

**IN THE MATTER OF THE PETITION FOR DETACHMENT OF CERTAIN  
LAND FROM THE CITY OF WELLS, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES SEC. 414.06**

---

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

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes sec. 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 75% or more of the property owners, the area is more than 40 acres; to detach certain property described herein from the City of Wells and make a part of the Township of Clark.

1. There are two property owners in the area proposed for detachment.
2. All (i.e. two) property owners have signed this petition.
3. The property is situated within the City of Wells, abuts the municipal boundary, and is located in the County of Faribault. The petitioned area abuts on the city's North boundary.
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:

The parcel that is the subject of this petition receives no benefit from the City but is subjected to a City rural service tax rate that is approximately 1,155% higher than the rate in Clark Township (for 2017, 88.39% for the City rural service district and 7.65% for Clark Township).

The City increased its area by about 59% by its 2003 annexation that included this parcel (adding approximately 443 acres to its existing 757 acres). It claimed the annexed land was "about to become urban in character". Joint Resolution For Orderly Annexation,

p. 1, as filed with the Office of Administrative Hearings on September 17, 2003 in Docket No. OA-965-1. This assertion was probably false when it was made in 2003, and with the benefit of 14 years hindsight is certainly false.

Recent City conduct demonstrates that it does not intend to support urban or suburban development of this parcel. It refused to extend a street (even as merely a cartway) that would be necessary to support urban or suburban development on the West side of the City on land also annexed in the 2003 annexation. Also, the City is developing an industrial park in another part of the City that will accommodate any industrial development that does come to the City for the foreseeable future.

Furthermore:

(a) The detachment would not unreasonably affect the symmetry of the City.

(b) The land is not needed for reasonably anticipated future development.

When the City annexed this land in 2003, it alleged that “The Annexation Area is now, or is about to become, urban or suburban in character.” City of Wells Resolution No. 2002-08, paragraph 4, as filed with the Office of Administrative Hearings on December 3, 2002 as Docket No. A-6798 Wells. Now, 14 years after the City made those allegations, the area that is the subject of this Petition remains crop land, with no prospect of urban or suburban development. As previously mentioned, a new industrial park in another part of the City will accommodate any industrial development that does come to the City for the foreseeable future. The area subject to this Petition is far away from the retail area of the City, and there is no shortage of housing or buildable lots in the City.

(c) There is no basis for finding that the remainder of the City cannot continue to carry on the functions of government without undue hardship. The City does not run any of its services through either of this area.

6. Summary of efforts to resolve the issues: In 2004, by Ordinance No. 251, the City established a rural service district that set the tax rate on petitioners' parcel at 75% of the normal City rate (i.e. that charged to property in the urban service district). The full City rate would still be applied to service City debt and pay judgments per Minn. Stat. sec. 272.67. On December 30, 2016, an attorney representing petitioners informed the City of petitioners' interest in detaching, and informed the City that it would be acceptable instead if the City would lower its rate on the property to match that of the Township. On January 17, 2017, the City responded, offering to reduce the applicable rate to 30% of the normal

City rate. On June 21, 2017, petitioners declined that offer and reiterated their request to be taxed at the Township rate. On July 21, 2017, the City countered, offering to reduce the rate to 25% of the normal City rate.

7. The number of acres in the property proposed for detachment is 82 and is described as follows:

Tax Parcel ID number R30.004.0030 being:

The South Half of the Northwest Quarter of Section 4, Township 103 North, Range 24 West; together with the South 66.00 feet of the Northeast Quarter of the Northwest Quarter of Section 4, Township 103 North, Range 24 West; Faribault County (82 acres more or less).

8. There are no buildings on said property.

9. The number of residents in the area proposed for detachment is Zero (0).

10. There are no public improvements on said property.

Date: 10-29-17

Dennis G. Lutteke  
Dennis G. Lutteke, Northern Parcel Owner

Diane L. Lutteke  
Diane L. Lutteke, Northern Parcel Owner

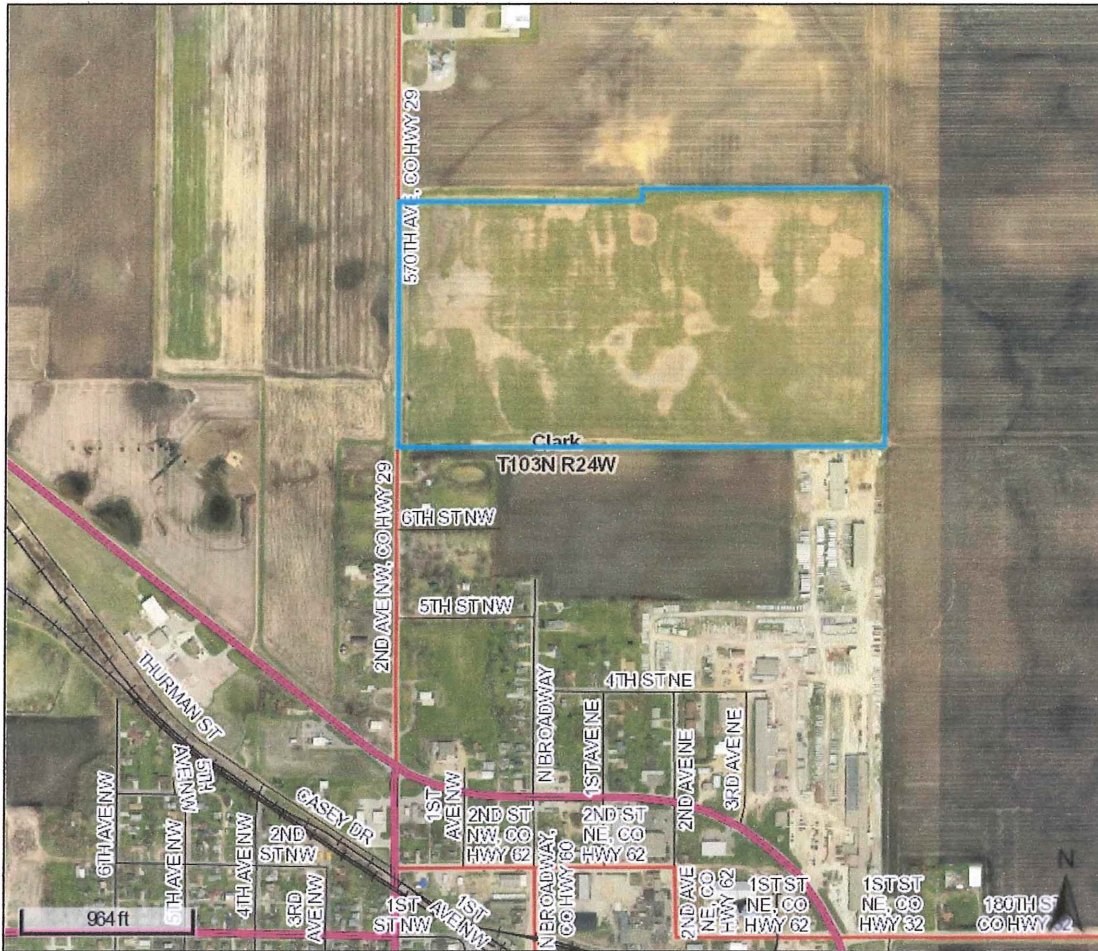
Steven J. Vatndal  
Lic. # 0273120  
Attorney for Petitioners  
Law Office of Steven J. Vatndal  
404 Hope St., Ste. 2  
Mankato, MN 56001  
507-345-8290  
svatndal@hickorytech.net

Overview




Legend

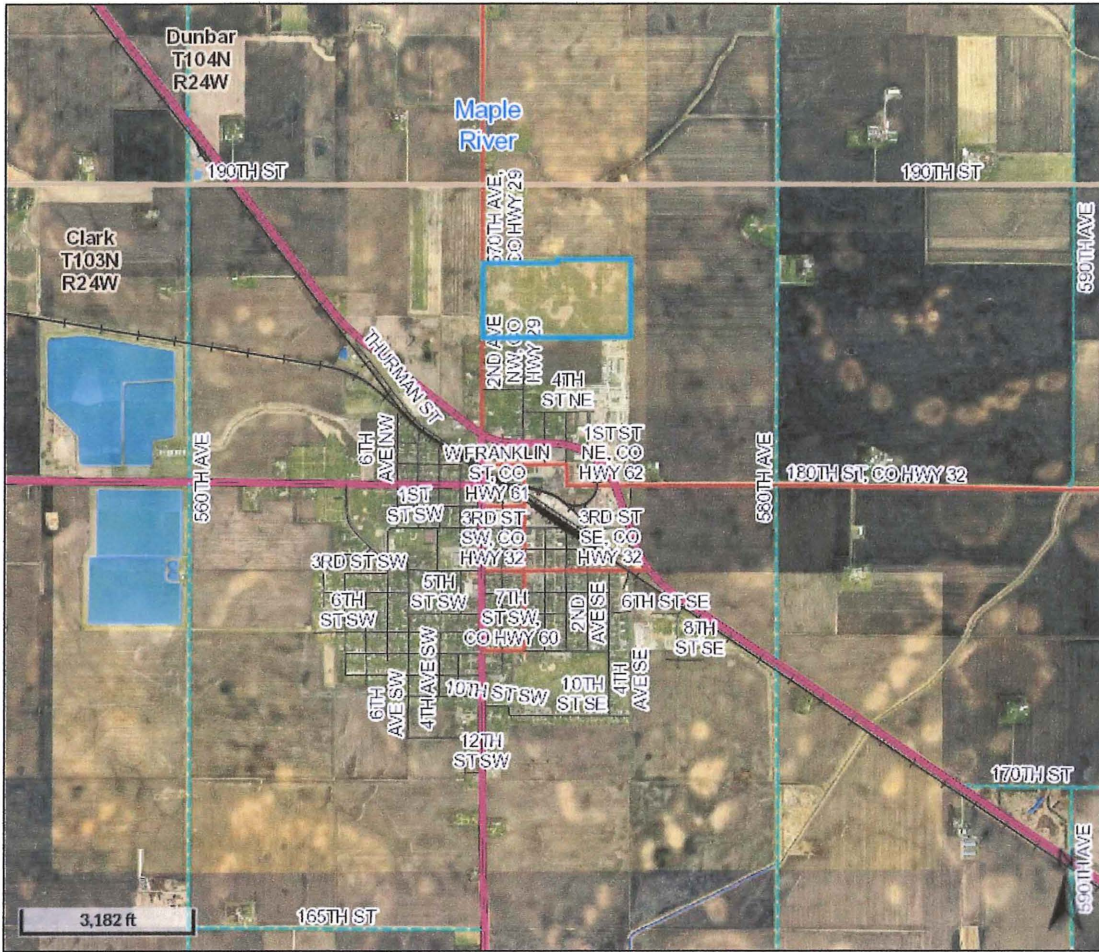
-  Townships
-  Railroad Centerline
-  Road Centerline
-  Interstate/US/MN
-  CSAH
-  County
-  Township
-  Municipal
-  Other
-  Lake, Wetland, Intermittent Water



Parcel ID	300040030	Alternate ID	n/a	Owner Address	LUTTEKEDENNISG & DIANEL
Sec/Twp/Rng	04-103-024	Class	101 - AGRICULTURAL		56360 200TH ST
Property Address		Acage	82		WELLS, MN 56097
District	3003 WELLS CITY RSD				
Brief Tax Description	Sect-04 Twp-103 Range-024 82.00 ACS 1/2 OF NW 1/4 & S86' OF NE 1/4 OF NW 1/4				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 11/2/2017  
 Last Data Uploaded: 6/29/2017 8:19:36 PM

 Developed by  
 The Schneider Corporation



Overview



**Legend**

- Townships
- + Railroad Centerline
- Road Centerline**
- Interstate/US/MN
- CSAH
- County
- Township
- Municipal
- Other
- Lake, Wetland, Intermittent Water

<b>Parcel ID</b>	300040030	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	LUTKE,DENNIS G & DIANE L
<b>Sec/Twp/Rng</b>	04-103-024	<b>Class</b>	101 - AGRICULTURAL		56360 200TH ST
<b>Property Address</b>		<b>Acreage</b>	82		WELLS, MN 56097
<b>District</b>	3003 WELLS CITY RSD				
<b>Brief Tax Description</b>	Sect-04 Twp-103 Range-024 82.00 AC S 1/2 OF NW 1/4 & S66' OF NE 1/4 OF NW 1/4				
	<span style="color: red;">(Note: Not to be used on legal documents)</span>				

Date created: 11/2/2017  
 Last Data Uploaded: 6/29/2017 8:19:36 PM

**Developed by**  
 The Schneider Corporation

**WELLS**  
 FARIBAUT COUNTY  
 POP. 2,343

**LEGEND**

- INTERSTATE TRUNK HIGHWAY..... (I)
- U. S. TRUNK HIGHWAY..... (U)
- STATE TRUNK HIGHWAY..... (S)
- COUNTY STATE AID HIGHWAY..... (C)
- COUNTY ROAD..... (R)
- PUBLIC ROAD..... (P)
- PRIVATE ROAD..... (PR)
- CORPORATE LIMITS..... (CL)

