

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE PETITION )	<u>NOTICE OF CANCELLATION</u>
FOR THE DETACHMENT OF CERTAIN )	<u>OF HEARING; AND</u>
LAND FROM THE CITY OF BREEZY )	<u>FINDINGS OF FACT</u>
POINT PURSUANT TO MINNESOTA )	<u>CONCLUSIONS OF LAW</u>
STATUTES 414 )	<u>AND ORDER</u>

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The petition for detachment submitted by the property owners, and other pertinent documents in the file, were reviewed for conformity with applicable law. The Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

1. On March 26, 2010, a petition requesting the detachment of certain property from the City of Breezy Point to Ideal Township was filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit pursuant to Minnesota Statutes §414.06.
2. An amended petition (adding signatures) was received from petitioners on April 27, 2010.
3. On May 19, 2010, the Chief Administrative Law Judge, through his designee, ordered the petitioners, the City, and the Township to meet at least three times over a period of sixty days to address resolution of issues pursuant to Minnesota Statutes Section 414.01, subd. 16.
4. By City Resolution 10-17 dated June 7, 2010, the City of Breezy Point opposed

the detachment petition.

5. A first statutory hearing on the petition was convened May 21, 2010, after due and appropriate legal notice, and the hearing was continued to an indefinite date to allow the parties time to complete the directed meetings.

6. Subsequent to the directed meetings, both parties indicated that further discussion was not likely to lead to resolution. On July 20, 2010, the Office of Administrative Hearings - Municipal Boundary Adjustment Unit referred the matter to the Chief Administration Law Judge for assignment of an administrative law judge to conduct an evidentiary hearing. A prehearing conference with the parties was scheduled for September 15, 2010.

7. On August 6, 2010, the Office of Administrative Hearings-Municipal Boundary Adjustment Unit received City Resolution 10-29, dated August 2, 2010, from the City of Breezy Point requesting that the Office of Administrative Hearings-Municipal Boundary Adjustment Unit detach the property described herein from the City of Breezy Point and make it a part of Ideal Township.

8. After review of the petition and resolution, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

#### FINDINGS OF FACT

1. That a petition and city resolution was duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit for the detachment of property from the City of Breezy Point.

2. The petition contained all the information required by statute including a description of the territory proposed for detachment, which is as follows:

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.

AND

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

3. The area proposed for detachment is situated within the City of Breezy Point and abuts the municipal boundary.
4. The area proposed for detachment is approximately 352.19 acres.
5. The area proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
6. There are no municipal improvements needed on the area proposed for detachment.
7. There are five house, two garages, two garden sheds, 2 barns, one pole barn, and 1 shed on the area proposed for detachment.
8. The population of the area proposed for detachment is 14.
9. The area abuts the Township of Ideal, Crow Wing County.

CONCLUSIONS OF LAW

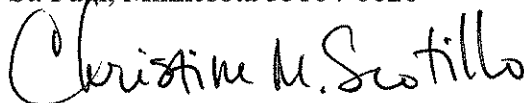
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Chief Administrative Law Judge cancelling the continued hearing and detaching the area described herein.

ORDER

1. The Chief Administrative Law Judge hereby cancels the continued hearing in this matter.
2. The property described in Findings of Fact 2 is detached from the City of Breezy Point and made a part of Ideal Township, the same as if it had originally been made a part thereof.

Dated this 17<sup>th</sup> day of August, 2010.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments