

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

REC'D BY
MBA

MAR 17 2014

OAH Docket No.:

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

PETITION

TO: The Office of Administrative Hearings, Municipal Boundary Adjustment Unit, P. O. Box 64620,
St. Paul, MN 55164-0620.

PETITIONER, FOR HER PETITION, STATES AND ALLEGES AS FOLLOWS:

1. Petitioner is Clara Hinz. Petitioner resides at Falls Landing, 1101 North Hiawatha Avenue, Pipestone, Minnesota, 56164.

2. Petitioner appears in this proceeding through Petitioner's duly authorized and appointed attorney-in-fact, Joann M. Pederson.

3. Respondent is the City of Trosky. The City of Trosky has a postal mailing address of the Trosky City Clerk, C/O Cynthia Klumper, 325 South Broadway, Trosky, Minnesota, 56144.

4. The real property that is the subject of this Petition is legally described as:

The Northeast Quarter (NE¼) of Section Twenty (20), Township One Hundred Five (105) North, Range Forty-five (45) West of the Fifth P.M., EXCEPTING THEREFROM that portion of the East one-half (E½) of the Northeast Quarter (NE¼) of Section Twenty (20), Township One Hundred Five (105), Range Forty-five (45) which lies easterly of a line running parallel with and distant 75 feet westerly of the following described line: Beginning at a point on the North line of Section Twenty-one (21), Township One Hundred Five (105), Range Forty-five (45), distant 15.9 feet east of the Northwest corner thereof; thence running southerly on a line which intersects the east and west quarter line of said Section Twenty-one (21) distant 12.7 feet east of the west quarter corner thereof for a distance of 2800 feet and there terminating; excepting therefrom a strip of land 25 feet in width lying immediately adjacent to and easterly of the westerly

boundary of the above described strip: Beginning at the North line of the above described tract and extending southerly for a distance of 131.7 feet (when measured along the above described line); excepting therefrom the right of way existing highways; said exception containing 1.60 acres, more or less, heretofore taken for state highway; AND ALSO EXCEPTING THEREFROM the North 495 feet of the East 528 feet of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty (20), Township One Hundred Five (105) North, Range Forty-five (45) West of the Fifth P.M., said exception consisting of 6.0 acres, more or less, County of Pipestone, State of Minnesota.

5. The real property consists of 154.07 acres.

6. The real property is located in the City of Trosky, County of Pipestone, State of Minnesota, and abuts the municipal boundary of the City of Trosky and Township of Elmer, County of Pipestone, State of Minnesota. Attached hereto as Exhibit 1 is a true and correct copy of a map printed from the Pipestone County GIS that fairly and accurately depicts the municipal boundaries of the City of Trosky and Elmer Township.

7. There is one property owner of the area proposed for detachment.

8. The number of persons required to commence this proceeding pursuant to Minn. Stat. § 414.06(1) is one.

9. The real property is rural in character, used exclusively for agricultural purposes, not developed for urban residential, commercial, or industrial purposes, not served by or connected to municipal utilities or improvements, has no buildings located on it, and has no resident population.

10. Petitioner is requesting detachment of the real property for the following reasons:

1) The annual property taxes assessed on the real property by the City of Trosky equal approximately forty-nine percent of the aggregate annual real estate taxes assessed on the real property;

2) The real property is used solely for agricultural purposes and is being taxed in excess of the agricultural properties abutting and proximate to the real property that are

not located in the City of Trosky, creating a disparate treatment and impact of the real property solely because the property was annexed to the City of Trosky and removed from Elmer Township;

3) The real property is not benefitted or served by any municipal utility or any other public service provided by the City of Trosky to the residents of the City of Trosky;

4) The real property is bounded on the north, west and south by Elmer Township, bounded on the east side by U.S. Hwy. 75, and located approximately one-third mile from platted and inhabited parts of the City of Trosky;

5) The real property is not needed for anticipated future development; and

6) Detachment will not unreasonably affect the symmetry of the City of Trosky.

11. The efforts taken prior to filing this petition to resolve the issues include correspondence directed to the Trosky City Clerk and Trosky City Council, a proposal to the City of Trosky that the City designate the real property as a rural service district, a telephone conference with the Mayor of the City of Trosky and a telephone conference and correspondence with the Trosky City Attorney.

WHEREFORE, Petitioner respectfully requests an Order:

1. Detaching the real estate from the City of Trosky and making the real estate part of the Township of Elmer;
2. Apportioning costs as allowed by statute; and
3. For such additional and further relief that is just and equitable.

Date: March 3rd, 2014

PETITIONER

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Joann M. Pederson

Clara Hinz, by her attorney-in-fact, Joann M.
Pederson



Pipestone County Property Information

Links: [Interactive Mapping](#)

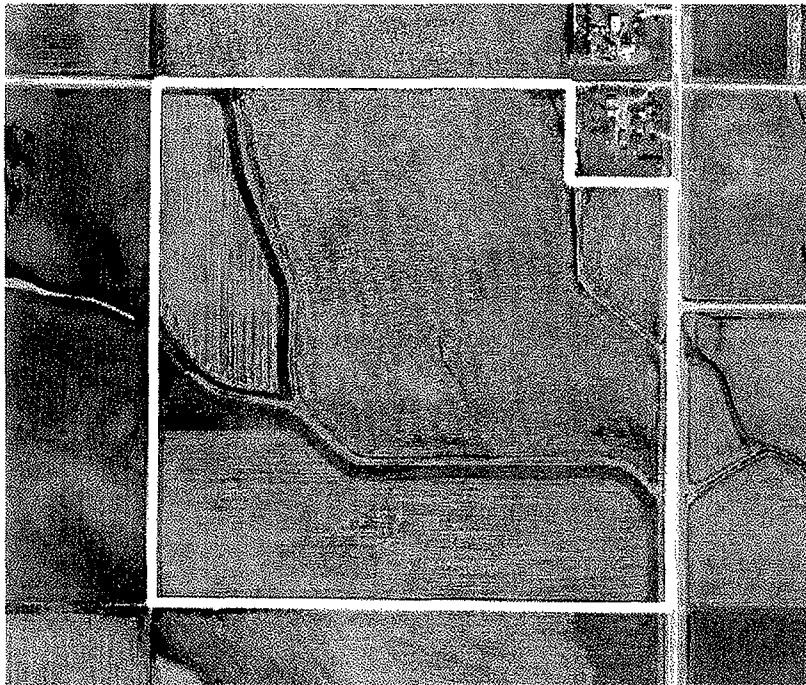
Disclaimer: No certification or accuracy of information is made or implied. Information may change without notice. The information and maps provided are for informational purposes only and is not legally binding.

Parcel Detail Report for: 20.020.0150

[Print Report](#)

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Legal Description

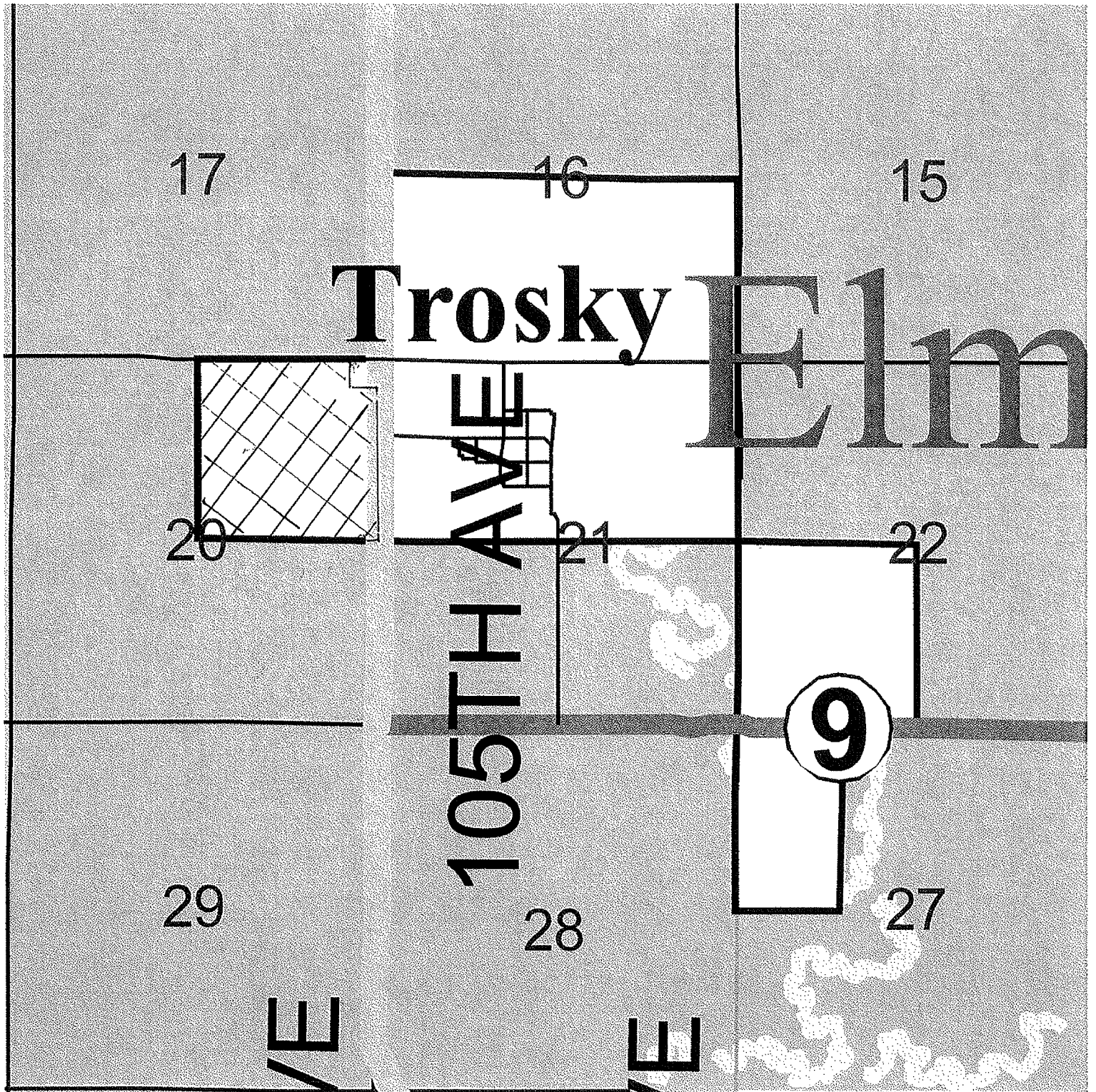
Sect-20 Twp-105 Range-045
154.07 AC
154.07 AC NE1/4 LESS N 495 FT

SECTION	TOWNSHIP	RANGE
20	105	045

Owner Name and Property Address

	OWNER INFORMATION	PROPERTY ADDRESS
Owner	CLARA HINZ	
Address	1101 HIAWATHA AVE N	
City	PIPESTONE	
Zip Code	56164	
State	MN	

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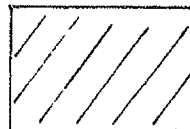
29 28 27 26

32 33 34 35

Trosky

GeoMOOSE 2.6.1

X,Y: 491230, 119880 Lat, Lon: 43.904, -96.283 USNG: 14TQP18166476



City of Trosky



Property to be Detached