

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of
Certain Real Property from the City of
Ceylon to Lake Belt Township
(MBAU D-531)

**ORDER APPROVING
DETACHMENT**

On June 23, 2014, a petition for detachment (Petition) was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2014), of certain real property (Property) owned by Dennis and Jennifer Bremer (Petitioners), which Property is legally described as follows:

Beginning at the Northwest corner of Section 25-101-32; thence South on the West line of Section 25, 208 feet; thence East parallel to the North line of Section 25, 208 feet; thence North parallel to the West line of Section 25, 208 feet to a point on the North line of Section 25; thence East 503.5 feet on the North line of Section 25 to the Northwest corner of Andrew's Addition to the Village of Ceylon, Minnesota; thence South 610 feet on the West line of Andrew's Addition to the Southwest corner thereof; thence East on the South line of Andrew's addition 416 feet to the West line of the public highway; thence South 561.5 feet on the West line of said public highway; thence West parallel to the North line of Section 25, 1099.1 feet to the West line of said Section 25; thence West parallel to the North line of Section 26-101-32, 1565.4 feet to the center of the public highway; thence North 16°48' West 341.9 feet; thence North 846.5 feet to the North line of said Section 26; thence East on the North line of Section 26, 1645.55 feet to the point of beginning, the Northeast corner of Section 26, and the Northwest corner of Section 25. Area 44.55 acres in Section 26, 22.85 acres in Section 25, total 67.40 acres.

Save and except:

Beginning at a point 208' east of the Northwest corner of Section 25, Township 101, Range 32, Martin County, Minnesota for a point of beginning, thence from said point 503½ feet Easterly on the North line of said Section 25, to the West line of Center Street; thence Southerly on the West line of Center Street and parallel to the West line of Section 25, aforesaid 208'; thence Westerly and parallel to the North line of Section 25, 503½ feet; thence Northerly and parallel with the West line of Section 25, 208' to the point of commencement, all of said land lying and being in Section 25, Township 101, Range 32, Martin County, Minnesota, subject to existing easements or uses vested in the public rights of

prescription or otherwise which has heretofore been sold on a Warranty Deed to Arthur J. Luscumbe by a deed dated December 2, 1948, recorded in Book 222 of Deeds on Page 503, and

Further excepting:

A tract of land in Government Lot 1, Section 26, Township 101 North of Range 32, West of the 5th P.M., described as follows: Beginning at the Northeast corner of said Section 26; thence West 1260.3 feet on the section line to the point of beginning; thence continuing West 385.25' on the section line; thence South 846.2 feet on the center line of a public highway; thence South 16°49'20" East 341.09 feet; thence North 89°52'40" East 286.30'; thence North 1171.99 feet to the North line of said Section 26, area of tract 10.0 acres, which has heretofore been sold on a Contract for Deed dated December 14, 1957 and recorded in Book 258 on Page 71 to Basil K. Swink.

And Also

A tract of land in Government Lot One, Section Twenty Six, Township One Hundred One North, Range Thirty Two West of the Fifth Principal Meridian, described as follows: Beginning at the Northeast corner of said Section Twenty Six; thence West 1260.3 feet on the Section line to the point of beginning; thence continuing West 385.25 feet on the Section line; thence South 846.2 feet on the center line of a public highway; thence South 16°49'20" East 341.9 feet; thence North 89°52' 40" East 286.30 feet; thence North 1171.99 feet to the North line of said Section Twenty Six. Area of tract 10.0 acres.

Kevin Stroup, Stoneberg, Giles & Stroup, P.A., appeared on behalf of the Petitioners. James Wilson, Johnson, Berens & Wilson, appeared on behalf of the city of Ceylon (City). Jeff Hagen, Lake Belt Township Clerk, appeared without counsel on behalf of Lake Belt Township (Township).

On July 8, 2014, the City adopted a resolution opposing the Petition. No resolution was received from the Township.

On April 14, 2015, the City adopted a resolution supporting the Petition and rescinding the resolution adopted on July 8, 2014.

Based upon a review of the Petition and City resolution adopted on April 14, 2015, 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 City resolution adopted on April 14, 2015, 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 Ceylon.

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: April 21, 2015



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 Martin 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 Annexation Ordinance 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.