

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE PETITION FOR THE)
DETACHMENT OF CERTAIN LAND FROM THE) NOTICE OF
CITY OF BREEZY POINT PURSUANT TO) RECONVENED HEARING
MINNESOTA STATUTES 414)

The evidentiary hearing concerning this Petition will reconvene on Wednesday September 9, 2009, beginning at 9 a.m. and continue thereafter each day as necessary in the Council Chambers of the Breezy Point City Hall, 8319 County Road 11, Breezy Point, Minnesota. The hearing will be before Administrative Law Judge Barbara Neilson. This is a continuation of the first hearing in this matter held on March 6, 2009.

The only formal parties to this proceeding to date are the Petitioners; Doug Rach, Spokesperson for the Petitioners; City of Breezy Point; Pelican Township; and Attorney for the City of Breezy Point, Andrew MacArthur. The Petitioners have petitioned the State for authority to detach certain land.

All other persons interested in this matter may submit written data, statements or arguments by mail or e-mail to the Administrative Law Judge. All public comments must be post-marked, faxed, emailed, or delivered by September 10, 2009.

The hearing will be conducted pursuant to the procedure set out in Minn. Rules, Chapter 6000 as supplemented by Minnesota Rules 14.57 - 14.62. A copy of the Rules may be purchased from the Minnesota Bookstore, telephone: 651-297-3000. The Rules are also located on the

Internet at www.revisor.leg.state.mn.us.

The property proposed for detachment is described as follows:

Property Owner: Lou Ann Owens

Parcel ID #100183203000009

Government Lot 3, Section 18, Township 136, Range 28. (36.95 acres)

Parcel ID #100183304A00009

N. 1/2 OF GOV. LOT 4 Section 18, Township 136, Range 28. SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD. (18.3 acres)

Parcel ID # 100183400B00009

(PARCEL B) THAT PART OF THE SE1/4 SW1/4, Section 18, Township 136, Range 28. DESC AS FOLLOWS, COMM AT THE SE CORNER OF SAID SESW, THEN S 89 DEG 16 MIN 51 SEC W, ASSUMED BEARING ALG THE S LINE OF SAID SESW, 33.01 FT TO THE W LINE OF THE E 33 FT OF SAID SESW, THEN N 00 DEG 52 MIN 48 SEC E ALG SAID W LINE 33.01 FT TO THE N LINE OF THE S 33 FT OF SAID SESW AND THE POINT OF BEG OF THE TRACT OF LAND TO BE DESC, THEN S 89 DEG 16 MIN 51 SEC W ALG SAID N LINE 367.14 FT TO THE W LINE OF THE E 400 FT OF SAID SESW, THEN N 00 DEG 52 MIN 48 SEC E ALG SAID W LINE 810.38 FT TO THE N LINE OF THE S 843.06 FT OF SAID SESW, THEN S 89 DEG 16 MIN 51 SEC W ALG SAID N LINE 932.85 FT TO THE W LINE OF SAID SESW, THEN N 00 DEG 42 MIN 51 SEC E ALG SAID W LINE 465.69 FT TO THE NW CORNER OF SAID SESW, THEN N 89 DEG 56 MIN 35 SEC E ALG THE N LINE OF SAID SESW 1301.00 FT TO SAID W LINE OF THE E 33 FT OF SAID SESW, THEN S 00 DEG 52 MIN 48 SEC W ALG SAID W LINE 1261.06 FT TO THE POINT OF BEG.

(20.5 acres)

Parcel E (access road) That part of the East 33.00 feet of the E 1/2 of the SW 1/4, Section 18, Township 136, Range 28. Which lies southerly of a line drawn from a point on the east line of said NW 1/4 of the SW 1/4 distant 1230.66 feet southerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along the said east line to a point on the north line of said NE 1/4 of the SW 1/4 distant 1103.71 feet westerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along said north line. Subject to power line easement and subject to easements, reservations and restrictions of record, if any.

Property Owner: Joseph Zwack

Parcel ID #100183100A00009

(PARCEL C) THAT PART OF THE NE1/4 OF SW1/4, Section 18, Township 136, Range 28. WHICH LIES SW'LY OF A LINE DRAWN FROM A POINT ON THE E LINE OF SAID NESW DIST 1230.66 FT S'LY OF THE NE CORNER OF SAID NESW AS MEASURED ALG THE SAID E LINE TO A POINT ON THE N LINE OF SAID NESW DIST 1103.71 FT W'LY OF THE NE CORNER OF SAID NESW AS MEASURED ALG SAID N LINE, EXCEPT THE E 33 FT THEREOF. (24.25 acres)

Parcel E (access road) That part of the East 33.00 feet of the E 1/2 of the SW 1/4, Section 18, Township 136, Range 28. Which lies southerly of a line drawn from a point on the east line of said NW 1/4 of the SW 1/4 distant 1230.66 feet southerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along the said east line to a point on the north line of said NE 1/4 of the SW 1/4 distant 1103.71 feet westerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along said north line. Subject to power line easement and subject to easements, reservations and restrictions of record, if any.

Property Owner: Thompson Family Living Trust-Thomas & Mavis Thompson

Parcel ID #100183100000009

(PARCEL D) THAT PART OF THE NE1/4 OF SW1/4, Section 18, Township 136, Range 28. WHICH LIES NE'LY OF A LINE DRAWN FROM A POINT ON THE E LINE OF SAID NESW DIST 1230.66 FT S'LY OF THE NE CORNER OF SAID NESW AS MEASURED ALG THE SAID E LINE TO A POINT ON THE N LINE OF SAID NESW DIST 1103.71 FT W'LY OF THE NE CORNER OF SAID NESW AS MEASURED ALG SAID N LINE.

(15.6 acres)

Parcel E (access road) That part of the East 33.00 feet of the E 1/2 of the SW 1/4, Section 18, Township 136, Range 28. Which lies southerly of a line drawn from a point on the east line of said NW 1/4 of the SW 1/4 distant 1230.66 feet southerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along the said east line to a point on the north line of said NE 1/4 of the SW 1/4 distant 1103.71 feet westerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along said north line. Subject to power line easement and subject to easements, reservations and restrictions of record, if any.

Property Owner: Jodell Rau

Parcel ID # 100183400000009

(PARCEL A) THAT PART OF THE SE1/4 OF SW1/4, Section 18, Township 136, Range 28. DESC AS FOLLOWS; COMM AT THE SE CORNER OF SAID SESW, THEN S 89 DEG 16 MIN 51 SEC W, ASSUMED BEARING ALG THE S LINE OF SAID SESW, 33.01 FT TO THE W LINE OF THE E 33 FT OF SAID SESW AND THE POINT OF BEG OF THE TRACT OF LAND TO BE DESC, THEN N 00 DEG 52 MIN 48 SEC E, ALG SAID W LINE, 33.01 FT TO THE N LINE OF THE S 33 FT OF SAID SESW, THEN S 89 DEG 16 MIN 51 SEC W, ALG SAID N LINE 367.14 FT TO THE W LINE OF THE E 400 FT OF SAID SESW, THEN N 00 DEG 52 MIN 48 SEC E ALG SAID W LINE 810.38 FT TO THE N LINE OF THE S 843.06 FT OF SAID SESW, THEN S 89 DEG 16 MIN 51 SEC W, ALG SAID N LINE 932.85 FT TO THE W LINE OF SAID SESW, THEN S 00 DEG 42 MIN 51 SEC W ALG SAID W LINE 843.32 FT THE SW CORNER OF SAID SESW, THEN N 89 DEG 16 MIN 51 SEC E ALG THE S LINE OF SAID SESW TO THE POINT OF BEG. (18.3 acres)

Parcel E (access road) That part of the East 33.00 feet of the E 1/2 of the SW 1/4, Section 18, Township 136, Range 28. Which lies southerly of a line drawn from a point on the east line of said NW 1/4 of the SW 1/4 distant 1230.66 feet southerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along the said east line to a point on the north line of said NE 1/4 of the SW 1/4 distant 1103.71 feet westerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along said north line. Subject to power line easement and subject to easements, reservations and restrictions of record, if any.

Property Owner: John Berry

PARCEL ID# 100183304B00009

S 1/2 OF GOV. LOT 4, SECTION 18, TOWNSHIP 136, RANGE 28. EXCEPT THE S'LY 33 FEET OF GOV. LOT 4. SUBJET TO EASEMENTS, RESERVATIONS OR RESTRICTION OF RECORD.
(17.71 ACRES)

PARCEL ID# 100192400B00009

W 1/2 OF SE 1/4 OF NW 1/4, SECTION 19, TOWNSHIP 136, RANGE 28. (20 ACRES)

PARCEL ID # 100192400A00009

E 1/2 OF SE 1/4 OF NW 1/4, SECTION 19, TOWNSHIP 136, RANGE 28. (20 ACRES)

Property Owner: Douglas & Billie Jo Rach

Parcel ID # 100192100A00009

N. 1/2 OF N1/2 OF NE1/4 OF NW1/4, Section 19, Township 136, Range 28 (OR THE E. 1/2 OF N. 1/8 OF NW1/4 SEC. 19) SUBJECT TO EASEMENTS OF RECORD. (10 acres)

Parcel E (access road) That part of the East 33.00 feet of the E 1/2 of the SW 1/4, Section 18, Township 136, Range 28. Which lies southerly of a line drawn from a point on the east line of said NW 1/4 of the SW 1/4 distant 1230.66 feet southerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along the said east line to a point on the north line of said NE 1/4 of the SW 1/4 distant 1103.71 feet westerly of the NE corner of said NE 1/4 of the SW 1/4 as measured along said north line. Subject to power line easement and subject to easements, reservations and restrictions of record, if any.

Parcel ID # 101580020460009
Lot 46, Blk 2, Whitebirch Six. (1 acres)

Parcel ID # 101580020450009
Lot 45, Blk 2, Whitebirch Six. (1 acres)

Parcel ID # 101580020440009
Lot 44, Blk 2, Whitebirch Six. (1 acres)

Parcel ID # 101580020430009
Lot 43, Blk 2, Whitebirch Six. (1 acres)

Property Owner: Larry Rasmussen

Parcel ID# 100192100B00009

S 1/2 OF N 1/2 OF N1/2 OF NW 1/4, SECTION 19, TOWNSHIP 136, RANGE 28.
SUBJECT TO AND EASEMENT OF RECORD. (19.04 ACRES)

Parcel ID# 101580020420009

LOT 42, BLOCK 2 WHITEBIRCH SIX (1 ACRE)

Parcel ID# 100192201B00009

N 1/2 OF S 1/2 OF N 1/2 OF NW1/4, SECTION 19, TOWNSHIP 136, RANGE 28.
SUBJECT TO AN EASEMENT OF RECORD. (19.04 ACRES)

Parcel ID# 100192201C00009

S 1/2 OF S 1/2 F N 1/2 OF NW 1/4, SECTION 19, TOWNSHIP 136, RANGE 28.
SUBJECT TO AN EASEMENT OF RECORD. (19.05 ACRES)

Parcel ID# 100192302B00009

W 1/2 OF GOV. LOT 2, SECTION 19, TOWNSHIP 136, RANGE 28. (20 ACRES)

Parcel ID# 100192201A00009

N 1/2 OF N 1/2 OF GOV. LOT 1, SECTION 19, TOWNSHIP 136, RANGE 28 (OR
THE W 1/2 OF N 1/2 OF N 1/8 OF NW 1/4 SECTION 19) (9.05 ACRES)

Parcel ID# 100183304BA0009

THE S'LY 33 FEET OF THE S 1/2 OF GOV. LOT 4, SECTION 18, TOWNSHIP 136,
RANGE 28. TOGETHER WITH AN EASEMENT OF RECORD (.91 ACRES)

Property Owner: Diane Cleveland

Parcel ID # 100192302A00009

E. 1/2 OF GOV. LOT 2, Section 19, Township 136, Range 28. (20 acres)

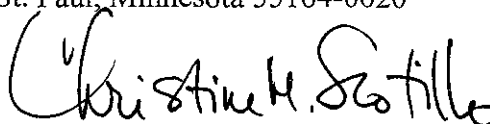
Following the close of the hearing, the Chief Administrative Law Judge will issue a
written final decision pursuant to Minnesota Statutes, Chapter 414 and the April 28, 2009
referral from Municipal Boundary Adjustments.

Any questions concerning the proposed annexation can be directed to Barbara Neilson,
Administrative Law Judge, at 651-361-7845, or Kathy Millard, Breezy Point City Clerk, at
218-562-4441.

For special accommodations, please contact the Office of Administrative Hearings, at
(651) 361-7900; or Greater Minnesota TTY 1-800-627-3529.

Dated this 28th day of July, 2009.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments