

STONEBERG, GILES & STROUP, P.A.

PAUL E. STONEBERG ☐
DANIEL L. GILES
KEVIN K. STROUP
RONALD E. SEANOR*
GREG J. BUCHER

ATTORNEYS AT LAW
300 SOUTH O'CONNELL STREET
MARSHALL, MINNESOTA 56258-2638
TELEPHONE (507) 537-0591
FAX (507) 532-3498 or (507) 532-4467

Email Addresses:

paul@sgslawyers.com
dan@sgslawyers.com
kevin@sgslawyers.com
ron@sgslawyers.com
greg@sgslawyers.com

May 14, 2015

REC'D BY
MBA

MAY 18 2015

Office of Administrative Hearings
Municipal Boundary Adjustments
P. O. Box 64620
Saint Paul, MN 55164-0620

Re: Petition for Detachment – Sterzinger / City of Ivanhoe

Dear Sir or Madam:

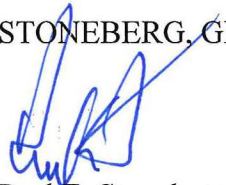
Enclosed please find a Petition for Detachment being filed on behalf of my clients. I represent Lawrence V. Sterzinger, Paul Sterzinger and Patrick Sterzinger. Together with the petition you will find a map of the proposed area to be detached. I am also enclosing to you our check in the amount of \$600 for the filing fee.

By copy of this letter, copies of this petition are being mailed to the Royal Township Clerk, the Ivanhoe City Clerk, the Lincoln County Recorder, and Martin Sterzinger, a one-fourth (1/4th) owner.

If you are in need of any further information, please contact me.

Yours truly,

STONEBERG, GILES & STROUP, P.A.



Paul E. Stoneberg

PES/dg

Enclosures

cc: Lawrence V. Sterzinger
Patrick Sterzinger
Paul Sterzinger
Michelle Rybinski, Royal Township Clerk
Tammy Guza, Ivanhoe City Clerk
Lorreta Lundberg, Lincoln County Recorder
Martin Sterzinger

IN THE MATTER OF THE PETITION FOR DETACHMENT OF
CERTAIN LAND FROM THE CITY OF IVANHOE, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.06

TO: Office of Administrative Hearings
Municipal Boundary Adjustments
P. O. Box 64620
St. Paul, MN 55164-0620
651-361-7900

REC'D BY
MBA

MAY 18 2015

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 414.06, Subd. 1, to commence this proceeding is: all of the property owners if the area is less than 40 acres; or 75% or more of the property owners in number if the area is more than 40 acres.

It is hereby requested by:

 all of the property owners, the area is less than 40 acres; or
 X 75% or more of the property owners, the area is more than 40 acres;

to detach certain properties described herein from the City of Ivanhoe and make a part of the Township of Royal, Lincoln County, Minnesota.

1. There are four (4) property owners in the area proposed for detachment: Lawrence V. Sterzinger, Paul Sterzinger, Patrick Sterzinger and Martin Sterzinger.
2. Property owners Lawrence V. Sterzinger and his wife, Paul Sterzinger, and Patrick Sterzinger and his wife have signed this petition.
3. The property is situated within the City of Ivanhoe, abuts the municipal boundary and the boundary of the Township of Royal, in the County of Lincoln.
The petitioned area abuts on the city's west boundary, north boundary and east boundary.
4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The number of acres in the property proposed for detachment is approximately one hundred fifty (150) acres and is described as follows:

See Exhibit A attached hereto for legal description.

6. The real estate is used solely for agricultural purposes. There are no city services provided to the property.
7. The number of residents in the area proposed for detachment is zero (0). (The number of residents is not necessarily the same as number of owners.)
8. The number and character of buildings on said property is: None.

- 9. Public improvements on said property are: None.
- 10. Reasons for seeking detachment: Exorbitant real estate taxes with no corresponding benefit. Petitioners have talked to the Mayor, County Assessor and have met with the Ivanhoe City Council regarding the exorbitant real estate taxes.

Date: May 11, 2015.

Petitioners:

Lawrence V. Sterzinger
Lawrence V. Sterzinger

Mary Sterzinger
Mary Sterzinger

Patrick Sterzinger
Patrick Sterzinger

Virginia Sterzinger
Virginia Sterzinger

~~Martin Sterzinger~~

~~Colleen M Sterzinger~~

Paul Sterzinger
Paul Sterzinger

Died Oct 8 2004
Geraldine Sterzinger

**EXHIBIT A
LEGAL DESCRIPTION**

All that part of the South half ($S\frac{1}{2}$) of Section Thirty-four (34), in Township One Hundred Twelve (112) north, of Range Forty-five (45) west of the Fifth Principal Meridian described as follows, to-wit: Beginning at the northeast corner of the Southeast quarter ($SE\frac{1}{4}$) of said Section 34; thence West along the north line of the Southeast quarter of said Section 34 to the extended (produced) east line of Norman Street in the Town of Ivanhoe; thence South along the extended (produced) east line of said Norman Street to a point distant 500 feet north, as measured along said extended (produced) east line of Norman Street, from a line drawn parallel with and distant 200 feet North-easterly at right angles from the center line of the main track of the Chicago and North Western Railway Company; thence East at right angles 400.29 feet; thence South along a line parallel with said extended (produced) east line of Norman Street to a point distant 205 feet, as measured along said parallel line from a line drawn parallel with and distant 200 feet Northeasterly at right angles from said railway center line; thence East at right angles 200 feet; thence South parallel with said extended (produced) east line of Norman Street to a point distant 200 feet Northeasterly at right angles from said railway center line; thence Southeasterly parallel with said center line to the east line of the Southeast quarter ($SE\frac{1}{4}$) of said Section 34; thence North along the east line of the Southeast quarter ($SE\frac{1}{4}$) of said Section 34 to the point of beginning;

ALSO, That part of the Southeast quarter ($SE\frac{1}{4}$) of said Section 34 which is bounded on the north by a line drawn parallel with and distant 67 feet South at right angles from the north line of the Southeast quarter of said Section 34; on the East by the extended (produced) east line of the alley of Block 3 in the Town of Ivanhoe; on the South by a line drawn parallel with and distant 200 feet Northeasterly at right angles from the center line of the main track of the Chicago and North Western Railway Company; and on the West by the west line of the Southeast quarter of said Section 34;

ALSO That part of the Southwest quarter ($SW\frac{1}{4}$) of said Section 34 which is bounded on the North by a line drawn parallel with and distant 67 feet South at right angles from the north line of the Southwest quarter ($SW\frac{1}{4}$) of said Section 34; on the East by the east line of the Southwest quarter ($SW\frac{1}{4}$) of said Section 34; on the South by a line drawn parallel with and distant 50 feet Northeasterly at right angles from the center line of the main track of the Chicago and North Western Railway Company; and on the West by a line drawn parallel with and distant 133 feet East at right angles from the west line of the Southwest quarter ($SW\frac{1}{4}$) of said Section 34;

ALSO That part of the Southwest quarter ($SW\frac{1}{4}$) of said Section 34 bounded and described as follows: Beginning at the point of intersection of the extended (produced) west line of the alley in Blocks 20, 21, 22 and 23 in the subdivision entitled "Blocks 16 to 27 inclusive to the Town of Ivanhoe" with the south line of the Southwest quarter of said Section 34; thence North along said extended (produced) west line of the alley of said Blocks 20, 21, 22 and 23 to a point distant 50 feet South-westerly at right angles from the center line of the main track of the Chicago and North Western Railway Company; thence Northwesterly parallel with said railway center line to a point 417.4 feet East at right angles

from the west line of the Southwest quarter ($SW\frac{1}{4}$) of said Section 34; thence South parallel with the west line of the said Southwest quarter ($SW\frac{1}{4}$) of said Section 34, 417.4 feet; thence West at right angles 417.4 feet to the west line of the Southwest quarter of said Section 34; thence South along the west line of the Southwest quarter ($SW\frac{1}{4}$) of said Section

34 to a point distant 241.7 feet north of the southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of said Section 34; thence East parallel with the south line of the Southwest quarter of said Section 34, 241.7 feet; thence South parallel with the west line of the Southwest quarter (SW $\frac{1}{4}$) of said Section 34, 241.7 feet to the South line of the Southwest quarter (SW $\frac{1}{4}$) of said Section 34; thence East along the south line of the Southwest quarter (SW $\frac{1}{4}$) of said Section 34 to the point of beginning

AND

A strip of land 100 feet in width extending over and across the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-four (34), Township One Hundred Twelve (112) North, Range Forty-five (45) West of the Fifth Principal Meridian, lying East of a line drawn parallel with and distant 617.4 feet East at right angles from the West line of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), said strip of land being 50 feet in width on each side of the center line of the main track (now removed) of the Minnesota and North Dakota Railway Co., (later the Chicago and Northwestern Transportation Company) as said main track center line was originally located and established over said Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

1. The premises described in a conveyance to the State of Minnesota by a warranty deed dated April 4, 1952 recorded May 16, 1952 in Book 69 of Deeds, page 230, described as follows:

All that part of the following described tract:

That part of the south half of the southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of section 34, township 112 North, range 45 west, lying west of a line parallel with and distant 530 feet west of the west line of Rebecca Street, Village of Ivanhoe, according to the plat thereof now on file and of record in the office of the Register of Deeds in and for Lincoln County; which lies southerly of the westerly extension of the northerly line of Rowena Street in said Village of Ivanhoe and easterly of a line run parallel with and distant 740 feet westerly of the west line of Rebecca Street, said Village of Ivanhoe; containing 1.68 acres, more or less, in addition to existing highways.

2. The premises described in a conveyance to the County of Lincoln dated August 13, 1948 recorded August 31, 1948 in Book 66 of Deeds, page 338, described as follows:

All that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section numbered Thirty-four (34) in Township numbered one hundred twelve North (112 N) of Range numbered forty-five West (45 W) of the Fifth (5th) Principal Meridian, IN THE VILLAGE OF IVANHOE, COUNTY OF LINCOLN, STATE OF MINNESOTA, bounded and described as follows: ON THE EAST by a line parallel with and distant one hundred sixty (160) feet West of the West line of Rebecca Street in said Village of Ivanhoe; ON THE NORTH by the South line of Rowena Street in said Village of Ivanhoe; ON THE WEST by a line parallel with and distance Five hundred thirty (530) feet West of the West line of Rebecca Street in said Village of Ivanhoe; ON THE SOUTH by the South line of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section numbered thirty-four (34) in Township numbered one hundred twelve North (112 N) of Range numbered forty-five West (45 W) of the Fifth (5th) Principal Meridian, AS SAID STREETS ARE LAID DOWN, DESCRIBED AND DEDICATED ON THE PLATS OF THE SUBDIVISION ENTITLED "Blocks 16 to 27 inclusive to the Town of Ivanhoe" and "Blocks 28-29-30-31 and Outlots A to D inclusive to the Town of Ivanhoe" AS RECORDED, ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR SAID COUNTY AND STATE.

3. The premises described in a conveyance to the Church of Saint Peter and Paul dated May 23, 1956 recorded June 11, 1956 in Book 70 of Deeds, page 360, described as follows:

All that part of the northwest quarter of the southwest quarter of Section 34, Township 112 North, Range 45 West of the 5th Principal Meridian in Lincoln County, Minnesota, described as follows: Commencing at the intersection of the west line of said section with a line drawn parallel with and distant southerly fifty (50) feet from the center line of the main track of the Chicago and Northwestern Railway Company's railway running thence easterly on said parallel line to a point six hundred seventeen and four tenths (617.4) feet east of the west line of said section measured at right angles thereto for a point of beginning, thence south parallel with said west section line four hundred four and three tenths (404.3) feet, thence west at right angles for a distance of six hundred seventeen and four tenths (617.4) feet to said west section line, thence north on said west section line for a distance of thirty (30) feet, thence east at right angles for a distance of four hundred seventeen and four tenths (417.4) feet, thence north parallel to said west section line for a distance of four hundred seventeen and four tenths (417.4) feet to a point fifty (50) feet as measured at right angles from the center line of said main track, thence east and southerly two hundred four and six tenths (204.6) feet to the point of beginning; said tract containing 2.243 acres.

4. The premises described in a conveyance to Independent School District No. 65 of Lincoln County dated September 6, 1957 recorded October 30, 1957 in Book 70 of Deeds, page 501, described as follows:

All that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section numbered Thirty-four (34) in Township numbered One Hundred Twelve (112) North of Range numbered Forty-five (45) West of the Fifth (5th) Principal Meridian, in the Village of Ivanhoe, County of Lincoln, State of Minnesota bounded and described as follows, to-wit: Beginning at a point in the extended (produced) North line of Lot numbered Three (3) of Block numbered Twenty-one (21) of the subdivision entitled "Blocks 16 to 27 inclusive to the Town of Ivanhoe" which point is ten (10) feet West of the Northwest corner of said lot numbered Three (3); thence running North parallel with the West line of said Block numbered Twenty-one (21) and parallel with the West line of Block numbered Twenty (20) for a distance of Five Hundred Sixty Nine and Six-tenths (569.6) feet to the Southerly right of way line of the Chicago and North Western Railway Company, thence Westerly at an interior angle of 102 degrees-seven minutes on and along said Southerly railroad right of way line for a distance of One Hundred Twenty four (124) feet, thence Southerly at an interior angle of 89 degrees-fifty-six minutes for a distance of two Hundred Thirty-three and five-tenths (233.5) feet, thence Southwesterly at an angle of 27 degrees Fifty-eight minutes to the right for a distance of three hundred eighty (380) feet, thence Southerly at an angle of 12 degrees naught minutes to the left for a distance of sixty-five (65) feet, thence Easterly at an interior angle of 66 degrees seven minutes and on the extended (produced) North line of said Lot numbered Three (3) of Block numbered Twenty-one (21) for a distance of Four Hundred Twenty-three (423) feet to the point of beginning, containing 3.31 acres, more or less.

5. The premises described in a conveyance to the Village of Ivanhoe dated October 7, 1971 recorded November 22, 1971 in Book 79 of Deeds, page 228, described as follows:

The following tracts being all that part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township One Hundred Twelve (112) North, Range Forty-five (45) West of the 5th Principal Meridian, bounded and described as follows:

Tract 1:

On the South by a line commencing at a point on the East line of Norman Street in the Village of Ivanhoe, extended North, 500 feet North of the intersection of the East line of Norman Street and the Northerly line of the station grounds being parallel with and distant northerly 200 feet from the center line of the main track of the railway of the Chicago and Northwestern Railroad Company, thence extending east at right angles from said east line of Norman Street extended Northerly; On the West by the East line of Norman Street extended Northerly; On the North by a line commencing at a point on the East line of Norman Street in the Village of Ivanhoe, extended North, 575 feet North of the intersection of the East line of Norman Street and the Northerly line of the station grounds being parallel with and distant northerly 200 feet from the center line of the main track of the railway of the Chicago and Northwestern Railroad Company, thence extending east at right angles from said East line of Norman Street extended northerly; On the East by a line parallel to and distant East from the East line of Norman Street extended Northerly 475.29 feet.

Tract 2.

On the South by the Northerly line of the station grounds being parallel with and distant northerly 200 feet from the center line of the main tract of the railway of the Chicago and Northwestern Railroad Company; On the West by a line parallel to and distant east from the east line of Norman Street extended northerly 400.29 feet; On the North by a line commencing at a point on the East line of Norman Street in the Village of Ivanhoe, extended North, 500 feet North of the intersection of the East line of Norman Street and the Northerly line of the station grounds being parallel with and distant northerly 200 feet from the center line of the main track of the railway of the Chicago and Northwestern Railroad Company, thence east at right angles from said East line of Norman Street extended Northerly; On the East by a line parallel to and distant east from the east line of Norman Street extended Northerly 475.29 feet.

6. The premises described in a conveyance to Minnesota-Dakota Generating Company by Personal Representative's Deed dated August 15, 1993 recorded October 1, 1993 in Book 109 of Deeds, page 589, described as follows:

All that part of the Southeast quarter to Section 34, Township 112, Range 45, Lincoln County, Minnesota, described as follows: Beginning at the intersection of the northerly extension of the East line of the alley in Block 3, Town of Ivanhoe, according to the recorded plat thereof, and a line drawn parallel with and distant 67 feet South at right angles to the North line of said Southeast quarter; thence on an assumed bearing of South along said northerly extension of the East line of the alley in Block 3, a distance of 150 feet; thence South 89 degrees 00 minutes 45 seconds West parallel with said North line of the Southeast quarter, a distance of 150.00 feet; thence on a bearing of North parallel with said northerly extension of the East line of the alley in Block 3, a distance of 150.00 feet to a line drawn parallel with and distant 67 feet South at right angles to the North line of said Southeast quarter; thence North 89 degrees 00 minutes 45 seconds East parallel with said North line of the Southeast quarter, a distance of 150.00 feet to the point of beginning.

AND,

All that part of the Southeast quarter of Section 34, Township 112, Range 45, Lincoln County, Minnesota, described as follows: Commencing at the intersection of the northerly extension of the East line of the alley in Block 3, Town of Ivanhoe, according to the recorded plat thereof, and a line drawn parallel with and distant 67 feet South at right angles to the North line of said Southeast Quarter; thence on an assumed bearing of South along said northerly extension of the East line of the alley in Block 3, a distance of 150.00 feet to the point of beginning of the land to be described; thence South 89 degrees 00 minutes 45 seconds West parallel with said North line of the Southeast quarter, a distance of 25.00 feet; thence on a bearing of South parallel with said northerly extension of the East line of the alley in Block 3, a distance of 444.27 feet to a line parallel with and distant 200 feet northeasterly at right angles to the centerline of the main track of the Chicago and Northwestern Railway Company;

thence South 77 degrees 35 minutes 46 seconds East parallel with said centerline of the main track of the Chicago and Northwestern Railway Company, a distance of 25.60 feet to said northerly extension of the East line of the alley in Block 3; thence on a bearing of North along said northerly extension of the East line of the alley in Block 3, a distance of 450.20 feet to the point of beginning, RESERVING, HOWEVER, unto the devisees, heirs and assigns of the said decedent, Lawrence V. Sterzinger, a perpetual easement for ingress to and egress from the lands lying immediately West and adjoining said above described premises over and across the Northerly twenty-five (25) feet of said above described premises;

7. The premises described in a conveyance to the County of Lincoln dated May 19, 1998 recorded November 24, 1998 as Document No. 149100, described as follows:

All that part of the South Half of the Southwest Quarter (S ½ SW ¼) of Section Thirty-four (34), Township One Hundred Twelve (112) North, Range Forty-five (45) West, lying West of a line parallel with and distant 530 feet West of the West line of Rebecca Street, City of Ivanhoe, according to the plat thereof now on file and of record in the office of the County Recorder in and for Lincoln County; which lies Northerly of the Westerly extension of the Northerly line of Rowena Street in said City of Ivanhoe and Easterly of a line run parallel with and distant 740 feet Westerly of the West line of Rebecca Street, said City of Ivanhoe, and lies Southerly of a line parallel with and distant 300 feet North of the North line of the Westerly extension of Rowena Street in said City of Ivanhoe containing 1.45 acres, more or less, subject to easements of record if any.

8. The premises conveyed to S.S. Peter & Paul Catholic Church of Ivanhoe by conveyance dated June 8, 2009 recorded February 5, 2015 as Document No. 2015-000116, legally described as follows:

That part of the Southwest Quarter (SW¼) of Section Thirty-four (34) in Township One Hundred Twelve (112) North of Range Forty-five (45) West of the Fifth Principal Meridian described as follows:

Bounded on the North by a line drawn parallel with and distant 67 feet South at right angles from the North line of the Southwest Quarter (SW¼) of said Section 34; on the East by a line drawn parallel with and distant 617.4 feet East at right angles from the West line of the Southwest Quarter (SW¼) of said Section 34; on the South by a line drawn parallel with and distant 50 feet Northeasterly at right angles from the center line of the main track (now removed) of the Minnesota and North Dakota Railway Company, (later the Chicago and Northwestern Transportation Company) as said main track center line was originally located and established over said Northwest Quarter of the Southwest Quarter (NW¼SW¼); on the West by a line drawn parallel with and distant 133 feet East at right angles from the West line of the Southwest Quarter (SW¼) of said Section 34,

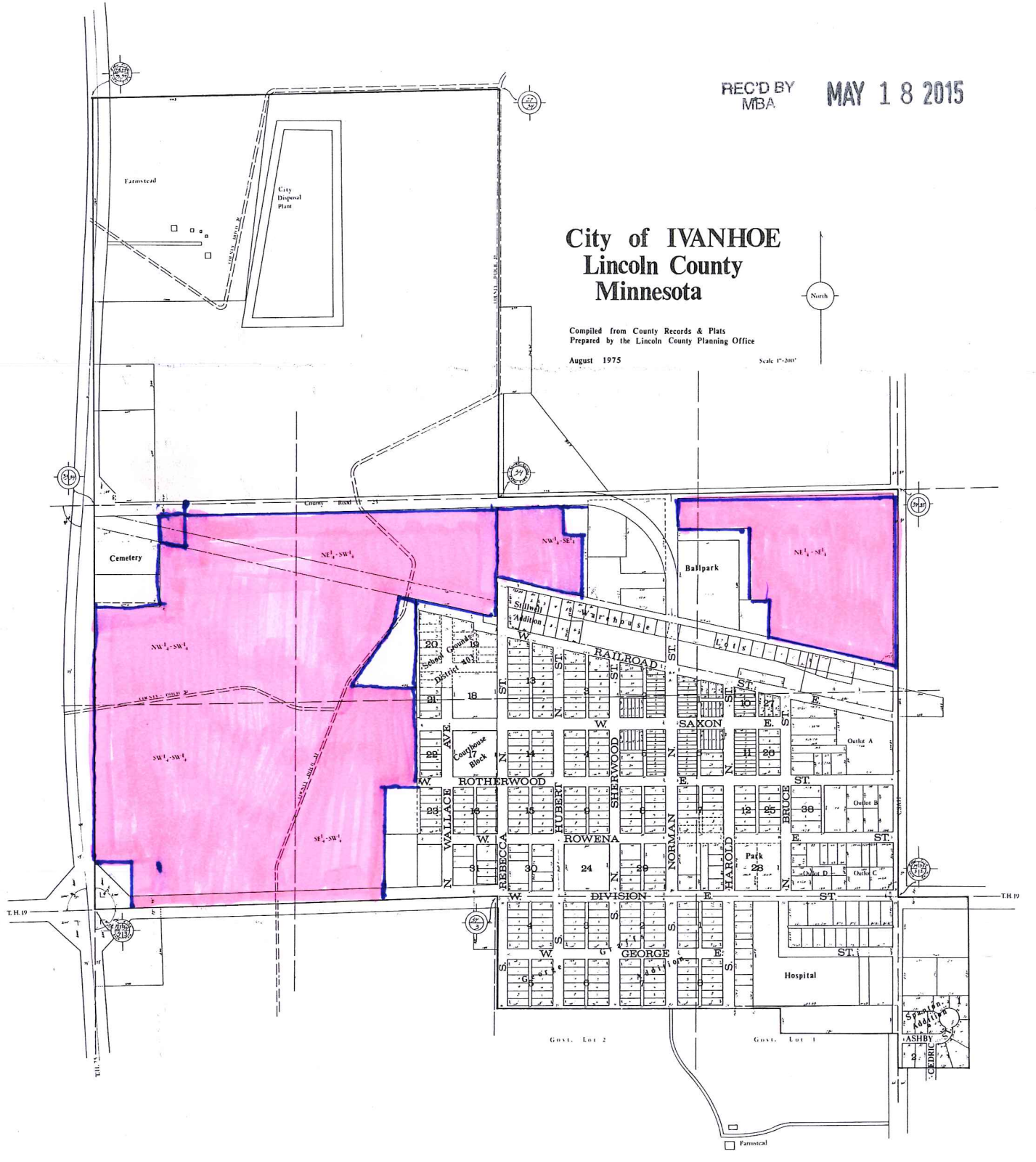
REC'D BY
MBA

MAY 18 2015

City of IVANHOE Lincoln County Minnesota

Compiled from County Records & Plats
Prepared by the Lincoln County Planning Office
August 1975

Scale 1"=200'



IN THE MATTER OF THE PETITION FOR DETACHMENT OF
CERTAIN LAND FROM THE CITY OF IVANHOE, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.06

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss
COUNTY OF LYON)

Darla Gladis, of Lyon County, State of Minnesota, being first duly sworn upon oath, deposes and states that on the 14th day of May, 2015 she served the annexed Petition for Detachment upon the following persons:

Ms. Michelle Rybinski
Royal Township Clerk
3037 170th Avenue
Ivanhoe, MN 56142

Ms. Loretta Lundberg
Lincoln County Recorder
319 North Rebecca Street
P. O. Box 29
Ivanhoe, MN 56142-0029

Ms. Tammy Guza
Ivanhoe City Clerk
City of Ivanhoe
P. O. Box 54
Ivanhoe, MN 56142


Mr. Martin Sterzinger
2790 South Norman Street
Ivanhoe, MN 56142

by mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Marshall, Minnesota, directed to them at their above identified addresses.



Darla Gladis

Subscribed and sworn to before
me this 14th day of May, 2015.



Notary Public

