

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Petition for  
Detachment of Certain Real Property from  
the City of Red Lake Falls  
MBAU Docket D-535

**ORDER APPROVING  
DETACHMENT**

On August 14, 2014, a Petition for Detachment (Petition) was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2014), of approximately 19.12 acres of real property (Property) owned by David and Fern Vathauer (Petitioners), which Property is legally described as follows:

Auditors Lots (2), Three (3) and Four (4) of the Northeast Quarter (NE1/4) of Section Twenty-seven (27), Township One Hundred Fifty-one (151), Range Forty-four AND Blocks Three (3), Four (4), Five (5), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Seventeen (17), Eighteen (18), and Twenty-one (21) in the Buse and Canty's Additions of the City of Red Lake Falls, EXCEPT the Railroad Right of Way and Highway Right of Way and Twenty-two (22), including vacated street and alleys.

All those parts of Lots 3, 4, 5, 6, 7, 13, 14, 15, and 16 in Block Sixteen (16) of Buse and Canty's Addition to Red Lake Falls, according to the official plat thereof on file in the office of the Red Lake County Recorder, lying southeasterly of a line parallel with and distant 75 feet southeasterly, measured at right angles, from the center line of the main track of the railway of Great Northern Railway Company as now located and constructed; together with adjoining vacated streets and alleys, forever, all minerals of any nature whatsoever, upon or in said land together with the sole, exclusive and perpetual right to explore, remove, or dispose of the same but without entering upon or using the surface of the lands hereby conveyed, and in such manner as not to damage the surface of said lands or to interfere with the use thereof by the grantees, their heirs and assigns.

Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), all in Block Twenty (20) of Buse and Canty's Addition to the City of Red Lake Falls.

Delray Sparby, Ihle & Sparby Law Office, appears on behalf of the City of Red Lake Falls (City). David Vathauer and Fern Vathauer (Petitioners) appear on their own behalf and without counsel. To date, no one has appeared on behalf of Red Lake Falls Township (Township).

On August 25, 2014, the City adopted Resolution 08-03-14 whereby it opposed the Petition and the requested detachment. The City's Resolution was filed with the Office of Administrative Hearings on August 26, 2014.

On April 27, 2015, the City adopted Resolution 04-02-2015 whereby it withdrew its former opposition to the Petition for Detachment and indicated its support for same. The City's Resolution was filed with the Office of Administrative Hearings on April 28, 2015.

Based upon a review of the Petition and the City Resolution adopted on April 27, 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 the City Resolution adopted on April 27, 2015, are deemed adequate in all legal respects and found to properly support this Order.
2. Pursuant to this Order, the Property is **DETACHED** from the City of Red Lake Falls.
3. The hearing currently scheduled for July 14, 2015 is **CANCELLED**.
4. Pursuant to Minn. Stat. § 414.12, subd. 3 (2014), the cost of these proceedings shall be divided as follows: to the City, 50 percent; and to the Petitioners, 50 percent.

Dated: April 28, 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 Red Lake 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). No request for amendment shall extend the time of appeal from this Order.