

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-541)

**ORDER APPROVING
DETACHMENT**

On November 20, 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 Gary Janssen/Willow Farms, Inc. (Petitioner) and legally described as follows:

All that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section Eleven (11), lying East of the right-of-way of the Minneapolis and St. Louis Railway Company, in Township One Hundred One (101) North and Range Thirty-three (33) West of the Fifth Principal Meridian, EXCEPTING THEREFROM the following described tract of land, to-wit:

A tract of land in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Eleven (11), described as: Commencing at the Southwest corner of the Southwest Quarter aforesaid; thence due East, along the South line of the said Southwest Quarter, a distance of 697.38 feet to the point of beginning; thence, continuing due East along the said South line, 170.60 feet; thence due North a distance of 724.90 feet; thence due West a distance of 87.60 feet to a point on the Easterly right-of-way line of the Minneapolis and St. Louis Railroad; thence South 6 degrees - 32 minutes West along the said Easterly railroad right-of-way line a distance of 729.70 feet to the point of beginning. Subject to an easement across the South 50 feet for roadway purposes. Said exception contains 2.0 acres, more or less, excluding the roadway right-of-way.

Paul E. Stoneberg and Kevin Stroup, Stoneberg, Giles & Stroup, P.A., appeared on behalf of the Petitioner. 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 2, 2014, the City adopted Resolution 2014-06 opposing the Petition. On December 8, 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 2014-06.

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 Petitioner; 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 7, 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.