

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

REC'D BY
MEA

DEC 31 2014

MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In Re Petition for Detachment of Certain Land
From the City of Woodstock, Minnesota Pursuant to
Minnesota Statutes § 414.06

PETITION

TO: OFFICE OF ADMINISTRATIVE HEARINGS, MUNICIPAL BOUNDARY
ADJUSTMENT UNIT, P. O. BOX 64620, ST. PAUL, MN 55164-0620:

COME NOW, The PETITIONERS, by and through their Petition and their attorney Benjamin Denton, and state and aver as follows:

1. The Petitioners are Lawrence C. Fenicle whose mailing address is 1442 – 111th St., Woodstock, MN 56186, Dennis E. Fenicle whose mailing address is 1010 Smith Avenue, Ruthton, MN 56170, Wayne R. Fenicle whose mailing address is 925 – 40th Ave., Pipestone, MN 56164, and Eileen M. Pinedo whose mailing address is 1013 Greenfield Ct., Fort Collins, CO 80524.
2. Petitioner Eileen M. Pinedo appears in this proceeding by and through her duly authorized and appointed attorney-in-fact, Lawrence C. Fenicle.
3. The Respondent in this proceeding is the City of Woodstock, the mailing address of which is Attn: Barb Visker, Woodstock City Clerk, P.O. Box 98, Woodstock, MN 56186-0098.
4. The real property that is the subject of this Petition is more specifically described as:

The Southeast Quarter (SE ¼) of Section Two (2), Township One-hundred Six (106), Range Forty-four (44) West of the Fifth P.M., Pipestone County, Minnesota, lying North of the C. & St. Paul, Minneapolis & Omaha Railroad,

EXCEPT

A tract located in the Southeast Quarter (SE¼) of Section Two (2), Township One-hundred six (106) North, Range Forty-four (44) West of the Fifth P.M., Pipestone County, Minnesota, as follows, to-wit:

commencing at the southwest quarter corner of said Southeast Quarter (SE¼), thence due North a distance of approximately 514.96 feet to the Point

of Beginning of the tract to be described; thence due northerly a distance of 594.00 feet to a point, thence due easterly a distance of 396.00 feet to a point, thence due southerly a distance of approximately 627.00 feet to a point on the north right-of-way line of the C. & St. Paul, Minneapolis & Omaha Railroad, thence westerly along the said north right-of-way line of the C. & St. Paul, Minneapolis & Omaha Railroad a distance of approximately 397.37 feet to the Point of Beginning, containing approximately 5.56 acres more or less;

containing approximately 134.40 acres more or less.

5. This real property is approximately 134.40 acres in area.
6. This real property is located within the boundaries of the City of Woodstock in the County of Pipestone, and immediately abuts the northern and eastern boundaries of the City. Attached and incorporated by reference as *Petition Exhibit 1* as if fully set forth herein are two map excerpts consisting of two (2) pages in total, produced from geographic-information-system technology used by and accessible from the publicly-accessible website of the County of Pipestone. These map excerpts truly and accurately depict the size and location of this real property, including the boundaries of the City of Woodstock and Township of Burke relative to the location of this real property.
7. There are four property owners of this real estate for which Petitioners petition for detachment.
8. There are no residents upon the real property sought to be detached, and there are no buildings upon the real property sought to be detached, and there are no improvements in the immediate area of the real property sought to be detached.
8. Pursuant to Minnesota Statutes section 414.06 subd. 1, the number of persons required to commence this proceeding is three, being seventy-five percent of the property owners. Lawrence C. Fenicle signs this Petition as duly-authorized attorney-in-fact for Eileen M. Pinedo, and a true and correct uncertified copy of a limited power of attorney memorializing this authority, consisting of one (1) page front and back, is attached to this Petition and incorporated by reference as *Petition Exhibit 2* if fully set forth herein. Petitioner Dennis E. Fenicle as the fourth owner supports but has not signed this copy of the Petition, because the Petitioners have wanted to file this Petition with the Office of Administrative Hearings with a filing date on or before December 31, 2014 if at all possible and Dennis E. Fenicle was not available to sign this Petition on short notice. Dennis E. Fenicle will sign a copy of this Petition, which Petitioners will submit upon request.
9. This real property is rural in character, is used exclusively for agricultural purposes, is not developed for urban residential, commercial or industrial purposes, is neither served by nor

connected to any municipal utilities or services, has no resident population and is not improved by any buildings located upon it.

10. Petitioners petition for detachment of this real property from the City of Woodstock for the following reasons:

- a. the property sought to be detached is agricultural and rural in character and is being taxed in excess of the parcels abutting and proximate to this real property but which are not located within the City of Woodstock;
- b. the property sought to be detached is not benefitted or served by any utilities or other services from the City of Woodstock;
- c. the property sought to be detached is located within the boundaries of the City of Woodstock;
- d. the property sought to be detached is not needed for anticipated future development;
- e. detachment of the property sought to be detached will not unreasonably affect the symmetry of the detaching municipality; and
- f. if Petitioners' Petition were granted, the City of Woodstock would not be incapable of carrying on the functions of government without undue hardship.

11. Prior to the filing of this Petition, there have been no efforts to resolve the issue forming the basis for this Petition.

12. Very recently, Petitioner Lawrence C. Fenicle in his capacity as duly-appointed personal representative of the estate of Merle Fenicle, by personal representative's deed dated December 29, 2014 and which will have been recorded contemporaneously with the filing of this Petition, separated and split an area of approximately 5.56 acres off from the remaining area of that parcel identified as parcel identification number 21.002.0200, and distributed to Petitioners this now-separated 5.56-acre area as well as the remaining area of that parcel identified as parcel identification number 21.002.0200.

13. Pursuant to Minnesota Statutes section 414.06 subd. 1, a true and correct copy of this Petition has been mailed or otherwise delivered to: (1) the City of Woodstock, Attn: City Clerk, P.O. Box 98, Woodstock, MN 56186-0098; (2) the Town of Burke, Attn: Clare Veldhuizen, Town Clerk, 1557 – 81st Street, Edgerton, MN 56128; (3) Mary Ann deGroot, Pipestone County Recorder, 416 S. Hiawatha Ave., Pipestone, MN 56164; (4) Petitioner Dennis E. Fenicle as the fourth owner of the real estate sought to be detached, at 1010 Smith Ave., Ruthton, MN 56170.

Respectfully submitted,

DEC 31 2014

Dated: 12-29-14

Lawrence C. Fenicle

Lawrence C. Fenicle, Petitioner

Dated: 12-29-14

Lawrence C. Fenicle

Lawrence C. Fenicle as attorney-in-fact for
Eileen M. Pinedo, Petitioner

Dated: 12-29-14

Wayne Fenicle

Wayne R. Fenicle, Petitioner

Dated: _____

Dennis E. Fenicle, Petitioner

Dated: December 29, 2014

Benjamin Denton

Benjamin Denton, MN Atty. #0316143
P.O. Box 261 – 320 E. Main St.
Pipestone, MN 56164
(507) 825-9969 phone
(507) 825-9970 fax
Attorney for Petitioners

REC'D BY
MBA

JAN 02 2015

Dated: _____

Lawrence C. Fenicle, Petitioner

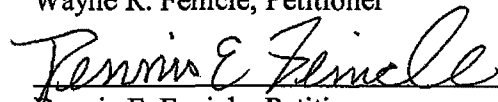
Dated: _____

Lawrence C. Fenicle as attorney-in-fact for
Eileen M. Pinedo, Petitioner

Dated: _____

Wayne R. Fenicle, Petitioner

Dated: 1-2-15



Dennis E. Fenicle, Petitioner

Dated: _____

Benjamin Denton, MN Atty. #0316143
P.O. Box 261 – 320 E. Main St.
Pipestone, MN 56164
(507) 825-9969 phone
(507) 825-9970 fax
Attorney for Petitioners

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MBA

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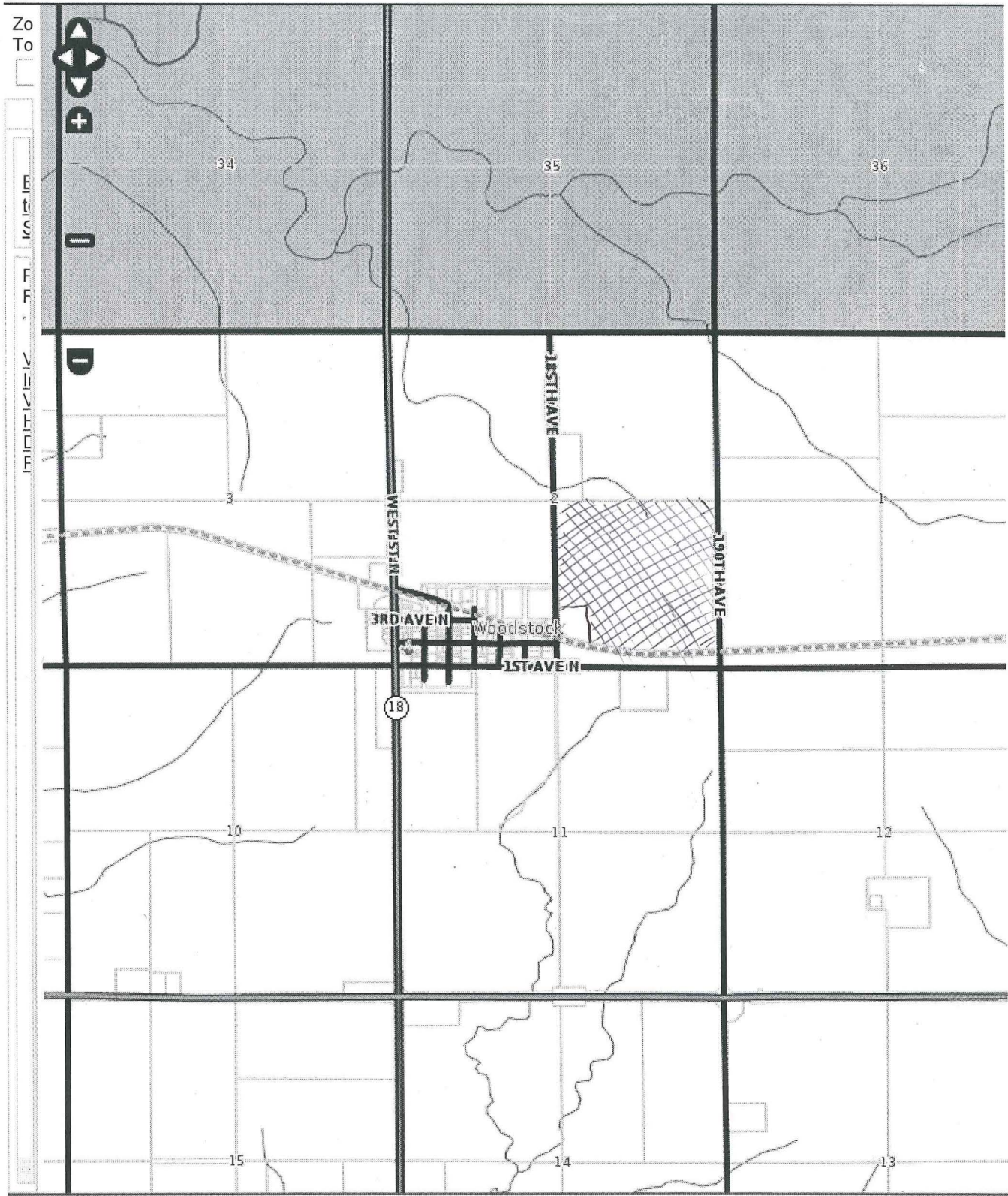


PARCEL OF REAL ESTATE PETITIONED FOR
DETACHMENT.

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PETITION EXHIBIT 2 - PAGE 2 OF 2

NOTE: THAT PARCEL IDENTIFIED AS PARCEL ID#21.002.0200
HAS BEEN DISTRIBUTED TO PETITIONERS FROM THE ESTATE OF
MERLE FENICLE AND A 5.56-ACRE TRACT LOCATED IN THE
EXTREME SOUTHWESTERN PART OF THIS PARCEL HAS BEEN
SEPARATED AND SPOIT OFF, BY PERSONAL REPRESENTATIVE'S DEED
FROM THE PERSONAL REPRESENTATIVE OF MERLE FENICLE'S ESTATE
TO PETITIONERS, FROM THE REMAINING AREA OF THIS PARCEL.

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PETITION EXHIBIT 1 - PAGE 2 OF 2

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LIMITED POWER OF ATTORNEY

I, Eileen Pinedo of Ft Collins, CO, do confer limited
power of attorney on Lawrence Fenicle of Woodstock, MN.

as the true and lawful attorney for me and in my name, place and stead, and for my use
and benefit regarding:

Personal + financial matters in the state of Minnesota.

Said attorney-in-fact shall not be limited or restricted by the foregoing specifications of
the situation. The rights, powers and authority of said attorney-in-fact granted in this
instrument shall commence and be in full force and effect on Oct. 29 (month &
day) 2008 (year) and such rights, powers and authority shall remain in full force and
effect thereafter until I, Eileen Pinedo give notice in writing that such power is
terminated. This Power of Attorney conferred upon the aforementioned shall not be
affected by any subsequent disability or incapacity that may befall me.

FURTHERMORE, upon a finding of incompetence by a court of appropriate jurisdiction,
this Power of Attorney shall be irrevocable until such time as said court determines that I
am no longer incompetent.

Eileen Pinedo

Signature

I, Eileen Pinedo, whose name is signed to the foregoing instrument, having been duly qualified according to the law, do hereby acknowledge that I signed and executed this Power of Attorney; that I am of sound mind; that I am eighteen (18) years of age or older; that I signed it willingly and am under no constraint or undue influence; and that I signed it as my free and voluntary act for the purpose therein expressed.

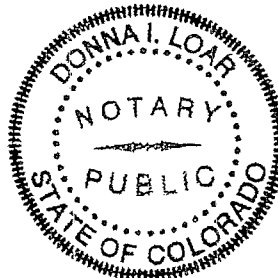
Eileen Pinedo

Signature

My commission expires on 11-04-2011

Donna I. Loar

Notary Public



Seal: