

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of  
Certain Real Property from the City  
of Milan to Kragero Township  
(MBAU D-525)

**ORDER APPROVING  
DETACHMENT**

On June 5, 2014, a Petition for Detachment (Petition) was filed with the Office of Administrative Hearings pursuant to Minn. Stat. § 414.06 (2014), requesting detachment of certain real property (Property) owned by Luther T. Opjorden, Mark A. Kleven, Jennifer A. Kleven and Kleven Farms, Inc. (Petitioners) and legally described as follows:

Luther Opjorden Property (approximately 40 acres) Tax ID# 60-816-4100

The Northeast Quarter of the Southeast Quarter (NE1/4-SE1/4) of Section 16, Township 119, Range 42, Chippewa County, State of Minnesota.

and

Mark A. and Jennifer A. Kleven Property (approximately 32.98 acres)  
Tax ID# 60-816-4400

The Southeast Quarter of the Southeast Quarter (SE1/4-SE1/4) of Section 16, Township 119, Range 42, Chippewa County, State of Minnesota.

**EXCEPTING THEREFROM THE FOLLOWING DESCRIBED  
PARCEL:**

Commencing at the southeast corner of said Section Sixteen (16); thence North 90 degrees 00 minutes 00 seconds West, assumed bearing along the south line of said Section, a distance of 568.00 feet to the point of beginning of the tract to be described; thence continuing North 90 degrees 00 minutes 00 seconds west, along said south line, a distance of 538.00 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 568.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 538.00 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 568.00 feet to the point of beginning.

and

Kleven Farms, Inc. Property (approximately 7.02 acres) Tax ID# 60-816-4401

The Southeast Quarter of the Southeast Quarter (SE1/4-SE1/4) of Section Sixteen (16), Township One Hundred Nineteen (119), Range Forty-two (42), Chippewa County, State of Minnesota described as follows:

Commencing at the southeast corner of said Section Sixteen (16); thence North 90 degrees 00 minutes 00 seconds West, assumed bearing along the south line of said Section, a distance of 568.00 feet to the point of beginning of the tract to be described; thence continuing North 90 degrees 00 minutes 00 seconds west, along said south line, a distance of 538.00 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 568.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 538.00 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 568.00 feet to the point of beginning.

Janice M. Nelson, Nelson Oyen Torvik, PLLP, appears on behalf of the City of Milan (City). Amy Doll, Fluegel, Anderson, McLaughlin, & Brutlag, Chartered, appears on behalf of Luther Opjorden, Mark and Jennifer Kleven, and Kleven Farms, Inc. (Petitioners). Jim Anderson, Township Clerk, appears on behalf of Kragero Township and without legal counsel.

On May 14, 2014, the Township adopted a resolution stating it would accept the Property if detached from the City. On July 8, 2014, the City adopted Resolution R7-14A opposing the Petition.

On June 5, 2015, the City signed the Combined Settlement Agreement & Withdrawal of Objection, withdrawing its objection to the Petition and allowing detachment of the Property.

Based upon a review of the Petition and Combined Settlement Agreement & Withdrawal of Objection, and finding that the detachment would be in the best interests of the Property, the Chief Administrative Law Judge makes the following:

### **ORDER**

1. Pursuant to Minn. Stat. § 414.06, the Petition and Combined Settlement Agreement & Withdrawal of Objection are deemed adequate in all legal respects and properly support this Order.
2. Pursuant to this Order, the Property is detached from the City of Milan.

3. Pursuant to Minn. Stat. § 414.06, subd. 7 (2014), the cost of these proceedings to date shall be divided as follows: 50 percent to the Petitioner and 50 percent to the City. An invoice memorializing these costs will be sent to the parties under separate cover.

Dated: July 8, 2015



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TAMMY L. PUST  
Chief Administrative Law Judge

### NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.06, .07, .09, .12 (2014). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Chippewa County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order Approving Detachment within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2013). However, no request for amendment shall extend the time of appeal from this Order.