

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of Certain  
Real Property from the City of Russell to  
Lyons Township (MBAU Docket D-555)

**ORDER DENYING  
DETACHMENT**

On October 14, 2015, a Petition for Detachment was filed with the Office of Administrative Hearings requesting detachment, pursuant to Minn. Stat. § 414.06 (2014), of approximately 62.36 acres of real property (Property) owned by Scott Williams (Petitioner). The Property is legally described as follows:

That part of the Southeast Quarter of Section 19, Township 110 North, Range 42 West, of the 5<sup>th</sup> Principal Meridian, Lyon County, Minnesota described as follows:

Beginning at the Southeast corner of Section 19; thence North 00 degrees 13 minutes 57 seconds East (Geodetic Bearing) along the East line of the Southeast Quarter of said Section a distance of 2452.55 feet to the Southeasterly right of way of Trunk Highway Number 23; thence South 40 degrees 49 minutes 40 seconds West along said Southeasterly right of way a distance of 1676.26 feet; thence continuing along said Southerly right of way along a tangential curve concave to the Northwest, have a radius of 3078.68 feet, a central angel of 29 degrees 48 minutes 45 seconds, a distance of 1601.93 feet; thence South 11 degrees 58 minutes 01 seconds West a distance of 109.30 feet; thence along a non tangential curve concave to the North, having a radius of 287.18 feet, a central angle of 30 degrees 02 minutes 05 seconds, a distance of 150.54 feet to an iron stake; thence South 89 degrees 08 minutes 34 seconds East a distance of 50.58 feet to an iron stake; thence South 00 degrees 51 minutes 26 seconds West a distance of 50.00 feet to the South line of said Southeast quarter section; thence South 89 degrees 08 minutes 34 seconds East along said South line a distance of 2180.94 feet to said point of beginning. Said tract is subject to easements of record if any.

Paul E. Stoneberg, Stoneberg, Giles & Stroup, PA, appears on behalf of the Petitioner. John Engels, John Engels Law, appears on behalf of the City of Russell (City). Greg Goodmund, Township Clerk, appears on behalf of the Lyons Town Board (Township).

On November 23, 2015, the City adopted a resolution opposing the Petition for Detachment. The resolution was received by the Office of Administrative Hearings on December 8, 2015.

On December 7, 2015, the Township adopted a resolution opposing the Petition for Detachment. The resolution was received by the Office of Administrative Hearings on December 8, 2015.

Based upon the files and proceedings herein, the Chief Administrative Law Judge makes the following:

### ORDER

1. Minn. Stat. § 414.06, subd. 2, provides in relevant part: “If both the municipality and town submit a resolution opposing the petition, a hearing must not be held and the chief administrative law judge shall deny the petition.” As both the City and the Township have now filed resolutions opposing the requested detachment, pursuant to Minn. Stat. § 414.06, subd. 2, the Petition for Detachment is **DENIED**.

2. The hearing scheduled for **December 11, 2015**, is **CANCELLED**.

3. Pursuant to Minn. Stat. 414.12, subd. 3, the Office of Administrative Hearings’ costs are to be divided between the parties as follows: 80 percent to the Petitioner; 10 percent to the City; and 10 percent to the Township.

Dated: December 8, 2015

s/Tammy L. Pust

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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](mailto:star.holman@state.mn.us) or 651-361-7909.