

FINDING OF FACT MIKE KOSLOSKI 224 BROADWAY ST
SUPPORTING/DENYING A VARIANCE EXHIBIT A

A variance may be granted only where the strict enforcement of city zoning controls will result in unnecessary hardship. A determination that a "hardship" exists is based upon the consideration of the following criteria as defined in Minnesota Statutes, Section 394.27:

1. Will the issuance of the requested variance maintain the essential character of the locality?
Why or Why not? Garage will line up with neighbors.

JB N TH Y DB Y JT SD Y

2. Will the issuance of the requested variance be in keeping with the spirit and intent of the Ordinance and/or the comprehensive plan?
Why or Why not? (Health, Safety & Welfare issues)

JB Y TH Y DB Y JT SD Y

3. Are there circumstances created by someone or something other than the property owner that make compliance with the ordinance difficult or not possible?
Why or Why not?

JB Y TH Y DB Y JT SD Y

4. The grant of variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located?
Why or Why not?

JB Y TH Y DB Y JT SD Y

5. Without a variance, is the owner deprived of a reasonable use of the property as that use relates to the Ordinance?
Why or Why not?

JB Y TH Y DB Y JT SD Y

IF ALL OF THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET. FINDING OF FACT APPLICATION FORM FORMS



Susan Odom
Manager Network Strategy
BNSF Network Development

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March 30, 2010

APR 2 2010

Commission Chair Toni Honer
City of Rockville
Planning Commission
PO Box 93
Rockville, MN 56369

**Re: STB Docket No. AB-6 (Sub-No. 472X) – Abandonment Exemption
Milepost 9.16 to Milepost 16.21 on BNSF Railway Company's Staples
Subdivision in Stearns County, Minnesota**

Dear Commissioner Honer:

BNSF Railway Company ("BNSF") anticipates filing, within the next 2 months, a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 7.05 miles of railroad line between Milepost 9.16 and Milepost 16.21 on BNSF's Staples Subdivision in Stearns, Minnesota.

As part of the environmental report, BNSF is required to contact your committee to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is attached. Please provide your response to me at the address above, if at all possible, by April 30, 2010. You may contact me by email or phone with any questions or concerns. Thank you in advance for your time and contribution.

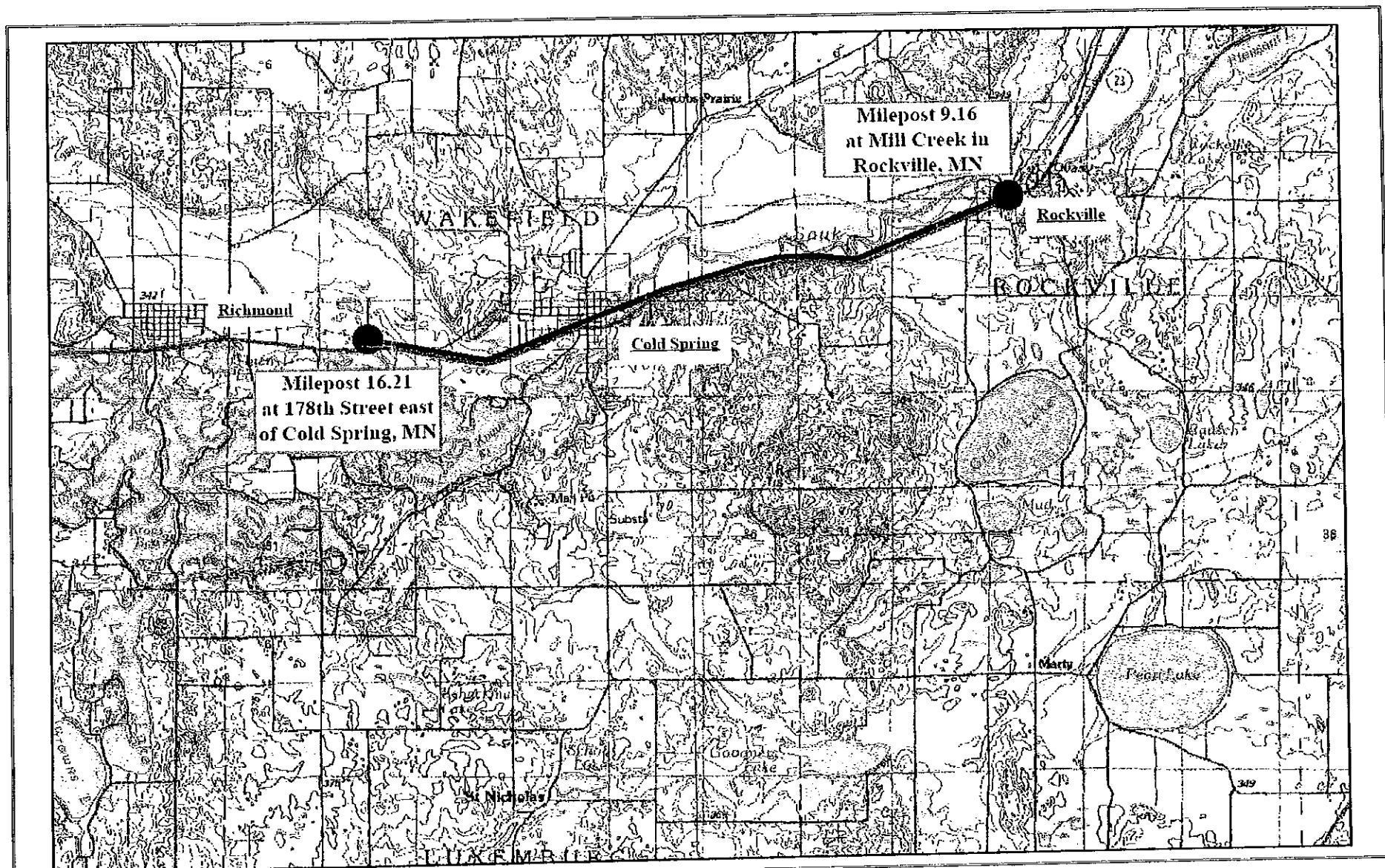
Sincerely,

Susan L. Odom
Manager Network Strategy

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Dennis Eytcheson – BNSF – dennis.eytcheson@bnsf.com

Exhibit B



**STB Docket No.
AB-6 (Sub-No. 472X)**

**Rockville to Cold Spring,
Minnesota**

**BNSF Line Segment 203
Milepost 9.16 to Milepost 16.21**

**Cold Spring Branch
Stearns County**

**Base Map – United States Geological Survey
Litchfield, Minnesota
30 x 60 minute series
45094-A1-TM-100
1986**

