

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of Certain
Real Property from the City of Wells to
Clark Township (MBAU D-581)

**ORDER APPROVING
PETITION FOR DETACHMENT
AND CANCELING HEARING**

This matter is pending before Administrative Law Judge Jessica A. Palmer-Denig.

Steven J. Vatndal, Law Office of Steven J. Vatndal, appears on behalf of Dennis and Diane Lutteke (Petitioners). David F. Frundt, Frundt & Johnson, Ltd., appears on behalf of the City of Wells (City). Jackie Voigt, Township Clerk, appears on behalf of the Clark Town Board (Township).

On November 7, 2017, a Petition for Detachment (Petition) was filed with the Office of Administrative Hearings requesting detachment from the City to the Township, pursuant to Minn. Stat. § 414.06 (2016).

The Petition seeks detachment of approximately 82 acres of real property (Property) owned by Dennis and Diane Lutteke and legally described as follows:

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).

On November 14, 2017, the City submitted Resolution Number 2017-40 opposing the Petition. No resolution was received from the Township.

On December 12, 2017, the City notified the Office of Administrative Hearings that it was withdrawing its objection to the Petition. The City requested cancellation of all further notices and/or hearing dates.

On December 18, 2017, the City adopted Resolution Number 2017-43 withdrawing its objection and supporting the Petition.

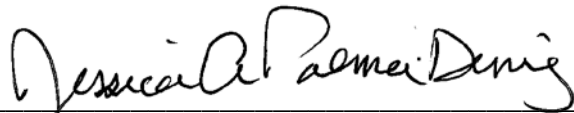
Pursuant to Minn. Stat. 414.12, subd. 3 (2016), the Chief Administrative Law Judge must apportion the Office of Administrative Hearings' costs of contested case proceedings in boundary adjustment matters to the parties in an equitable manner if the parties have not otherwise agreed to a division of the costs.

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

ORDER

1. Pursuant to Minn. Stat. § 414.06, the Petition and the City's resolution supporting the Petition are deemed adequate in all legal respects and found to properly support this Order.
2. The Property is **DETACHED** from the City.
3. Additional proceedings in this matter are **CANCELLED**.
4. 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 Petitioners and 50 percent to the City. An itemized invoice will follow under separate cover.

Dated: December 19, 2017



JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.06, .07, .09, .12 (2016). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Faribault 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 (2017). However, no request for amendment shall extend the time of appeal from this Order.