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by OAH on April 21, 2017

PROPERTY OWNER PETITION FOR DETACHMENT
OF PROPERTY FROM A CITY

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

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

Pursuant to the 2012 amendment to Minn. Stat. § 414.06, the petitioner(s) shall also provide a copy of this petition to:

- 1) the city from which the land may be detached;*
- 2) all property owners who have not signed this petition;*
- 3) the clerk of the town to which the property may be attached if granted;*
- 4) the clerk of any other abutting town or city; and*
- 5) the county recorder in the county in which the land is located.*

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:

 X all of the property owners, the area is less than 40 acres; or
 75% or more of the property owners, the area is more than 40 acres;
to detach certain properties described herein from the City of Waconia and make a part of the Township of Waconia.

1. There are 2 property owners in the area proposed for detachment.
2. Both property owners have signed this petition. (If the land is owned by both the husband and wife, both must sign the petition to represent all owners.)
3. The property is situated within the City of Waconia, abuts the municipal boundary, and is located in the County of Carver.
The petitioned area abuts on the city's N S E W (circle one) boundary(ies).

4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The reason detachment is requested is we requested annexation based on extensive research of cost estimates obtained from the city offices to connect to city sewer and water. The city dramatically and unreasonable changed the cost making it prohibitive for us to hookup to sewer and water. We are now asking for a detachment so we can remain on our current well and septic system.
6. Summarize what efforts were taken prior to filing this petition to resolve the issues:

Summary:

We originally requested annexation based on a cost structure provided by Waconia city officials for connection to city sewer and water (see attached correspondence). After annexation was completed the city dramatically and unreasonable changed the cost structure making it cost prohibitive for us to hookup to sewer and water. Since the city of Waconia will not honor their original proposed cost structure from which ALL of these decisions were predicated we are requesting immediate detachment so we can remain on our current well and septic system. Had the city of Waconia disclosed their actual cost intentions in their original proposal we would not have requested annexation.

There have been no improvements to property or adjacent properties.

Background:

Before making a request for annexation we did extensive research through Waconia city officials to get detailed cost estimates to hook up to city sewer and water. (See attached spreadsheet and correspondence - \$15,145 to city not including contractor fees). We had \$21k in an escrow fund when we closed on the property. Based on these cost estimates provided by Waconia city officials we made the decision to complete the annexation process. We then pursued finding a contractor to do the work (Ken Vanderlinde).

Ken then met with Craig at the Public Services Department. During this meeting the city of Waconia changed the cost estimates to \$50,000+. This did NOT include contractor fees. This a change from a total of \$21K to \$55K +.

We then met personally with Craig to see how there was such a difference. We were told it was because we have to pay for the large trunk and all lines to service our home and any future homes in our area. We

are not working on a housing development; this is for our single family dwelling. If the city wants some future options for future homes then that is the responsibility of the city. They offered for us to do smaller water lines; however, if one of the homes in our area became annexed into Waconia we would then have to re-do the lines in order to provide services to the other homes and ours.

We then met with Lane at Waconia Community Development to see if there were any options since we were paying for potential future income for the city. He repeated back to us the original cost estimate numbers from memory from the original research phase. He said he would speak to the Public Services Department as he thought the city should be able to possibly pay for future development. He came back to us with the same option of smaller lines and an option to pay for upfront fees and then spread the remainder over 2 years.

Conclusion:

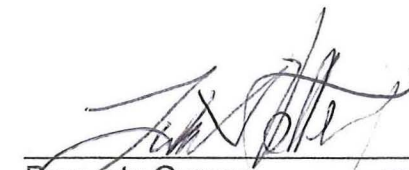
The inability of the city of Waconia to provide accurate and timely information placed us and our home in a precarious position. The city of Waconia has approved the detachment from the city and the Waconia Township has remained neutral.

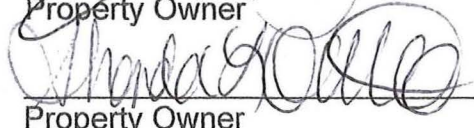
7. The number of acres in the property proposed for detachment is .98 acres and is described as follows:

Commencing at the southeast section corner of Section 24-116N-25W and running North along the East section line of said Section 24 at a distance of 846.97 feet to the place of beginning; thence continuing North along said East section line a distance of 407.49 feet to a point on the southerly right of way of a two rod roadway; thence deflecting left 120 degrees 03 minutes and running southwesterly along said southerly right of way line a distance of 238.47 feet to a point on the easterly right of way line of Carver County State Aid Highway No. 10; thence deflecting left 95 degrees 31 minutes and running southeasterly along said easterly right of way line of said County Highway a distance of 354.35 feet to the place beginning.

8. The number and character of buildings on said property is: one single family dwelling, one detached double-stall garage, one shed.
9. The number of residents in the area proposed for detachment is four.
(The number of residents is not necessarily the same as number of owners.)
10. Public improvements on said property are: There have been no improvements to property or adjacent properties.

Date: 4-18-17



Property Owner


Property Owner

Municipal Boundary Adjustment Unit Contacts

Star Holman star.holman@state.mn.us 651-361-7909

Katie Lin katie.lin@state.mn.us 651-361-7911

(August 2012)

* Revised Map *

Exhibit A

