

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MUNICIPAL BOUNDARY ADJUSTMENTS UNIT

In the Matter of the Petition for
Detachment of Certain Land from the City
of Lakeland, Minnesota Pursuant to Minn.
Stat. § 414.06 (D-499)

**ORDER FOR
DISMISSAL**

WHEREAS, on July 27, 2012, a Petition for Detachment was filed by Eric and Kathryn Norha (Petitioners) with the Office of Administrative Hearings (OAH) Municipal Boundary Adjustment Unit, pursuant to Minn. Stat. § 414.06;

WHEREAS, the Petitioners sought to detach approximately three (3) acres of residential real property from the City of Lakeland (City) and attach the property to the neighboring township of West Lakeland;

WHEREAS, a hearing on the detachment was scheduled for July 16 and 17, 2013;

WHEREAS, on July 8, 2013, the West Lakeland Township Board filed a document with the OAH expressing its opposition to the detachment;

WHEREAS, on July 11, 2013, the Petitioners and the City reached a resolution of the matter and advised the assigned Administrative Law Judge of the same;

WHEREAS, based upon a settlement by the parties, the hearing was continued pending dismissal, but a continued hearing date was not set;

WHEREAS, on July 24, 2013, the parties submitted a Stipulation for Dismissal to the OAH requesting that the matter be dismissed with prejudice "and without costs or disbursements to either party;"

WHEREAS, the OAH has incurred certain costs and expenses in the disposition of this matter;

WHEREAS, pursuant to Minn. Stat. § 414.06, subd. 7, the Chief Administrative Law Judge shall apportion the costs of the matter submitted to the OAH in an equitable manner;

WHEREAS, Minn. Stat. § 414.06, subd. 7 further provides that unless the Chief Administrative Law Judge makes specific findings as to why a party shall be responsible for a greater share, the petitioning landowners are responsible for at least 50 percent of the total costs;

WHEREAS, based upon the agreement of the parties, and based upon Minn. Stat. § 414.06, subd. 7, the matter shall be dismissed and the OAH costs associated with this matter shared equally by the Petitioners, as one party, and the City, as the other party;

WHEREAS, an invoice for the services provided by the OAH will be sent to both parties for immediate payment.

Based upon the Stipulation for Dismissal and the agreements between the parties, **IT IS HEREBY ORDERED** that:

- (1) the above matter is **DISMISSED** with prejudice;
- (2) the continued hearing on this matter shall be **CANCELLED**;
- (3) the parties shall be responsible for their own attorneys' fees and costs related to bringing or defending against this matter;
- (4) the Petitioners, as one party, and the City of Lakeland, as the other party, shall each pay for 50% of the costs incurred by the Office of Administrative Hearings in this matter;
- (5) an invoice from the Office of Administrative Hearings will be submitted to each party and shall be paid by each party within 30 days; and
- (6) the file in this matter shall be closed, and the official record shall be returned to the Office of Administrative Hearings' Municipal Boundary Adjustment Unit.

Dated: July 30, 2013



TAMMY L. PUST
Chief Administrative Law Judge