

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of
Certain Real Property from the City of
Dunnell to Lake Fremont Township
(MBAU D-536)

**ORDER APPROVING
DETACHMENT**

On October 2, 2014, a petition for detachment (Petition) was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2014), of the certain real property (Property) owned by John and Paula Anderson (Petitioners) and legally described as follows:

The West Half of the Southeast Quarter; The Northeast Quarter of the Southeast Quarter; and, the North Half of the Southeast Quarter of the Southeast Quarter, all being in Section Ten, Township One Hundred One North, of Range Thirty-three West of the Fifth Principal Meridian,

EXCEPTING THEREFROM

A tract of land in the Southeast Quarter of Section Ten, Township One Hundred One North of Range Thirty-three West of the Fifth Principal Meridian, described as follows: Beginning at the Northeast corner of Block Six, Original Plat of the Village of Dunnell, Minnesota, thence North 260 feet on the extended East line of said Block Six, thence North 89 degrees 50 minutes East 388 feet; thence South 260 feet to the Northwest corner of Block Four, Village of Dunnell; thence South 89 degrees 50 minutes West 388 feet on the North line of said Block Five of said Village to the point of beginning. This exception has been platted as Hillcrest Addition to the Village of Dunnell, Martin County, Minnesota. (This exception consists of approximately 2.31 acres).

AND ALSO EXCEPTING

Land described in Book 102 of Deeds on Page 381, described as follows:

Beginning at the iron monument in the center of Seelye Avenue, at the intersection of Silcox Street and Seelye Avenue, according to the recorded plat of Dunnell; thence running north 247½ feet; thence west 321 feet; thence south 247½ feet; thence east 321 feet to the place of beginning; (This exception consists of approximately 1.82 acres).

AND ALSO EXCEPTING

Land taken by the State of Minnesota for highway purposes described in Final Certificate dated April 20, 1953 and recorded July 8, 1953 in Book 21 of Miscellaneous Records, Page 113 (consisting of .23 acre, more or less, located in the Northeast Quarter of Southeast Quarter of Section Ten, Township One Hundred One, Range Thirty-three).

AND ALSO EXCEPTING

That part of the East Half of the Southeast Quarter of Section Ten, Township One Hundred One North, Range Thirty-three West, Martin County, Minnesota, described as follows:

Commencing at the Southeast Corner of Section Ten; thence on an assumed bearing of North 0 degrees 00 minutes East, along the east line of said Section, a distance of 1127.00 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence South 90 degrees 00 minutes West a distance of 394.00 feet to an iron monument; thence North 0 degrees 00 minutes East a distance of 617.00 feet to an iron monument; thence North 90 degrees 00 minutes East a distance of 394.00 feet to an iron monument located on the east line of said Section; thence South 0 degrees 00 minutes West, along said east line, a distance of 617.00 feet to the point of beginning, this exception containing 5.58 acres, subject to easements now of record in said county and state.

AND ALSO EXCEPTING

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West in Martin County, Minnesota, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West in Martin County, Minnesota; thence North 89 degrees 59 minutes 33 seconds West (assumed bearing) along the South line of the Northeast Quarter of the Southeast Quarter of Section 10 a distance of 709.00 feet, more or less, to the Northeast corner of Block six of Dunnell, Martin County, Minnesota, according to the plat on file and of record in the office of the Martin County Recorder and point of beginning; thence continuing North 89 degrees 59 minutes 33 seconds West along the North line of Block six a distance of 135.95 feet to the Northwest corner of Lot 1 of Block Six; thence North 0 degrees 12 minutes 54 seconds East a distance of 15.00 feet; thence South 89 degrees 59 minutes 33 seconds East a distance of 135.94 feet; thence South 0 degrees 10 minutes 31 seconds West a distance of 15.00 feet to the point of beginning.

AND ALSO EXCEPTING

The following three (3) tracts of land:

The South 113.00 feet of the east 142.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota, subject to a highway easement over the south 50 feet thereof, TOGETHER WITH an easement of access over the West 22.00 feet of the East 164.00 feet of the South 113.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota,

AND ALSO the North 82.50 feet of the South 360.50 feet of the East 142.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota, TOGETHER WITH an easement of access over the West 22.00 feet of the East 164.00 feet of the South 360.50 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota,

AND ALSO the North 91.50 feet of the South 452.00 feet of the East 142.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota, TOGETHER WITH an easement of access over the West 22.00 feet of the East 164.00 feet of the South 452.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota.

AND ALSO EXCEPTING

The North 91.50 feet of the South 543.50 feet of the East 142.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota, TOGETHER WITH an easement of access over the West 22.00 feet of the East 164.00 feet of the South 543.50 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 101 North, Range 33 West, City of Dunnell, Martin County, Minnesota.

Paul E. Stoneberg and 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 Dunnell (City). Dianne Swanson, Lake Fremont Township Clerk, appeared without counsel on behalf of Fremont Township (Township).

On October 7, 2014, the City adopted Resolution 2014-05 opposing the Petition. On October 6, 2014, the Township adopted a resolution supporting the Petition.

On April 7, 2015, the City adopted Resolution 2015-01 supporting the Petition and rescinding Resolution 2014-05.

Based upon a review of the Petition, City Resolution 2015-01, and Township Resolution, 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, City Resolution 2015-01, and Township Resolution 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 Dunnell.
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 Petitioners; 25 percent to the City; and 25 percent to the Township. 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.