



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

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June 25, 2014

David Cummiskey
Law Office
247 Main Street, E
Waterville, MN 56096

VIA E-MAIL
(abstractlaw@gmail.com)

Re: D-530 Montgomery/Montgomery Township (Schatz Petition for Detachment; 5.09 acres)

Dear Mr. Cummiskey:

The Office of Administrative Hearings - Municipal Boundary Adjustment Unit acknowledges receipt of the petition for detachment. Please refer to the above docket number in future communications regarding this proposed boundary adjustment.

As we discussed, the following requirements must be met concerning the petition for detachment:

- Please confirm that the affected township is Montgomery.
- Pursuant to Minn. Stat. § 414.06, subd. 1, a copy of the petition must also be mailed or otherwise delivered to the City of Montgomery, the Township Clerk, and the Le Sueur County Recorder. Please submit documentation to this office showing proof of service.
- A map showing the property proposed for detachment and its relationship to the current city limits is required. Please highlight the current city limits and accurately indicate the area proposed for detachment, as well as including identifying information (section, township, range numbers, etc.).
- The description references Oakwood Addition; please submit a copy of the plat map.

Pursuant to Minn. Stat. § 414.06, subd. 2:

- If a city resolution supporting the detachment petition is received and no resolution of opposition is received from the township, no hearing is necessary and the Chief Administrative Law Judge shall grant the petition.
- If both the city and the township submit resolutions opposing the detachment petition, a hearing must not be held and the Chief Administrative Law Judge shall deny the petition.
- In any other case, the Chief Administrative Law Judge shall designate a time and place for a hearing pursuant to Minn. Stat. § 414.09.

D-530 Montgomery/Montgomery Township
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If you have any questions, please contact me at star.holman@state.mn.us or 651-361-7909.

Sincerely,



Starlene J. Holman
State Program Administrator, Senior
Municipal Boundary Adjustment Unit

c: Brian Heck, Montgomery City Clerk (bheck@cityofmontgomerymn.com)
Sue Prchal, Montgomery Township Clerk (US MAIL)



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June 25, 2014

Brian Heck, Montgomery City Clerk
Montgomery City Hall
201 Ash Avenue, SW
Montgomery, MN 56069-1225
(VIA bheck@cityofmontgomerymn.com)

Sue Prchal, Township Clerk
Montgomery Town Board
1471 Ninth Street, SE
Montgomery, MN 56069
(VIA US MAIL)

Re: D-530 Montgomery/Montgomery Township (Schatz Petition for Detachment; 5.09 acres)

Dear Mr. Heck and Ms. Prchal:

The Office of Administrative Hearings - Municipal Boundary Adjustment Unit acknowledges receipt of the above-referenced petition for detachment. Please refer to the above docket number in future communications regarding this proposed boundary adjustment.

Because there is considerable paperwork and expense with a hearing, the MBAU would appreciate hearing from the city and township as to their positions on the detachment petition by July 16, 2014.

Pursuant to Minn. Stat. § 414.06, subd. 2:

- If a city resolution supporting the detachment petition is received and no resolution of opposition is received from the township, no hearing is necessary and the Chief Administrative Law Judge shall grant the petition.
- If both the city and the township submit resolutions opposing the detachment petition, a hearing must not be held and the Chief Administrative Law Judge shall deny the petition.
- In any other case, the Chief Administrative Law Judge shall designate a time and place for a hearing pursuant to Minn. Stat. § 414.09.

Pursuant to Minn. Stat. § 414.06, subd. 1a:

- The Township may submit a resolution to the Chief Administrative Law Judge stating that the Town Board supports, opposes or is neutral to the petition. The failure to submit a resolution must be deemed a position of neutrality. If the town submits a resolution of support for a petition opposed by the municipality from which the land is proposed to be detached, or a resolution in opposition to a petition supported by a resolution of the municipality, the town becomes a party to the hearing required under this section and is subject to the distribution of costs as provided in subdivision 7.

D-530 Montgomery/Montgomery Township

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If you have any questions, please contact me at star.holman@state.mn.us or 651-361-7909.

Sincerely,



Starlene J. Holman

State Program Administrator, Senior
Municipal Boundary Adjustment Unit

Attachment (1)

- To the City: Sample City Resolution Responding
- To the Township: Sample Township Resolution Responding

c: David Cummiskey, Attorney at Law (abstractlaw@gmail.com)