

**SAMPLE PROPERTY OWNER PETITION FOR DETACHMENT  
OF PROPERTY FROM A CITY**

IN THE MATTER OF THE PETITION FOR DETACHMENT OF  
CERTAIN LAND FROM THE CITY OF Breezy Point, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.06

TO: Office of Administrative Hearings  
Municipal Boundary Adjustments  
P. O. Box 64620  
St. Paul, MN 55164-0620  
651-361-7900

REC'D BY  
MBA

MAR 26 2010

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 414.06, Subd. 1, to commence this proceeding is: all of the property owners if the area is less than 40 acres; or 75% or more of the property owners in number if the area is more than 40 acres.

It is hereby requested by:

\_\_\_\_\_ all of the property owners, the area is less than 40 acres; or  
 75% or more of the property owners, the area is more than 40 acres;  
to detach certain properties described herein from the City of Breezy Point and make a  
part of the Township of Ideal.

1. There are 11 property owners in the area proposed for detachment.
2. 10 property owners have signed this petition. (If the land is owned by both the husband and wife, both must sign the petition to represent all owners.)
3. The property is situated within the City of Breezy Point, abuts the municipal boundary and the boundary of the Township of Ideal, in the County of Crow Wing.  
The petitioned area abuts on the city's (N) S E W (circle one) boundary(ies).
4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The number of acres in the property proposed for detachment is 352.19 and is described as follows:

Attached **INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.  
DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.**

6. The reason detachment is requested is rural Agricultural land  
and would be better suited to township rather  
than municipal government.

REC'D BY  
MBA

MAR 26 2010

7. The number of residents in the area proposed for detachment is 5 (The number of residents is not necessarily the same as number of owners.)

8. The number and character of buildings on said property is: 5

9. Public improvements on said property are: None

Date: 3-5-2010

Natural Resource Mgmt LLC  
Property Owner  
[Signature]  
Property Owner  
CEO

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9. including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

# Abstract of Title

To the following described Real Estate situated in  
Crow Wing County, Minnesota

\* \* \* \* \*

The South One Half of the Northeast Quarter (S1/2NE1/4), Section 1, Township 136 North, Range 29 West, except the East 920 feet thereof;

AND

The Southeast Quarter (SE1/4), Section 1, Township 136 North, Range 29 West, except the East 400 feet of the North one-half of the Southeast Quarter (N1/2SE1/4), and except that part of the Southeast Quarter (SE1/4) lying South of the Township Road;

AND

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

AND

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

AND

The North Half of Southeast Quarter (N1/2SE1/4), Section 6, Township 136 North, Range 28 West.

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;

One rod on either side of the centerline of an existing roadway across the East 400 feet of the North Half of the Southeast Quarter (N1/2SE1/4), Section 1, Township 136 North, Range 29 West.

\* \* \* \* \*

"This Abstract of Title is a history of the record title of the property described therein and does not represent that the title is good and marketable."

Compiled By:

Atlas Abstract & Title, Inc.  
212 South 8th Street  
Brainerd, MN 56401  
(218) 828-3910

Area in red box is highlighted on the original petition.

5/19/97  
Kathy Degler  
Chadpentier & Jorg  
KS

7. The number of residents in the area proposed for detachment is 5 (The number of residents is not necessarily the same as number of owners.)

8. The number and character of buildings on said property is (5) House garage, garden shed, little barn, pole barn

9. Public improvements on said property are: None

Date: 2/28/10

Tammy O'Neil  
Property Owner  
Diane L. O'Neil  
Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

# *Abstract of Title*

To the following described Real Estate situated in  
Crow Wing County, Minnesota

REC'D BY  
RWA

MAR 26 2010

Caption #2

\* \* \* \* \*

The Northeast Quarter of the  
Southwest Quarter (NE1/4SW1/4) of Section Six (6),  
Township One Hundred Thirty-six (136), Range Twenty-eight (28).

\* \* \* \* \*

"This Abstract of Title is a history of the record title of the property described therein and does not represent that the title is good and marketable."

Compiled by  
**Atlas Abstract & Title, Inc.**  
212 South 8<sup>th</sup> Street  
Brainerd, Minnesota 56401  
(218) 828-3910

212 South 8th Street  
Brainerd, Minnesota 56401  
(218) 828-3910

⑦ The number of residents in the area proposed for detachment is None (The number of residents is not necessarily the same as number of owners.)

⑧ The number and character of buildings on said property is: None

9. Public improvements on said property are: None

Date: 3-3-10

Patrick J. Gant  
Property Owner  
Kelly A. Blum  
Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

RECORD BY  
AREA

MAR 26 2010

# ***Abstract of Title***

*To the following described Real Estate situated in  
Crow Wing County, Minnesota.*

*Caption # 2*

The Southeast Quarter of the Southwest Quarter (SE1/4SW1/4)  
of Section Six (6), Township One Hundred Thirty-six (136),  
Range Twenty-eight (28), according to the plat thereof

\*\*\*\*\*

"This Abstract of Title is a history of the record title of the property described therein and does not represent that the title is good and marketable."

COMPILED BY:

**CROW WING - CASS COUNTY TITLE COMPANY**

219 South 4th Street - P.O. Box 305  
Brainerd, MN 56401  
(218) 825-9599 - Fax (218) 825-7117

7. The number of residents in the area proposed for detachment is 3 (The number of residents is not necessarily the same as number of owners.)

8. The number and character of buildings on said property is: 2 Homes  
1 Little Garden House 1 Shed 8x12

9. Public improvements on said property are: none

Date: 2-28-2010

Clarence V. Hewitt  
Property Owner  
Vera H. Hewitt  
Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)



RECD BY  
MBA

MAR 26 2010

Hewitt

\* \* \*

NE $\frac{1}{4}$ SW $\frac{1}{4}$  and Lot 6,  
Sec. 6,  
Twp. 136, Rge. 28.

\* \* \*

THIS IS A SUMMARY OF THE  
RECORDS OF THE  
CROW WING COUNTY  
AND IS NOT A GUARANTEE OF THE  
ACCURACY OF THE INFORMATION  
CONTAINED HEREIN.

COMPILED BY  
CROW WING COUNTY ABSTRACT CO.  
CROW WING COUNTY  
P.O. BOX 378  
BRainerd, MINNESOTA 56401

7. The number of residents in the area proposed for detachment is 3 (The number of residents is not necessarily the same as number of owners.)

8. The number and character of buildings on said property is: 1 home 1 garage

9. Public improvements on said property are: None

Date: 3 17 2010

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

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The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

7. The number of residents in the area proposed for detachment is 0 (The number of residents is not necessarily the same as number of owners.)

8. The number and character of buildings on said property is: 0

9. Public improvements on said property are: None

Date: 3-17-2010

Suzanne Swenson  
Property Owner

\_\_\_\_\_  
Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

1. Land description for David Swenson:  
W300 E 1920 S600 of S1/2 of SE1/4 sec.6 twp.136 Rg.28
  
2. Land Description for Lorraine Swenson:  
The East  $\frac{1}{2}$  of the SW1/4 of the SE  $\frac{1}{4}$  of Sec. 6 twp. 136  
Rg. 28 except the W 300ft of the 1920ft of the S600ft  
S1/2 of SE14 sec. 6 twp.136 Rg.28
  
3. Land description for Scott & Carla Goddard:  
Gov. Lot 7 Sec. 6 Twp.136 Rg. 28

7. The number of residents in the area proposed for detachment is 0 (The number of residents is not necessarily the same as number of owners.)

8. The number and character of buildings on said property is: 1 Barn

9. Public improvements on said property are: None

Date: 3/16/10

Joe Minnerath  
Property Owner

\_\_\_\_\_  
Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

# *Abstract of Title*

To the following described Real Estate situated in  
Crow Wing County, Minnesota

REC'D BY  
MBA

MAR 26 2018

\* \* \* \* \*

West 961 feet of Govt. Lot 5,  
Sec. 6, Twp. 136, Rge. 28.

\* \* \* \* \*

This Abstract of Title is a history of the record title  
of the property described therein and does not necessarily  
represent that the title is good and marketable

7. The number of residents in the area proposed for detachment is 0 (The number of residents is not necessarily the same as number of owners.)

8. The number and character of buildings on said property is: 0

9. Public improvements on said property are: None

Date: 3/22/10

Mary K. Ebert  
Property Owner

Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

RECD BY  
MBA

MAR 26 2010

- 7. The number of residents in the area proposed for detachment is 0 (The number of residents is not necessarily the same as number of owners.)
- 8. The number and character of buildings on said property is: 0
- 9. Public improvements on said property are: 0

Date: 3/18/10

Paula F. Buel  
Property Owner

Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
FOR DETACHMENT OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)



- 7. The number of residents in the area proposed for detachment is 3 (The number of residents is not necessarily the same as number of owners.)
- 8. The number and character of buildings on said property is: 1 Home
- 9. Public improvements on said property are: 0

Date: 3-19-10

Andrea Gilotti  
Property Owner

[Signature]  
Property Owner

(Rev. 9/08)

\*\*\*\*\*

**SAMPLE CITY RESOLUTION FOR DETACHMENT OF PROPERTY FROM A CITY**

RESOLUTION OF THE CITY OF \_\_\_\_\_  
 FOR DETACHMENT OF CERTAIN LAND  
 PURSUANT TO MINNESOTA STATUTES § 414.06

*The language in the following paragraph is used when the city requests or supports the detachment.*

The City of \_\_\_\_\_ hereby requests by resolution the Office of Administrative Hearings - Municipal Boundary Adjustments to detach certain properties described herein from the City of \_\_\_\_\_ and make a part of the Township of \_\_\_\_\_.

*Insert statements 3 - 9, including the legal description, shown on sample petition.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Rev. 9/08)

**Wild Acres**REC'D BY  
MZA

MAR 26 2010

**From:** "James Kramer" <kramer@kldland.com>  
**To:** "Wild Acres" <wildacre@uslink.net>  
**Sent:** Thursday, March 11, 2010 12:36 PM  
**Subject:** RE: Legal Description

Mary, your daughters descriptions are:

*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.*

Not knowing what type of document this is going on, I'm not sure if you need to separate by ownership or not. If you can just use one description for all, just use:

*Sec 6 Twp 136 Rg 28*

*Lots 1 thru 12 inclusive, Block 1, WILD ACRES ESTATES, as recorded in the Office of the County Recorder, Crow Wing County, Minnesota. 40 Acres*

**JAMES KRAMER**  
*President*  
 Kramer Leas DeLeo

218-829-5333  
 218-838-0092 (cell)  
[kramer@kldland.com](mailto:kramer@kldland.com)



**From:** Wild Acres [mailto:wildacre@uslink.net]  
**Sent:** Thursday, March 11, 2010 12:30 PM  
**To:** James Kramer  
**Subject:** Re: Legal Description

Jim,  
 Thank-you for your e-mail. Acturally my daughters are moving their lots as well, so what would the legal be. I was going to take the legal off of their title insurance policy.

----- Original Message -----

**From:** James Kramer  
**To:** [mary@wildacresmn.com](mailto:mary@wildacresmn.com)  
**Sent:** Wednesday, March 10, 2010 10:59 AM  
**Subject:** Legal Description

Mary, I've attached the information you were looking for.

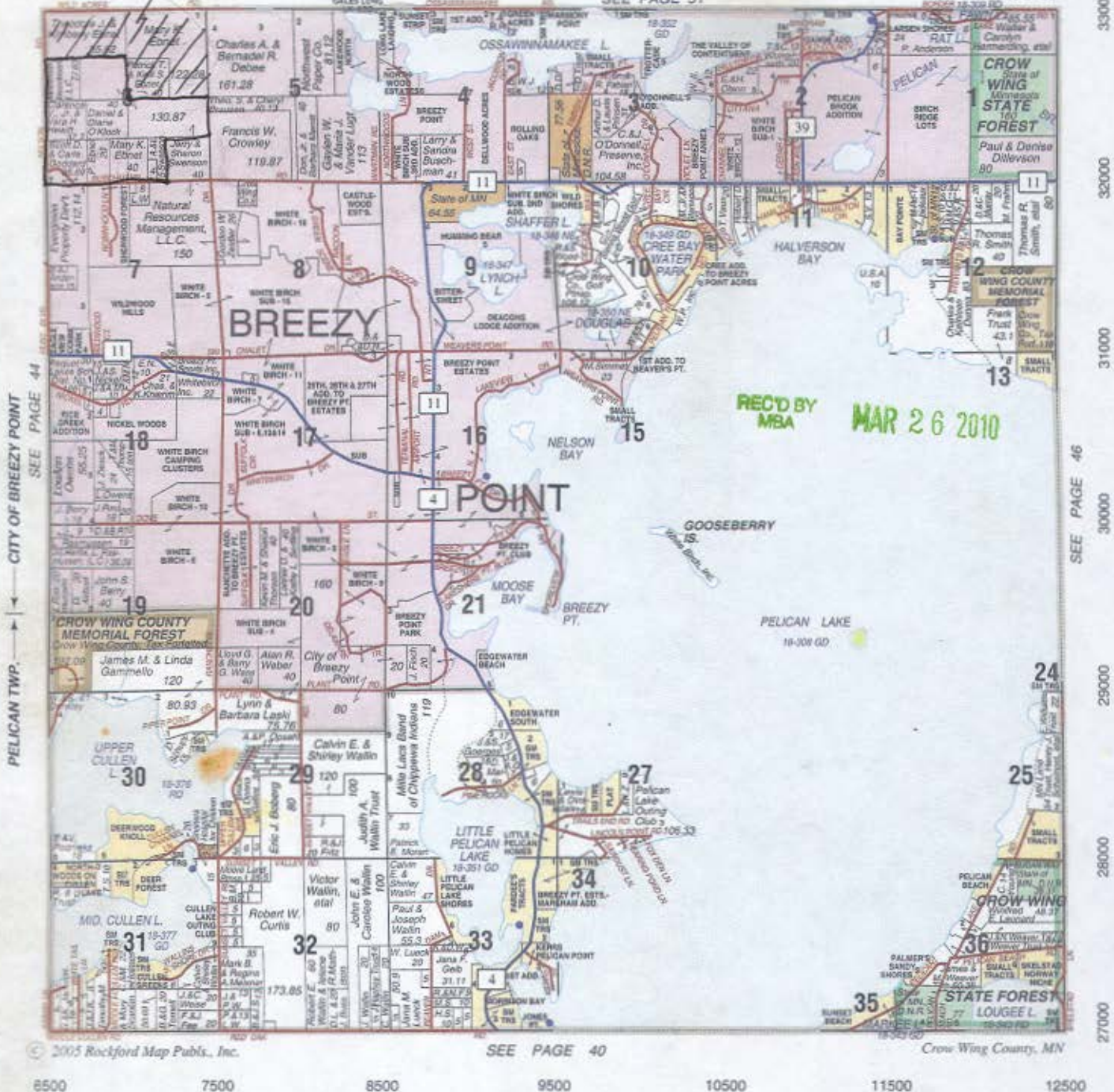
Jim

*already detached*  
PELICAN CITY OF BREEZY POINT

T.136N.-R.28W.

SEE PAGE 51

SEE PAGE 53



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SALE**

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## 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 21<sup>st</sup> 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.

Resolution 10-29  
Page 2

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.  
Resolution 10-17  
Page 2

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 1/2 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.

Resolution 10-29  
Page 4

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.

Resolution 10-29  
Page 5

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  

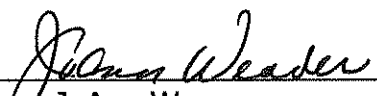
JoAnn Weaver   Yes  

Tom Nelson   Yes  

Erik Lee   No  

Diane Williams   Yes  

Adopted this 2<sup>nd</sup> day of August 2010

  
\_\_\_\_\_  
Mayor JoAnn Weaver

Attest:

  
\_\_\_\_\_  
Joe Rudberg, Administrator/Clerk



## 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 21<sup>st</sup> 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.

Resolution 10-29  
Page 2

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.  
Resolution 10-17  
Page 2

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 1/2 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.

Resolution 10-29  
Page 4

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.

Resolution 10-29  
Page 5

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 2<sup>nd</sup> day of August 2010

  
\_\_\_\_\_  
Mayor JoAnn Weaver

Attest:

  
\_\_\_\_\_  
Joe Rudberg, Administrator/Clerk