



STATE OF MINNESOTA
MUNICIPAL BOARD

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

December 13, 1988

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

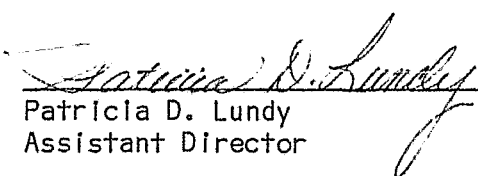
Re: Municipal Board Docket Number: D-241 Avon

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 City of Avon is decreased by ten.

The population of the Town of Avon is increased by ten.

Official date of the Order is December 13, 1988.


Patricia D. Lundy
Assistant Director

PDL:sg

cc: Jerome F. Silkey, Asst. Director
Local Government Services Division
Department of Revenue
2nd Floor Centennial Building

R. Thomas Gillaspy, Ph.D.
State Demographer
200 Capitol Square Building

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 15 1988


Secretary of State

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BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Shirley J. Mihelich	Chair
John W. Carey	Vice Chair
Kenneth F. Sette	Commissioner

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

On May 19, 1988, the Minnesota Municipal Board received petitions by all of the property owners for the detachment of two parcels of land from the City of Avon. Resolutions for the detachment of the same land were received from the City of Avon on May 19, 1988. An amended petition for one of the parcels and an amended resolution by the city for the same land was received on December 1, 1988.

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

FINDINGS OF FACT

1. That petitions were duly filed with the Municipal Board by the requisite number of property owners and resolutions for the detachment of the same properties were filed by the City of Avon.

2. The petitions and resolutions contained all the information required by statute including descriptions of the areas proposed for detachment, which are as follows:

Parcel 2: That part of the South 330 feet of Government Lot One (1), of Section Twenty-one (21), Township One Hundred Twenty-five (125), Range Thirty (30), platted as Brix Addition to the City of Avon, consisting of Lots 21, 22, 23, 24, 25, and that part of Lot 20 originally incorporated as part of the village (now City) of Avon. Also that part of said Government Lot One (1), described as follows: Beginning at the northeasterly corner of Lot 21 of Brix Addition; thence running in a southeasterly direction along the northerly line

of said Lot 21 of said Brix Addition produced for a distance of 148 feet; thence in a southwesterly direction and in a straight line to the southeasterly corner of Lot 25 of said Brix Addition; thence continuing on said last mentioned line for a distance of 118 feet to a point on the shoreline of Lower Spunk Lake; thence running northwesterly for a distance of 59.25 feet to the southwesterly corner of said Lot 25 of said Brix Addition; thence running North 71°03' East for a distance of 100 feet to the southeasterly corner of said Lot 25 of said Brix Addition; thence running North 30°05' West for a distance of 46.90 feet along the easterly line of said Lot 25 to the northeasterly corner of said Lot 25; thence running North 12°08' East along the easterly line of said Lots 24, 23, 22 and 21 to the point of beginning. Also, that part of the Public Lane located in Brix Addition which was originally incorporated as part of the Village (now City) of Avon, which lies easterly of that part of Lot 20, Brix Addition, described above, and northerly of that part of said Govt. Lot 1, described above.

and

Parcel 9: That part of the North 330 feet of Government Lot Four (4), of Section thirty-three (33), Township One Hundred Twenty-five (125), Range Thirty (30), platted as Himsel And Schmid's Addition to Connaught, consisting of those parts of Lots 5 and 6 of said addition originally incorporated as part of the village (now City) of Avon.

3. The areas proposed for detachment are situated within the City of Avon and abut the municipal boundary.

4. The area proposed for detachment in Parcel 2 is approximately 1.5 acres, and the area proposed for detachment in Parcel 9 is approximately 0.1 acre.

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

6. The area proposed for detachment in Parcel 2 has three homes and two out buildings located on it. The area proposed for detachment in Parcel 9 has no buildings located on it.

7. There are no municipal improvements on the areas proposed for detachment.

8. The population of the area proposed for detachment in Parcel 2 is 10, and there is no population in the area proposed for detachment in Parcel 9.

9. The area abuts the Town of Avon, Stearns County.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The areas subject to detachment are rural in character and not developed for urban residential, commercial, or industrial purposes.
3. The detachment would not unreasonably affect the symmetry of the detaching municipality.
4. The remainder of the municipality can continue to carry on the functions of government without undue hardship.
5. An order should be issued by the Minnesota Municipal Board detaching the areas described herein.

ORDER

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same hereby is, detached from the City of Avon and made a part of the Town of Avon, the same as if it had originally been made a part thereof.
2. IT IS FURTHER ORDERED: That the population of the City of Avon is decreased by ten persons.
3. IT IS FURTHER ORDERED: That the population of the Town of Avon is increased by ten persons.
4. IT IS FURTHER ORDERED: That the effective date of this order is December 13, 1988.

Dated this 13th day of December, 1988.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 15 1988

James Andrew Hansen
Secretary of State

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Assistant Director