

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Petition for the
Detachment of Certain Real Property from
the City of Florence to Shelburne Township
MBAU Docket D-552

**ORDER APPROVING
DETACHMENT**

On August 28, 2015, a Petition for Detachment was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2014), of approximately 16.12 acres of real property (Property) owned by David VanNevel (Petitioner), which Property is legally described as follows:

That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty (20), Township One Hundred Nine (109), Range Forty-Three (43), described as follows, to-wit: Beginning at a point on the westerly line of said section 244.5 feet south of the northwesterly corner thereof; running thence in a southerly direction along the westerly line of said section a distance of 349.5 feet; thence in an easterly direction parallel with the northerly line of said section a distance of 1320 feet to the easterly line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence in a northerly direction along said easterly line a distance of 594 feet to the northeasterly corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence in a westerly direction along the northerly line of said section a distance of 932 feet; thence in a southerly direction parallel with the westerly line of said section a distance of 244.5 feet; thence in a westerly direction a distance of 388 feet to the point of beginning, subject to easements of record.

Paul E. Stoneberg, Stoneberg, Giles & Stroup, PA, appears on behalf of the Petitioner. Shirley Pagel, City Clerk, appears on behalf of the city of Florence (City). Aaron Swanson, Township Clerk, appears on behalf of the Shelburne Town Board (Township).

On October 12, 2015, the City adopted Resolution Number 01-2015 supporting the Petition for Detachment. Resolution Number 01-2015 was filed with the Office of Administrative Hearings on November 6, 2015. No resolution was received from the Township.

Based upon a review of the Petition for Detachment and Resolution Number 01-2015, 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 for Detachment and Resolution Number 01-2015 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 Florence.

3. Pursuant to Minn. Stat. 414.12, subd. 3, the Office of Administrative Hearings' costs are to be divided between the parties as follows: 50 percent to the Petitioner and 50 percent to the City.

Dated: November 6, 2015

s/Tammy L. Pust

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 Lyon 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 within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2015). No request for amendment shall extend the time of appeal from this Order.

For questions concerning this Order, please contact Star Holman at the Office of Administrative Hearings at star.holman@state.mn.us or 651-361-7909.