

RESOLUTION 10-29

A RESOLUTION OF THE CITY OF BREEZY POINT FOR DETACHMENT OF
CERTAIN LANDS PURSUANT TO MINNESOTA STATUTES § 414.06

WHEREAS, the City of Breezy Point has received a copy of a petition for detachment from a number of property owners with land located within the city to detach, said property from the city, containing approximately 352 acres; and

WHEREAS, a stance was taken by consensus of the city council that they were opposed to this detachment; and

WHEREAS, The Office of Administrative Hearings – Municipal Boundary Adjustments held a hearing on May 21st in the Breezy Point City Hall to take jurisdiction on said petition; and

WHEREAS, the city has recently completed a comprehensive plan which identifies the subject properties as Urban Reserve, providing for future development and preservation; and

WHEREAS, the proposed action of detachment is contrary to key provisions of the City's comprehensive plan; and

WHEREAS, the proposed detachment is further contrary to law and public policy including the municipal land use planning act and the state's land use goals and objectives of maintaining the stability of municipal boundaries and protecting the integrity of land use planning and efficient provision of municipal services; and

WHEREAS, the proposed detachment is fundamentally flawed since it fails to consider the best interests of the community from a fiscal, land use, governmental services and environmental standpoint; and

WHEREAS, the proposed detachment will further exacerbate tax disparities between the City and Township and will allow detaching property owners who had previously located in the City because of the benefits that the City offers from a services and economic perspective, to escape tax responsibility for the services they receive and demand thereby unfairly requiring that remaining City taxpayers subsidize their future use of such services; and

WHEREAS, the property proposed for detachment is described as follows:

That part of Government Lot 5, Section 6, Township 136 North, Range 28 West lying East of the West 961 feet thereof.

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AND

The Southeast Quarter of the Northwest Quarter (SE1/4NW1/4), Section 6, Township 136 North, Range 28 West.

AND

The North Half of the Southeast Quarter (N1/2SE1/4), Section 6, Township 136 North, Range 28 West.
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Together with the following easements over the existing roadways or trails.

Across Government Lot 5, Section 6, Township 136 North, Range 28 West over the existing roadway between the township road on the west line of Section 6 and the east line of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4), Section 6, Township 136 North, Range 28 West;

One rod on either side of the centerline of an existing roadway between the township road on the South line of Section 6 and the North Half of the Southeast Quarter (N1/2SE1/4), Section 6, Township 136 North, Range 28 West, across the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), Section 6, Township 136 North, Range 28 West.

AND

The Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section 6, Township 136, Range 28.

AND

The Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 6, Township 136, Range 28, according to the plat thereof.

AND

NE1/4SW1/4 and Lot 6, Section 6, Township 136, Range 28.

AND

W300 E 1920 S600 of S1/2 of SE1/4 Section 6, Township 136, Range 28.

AND

The East ½ of the SW1/4 of the SE1/4 of Section 6, Township 136, Range 28 except the W 300 feet of the 1920 feet of the S600 feet S1/2 of the SE 14 section 6, Township 136, Range 28

AND

Government Lot 7, Section 6, Township 136, Range 28

AND

West 961 feet of Government Lot 5, Section 6, Township 136, Range 28.

AND

Lot 5, Block 1, Wild Acres Estates, as recorded in the Office of the County Recorder, Crow Wing County, Minnesota.

Lot 6, Block 1, Wild Acres Estates, as recorded in the Office of the County Recorder, Crow Wing County, Minnesota.

Section 6, Township 136, Range 28, Lots 1 through 12 inclusive, Block 1, Wild Acres Estates, as recorded in the Office of the County Recorder, Crow Wing County, Minnesota. (40 acres)

MORE PARTICULARLY DESCRIBED AS:

The North Half of the Southeast Quarter of Section 6, Township 136 North, Range 28 West, Crow Wing County, Minnesota.

AND

The Southwest Quarter of the Southeast Quarter of Section 6, Township 136 North, Range 28 West, Crow Wing County, Minnesota.

AND

The Southeast Quarter of the Northwest Quarter of Section 6, Township 136 North, Range 28 West, Crow Wing County, Minnesota.

AND

The East Half of the Southwest Quarter of Section 6, Township 136 North, Range 28 West, Crow Wing County, Minnesota.

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AND

Government Lot 5, Government Lot 6, Government Lot 7, all being in Section 6, Township 136 North, Range 28 West, Crow Wing County, Minnesota.
;and

WHEREAS, the criteria for detachment as stated in 414.06 subdivision 3 is overly broad. Anyone who has property on the fringe of the city, abutting a township that is undeveloped can meet the requirement for detachment; and

WHEREAS, a majority of the petitioners do not abut the township as required by MS 414.06. The statute shouldn't be interpreted to allow subsequent properties which do not abut the township to join properties yet to detach. This practice can and did encourage mass exodus from a community, not in keeping with the intent of the statute; and

WHEREAS, we feel the statute doesn't address needs of the municipality and only addresses the request of the property owner. As written it is deficient in numerous ways. Definitions are needed, the process needs to improve to provide for more local control involving the county and involved township, and allocation of costs should be defined as well as better criteria for detachment. The statute and interpretation doesn't take into consideration other statutes that may be in conflict with this statute; and

WHEREAS, 3 meetings were required to be held to petitioners however not all petitioners have met with the city nor have some petitioners met the required three times; and

WHEREAS, city representatives have viewed or visited all properties either being on the property or viewing from the roadway held by petitioners; and

WHEREAS, an extension has been requested of the state to continue discussions however it was not felt further meeting would be productive or warranted; and

WHEREAS, spending additional tax dollars to retain these properties is difficult to support, and probably not in the best interests of the taxpayer. This is particularly true when you consider the amount of taxes these properties pay to the city; and

WHEREAS, the city has engaged legal representation concerning these actions which has been costly and the view concerning our ability to prevail is doubtful.

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NOW THEREFORE BE IT RESOLVED by the Breezy Point City Council that they request by resolution that the Office of Administrative Hearings – Municipal Boundary Adjustments detach certain properties described herein from the City of Breezy Point and make a part of Ideal Township.

Otto Schmid No

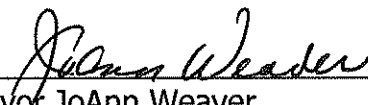
JoAnn Weaver Yes

Tom Nelson Yes

Erik Lee No


Diane Williams Yes

Adopted this 2nd day of August 2010



Mayor JoAnn Weaver

Attest:



Joe Rudberg, Administrator/Clerk