

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of Certain
Real Property from the City of Taunton to
Eidsvold Township (MBA D-579)

**ORDER DENYING
PETITION FOR DETACHMENT
AND CANCELLATION OF HEARING**

On May 5, 2017, a Petition for Detachment was filed with the Office of Administrative Hearings requesting detachment from the City of Taunton to Eidsvold Township, pursuant to Minn. Stat. § 414.06 (2016).

The Petition seeks detachment of approximately 77.90 acres of real property (Property) owned by Michael J. Fier and LuAnn M. Fier and legally described as follows:

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Thirteen (113) North, Range Forty-three (43) West of the 5th P.M., Lyon County, Minnesota.

And

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Thirteen (113) North, Range Forty-three (43) West of the 5th P.M., Lyon County, Minnesota. **EXCEPTING**, a circular piece of land in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Thirteen (113) North, Range Forty-three (43) West, which has a radius of 25 feet and which center point is located as follows: Starting at the Northeast corner of Outlot C in the City of Taunton, Minnesota; thence Northerly on and along the Northerly extended East line of Outlot C for a distance of 634 feet; thence Easterly at right angles 5 feet to said center point of Outlot C in the City of Taunton, Minnesota where the City has its pump house.

The matter was assigned to Chief Administrative Law Judge Tammy L. Pust on May 9, 2017.

Paul E. Stoneberg, Stoneberg, Giles & Stroup, P.A., appears on behalf of Michael J. Fier and LuAnn M. Fier (Petitioners). John A. Engels, John Engels Law, appears on behalf of the City of Taunton (City). Donna Buysse, Township Clerk, appears on behalf of the Eidsvold Town Board (Township).

On May 31, 2017, the City adopted a resolution opposing the Petition for Detachment. On June 2, 2017, the Township adopted a resolution opposing the Petition

for Detachment. The resolutions were received by the Office of Administrative Hearings on June 2, 2017.

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 **June 5, 2017**, 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: 50 percent to the Petitioner and 50 percent to the City.

Dated: June 2, 2017



TAMMY L. PUST
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. § 414.06. Pursuant to Minn. Stat. § 414.07, subd. 2 (2016), 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 these Findings of Fact, Conclusions of Law and Order Regarding Detachment within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2015). A request for amendment shall not extend the time of appeal from this Order.