State

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