

IN THE MATTER OF THE PETITION FOR DETACHMENT OF
CERTAIN LAND FROM THE CITY OF BENSON, 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 four (4): Paul & Lori Schwendemann, husband and wife, and Kaleb and Jessica Schwendemann, husband and wife, who are the fee owners of the property.

It is hereby requested by all of the property owners of the area that is less than 40 acres be detached from the City of Benson, Minnesota, and made a part of the Township of Torning, Swift County, Minnesota.

1. There is one parcel- with four (4) fee owners in the area proposed for detachment and it consists of 35 deed acres.
2. All property owners have signed this petition.
3. **The property is situated on the west side of the City of Benson, Minnesota, abuts the municipal boundary on the north and east side, a river is located on the west side, judicial ditch on the north, and the state highway/township to the south. It should also be noted that a couple acres on the west side of the property (included in the legal description) is in the adjoining township.**
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:

Property owners seek to detach the property so that the same can be enrolled in permanent conservation programs as the benefits for such easements are greater when located in a township and further it will allow greater recreational and conservation uses of the property including restrictions on the use of chemical and fertilizer.

6. Summarize what efforts were taken prior to filing this petition to resolve the issues:

Beginning late summer of 2017, the property owners contacted the Township and received oral approval from them of the proposed detachment. The property owners and their attorney then had several discussions with the city and their attorney regarding their request. We attended a Planning and Zoning meeting and the P/Z board seemed to indicate that they were in agreement but wanted to see if they would work out a detachment/annexation proposal with the Township. The matter was placed on hold between the parties with the City explored this option. On December 7, 2017, Benson city attorney advised our attorney that the request was denied by city council citing in part that the property is served by sewer/water, police, fire, is zoned industrial zone and generally part of the city's comp plan.

7. The number of acres in the property proposed for detachment is 35 deeded acres and is described as follows:

See Attached.

8. The number and character of buildings on said property is:

There are no buildings on the property. Access is by unimproved cart path.

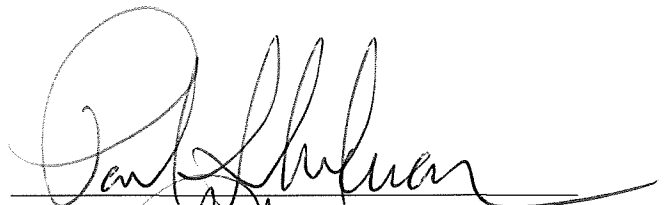
9. The number of residents in the area proposed for detachment is:

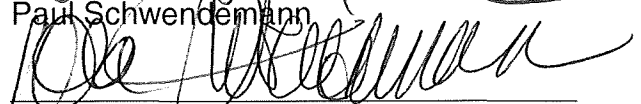
None. Agricultural and waste land.

10. Public improvements on said property are:

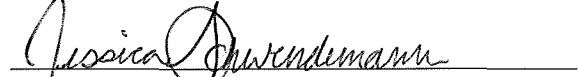
None. Property owners indicate that any sewer/water connection stop well short of the property as there would never have been a need to continue to the property as it is general not suitable for any kind of development. Further, the property is largely located within the flood plain which restricts the use as well.

Date: 12-28-2017


Paul Schwendemann


Lori Schwendemann


Kaleb Schwendemann


Jessica Schwendemann

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)

EXHIBIT A

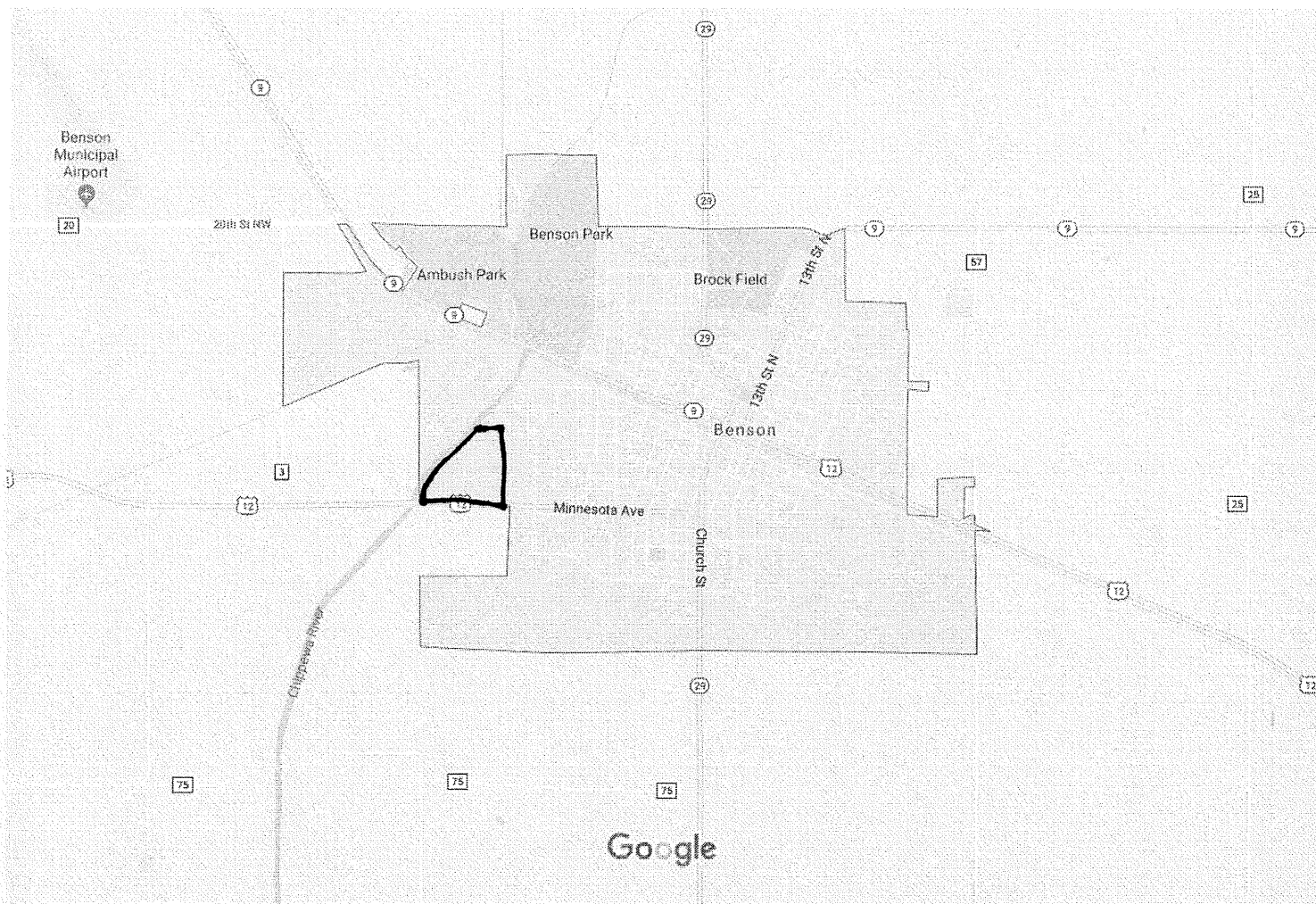
Swift County, Minnesota:

Beginning at the southeast corner of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40), thence westerly along the south line of said Section One (1), a distance of 234 feet to the center of Judicial Ditch No. 19; thence northeasterly following the center of Judicial Ditch No. 19 to the east line of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40); thence southerly along said east line a distance of 505 feet, more or less, to the place of beginning, containing 1.4 acres, more or less, and all being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section One (1), Township One Hundred Twenty-one (121), Range Forty (40); Swift County, Minnesota;

AND

Southwest Quarter of the Southwest Quarter (SW1/4SW1/4), Section Six (6), Township One Hundred Twenty-one (121), Range Thirty-nine (39), subject to highway easements of record, AND EXCEPTING that part of said SW1/4SW1/4 described as: Beginning at the Northwest corner of said SW1/4 of SW1/4; thence Southerly along the West side of said SW1/4 of SW1/4 a distance of eight hundred fifteen feet (815') to the center of Judicial Ditch No. 19; thence Northeasterly along the centerline of said Judicial Ditch #19 to the North line of said SW1/4 of SW1/4; thence Westerly along the North line of said SW1/4 of SW1/4 to place of beginning, Swift County, Minnesota.

Google Maps Benson



Map data ©2017 Google 2000 ft

Google Maps Benson

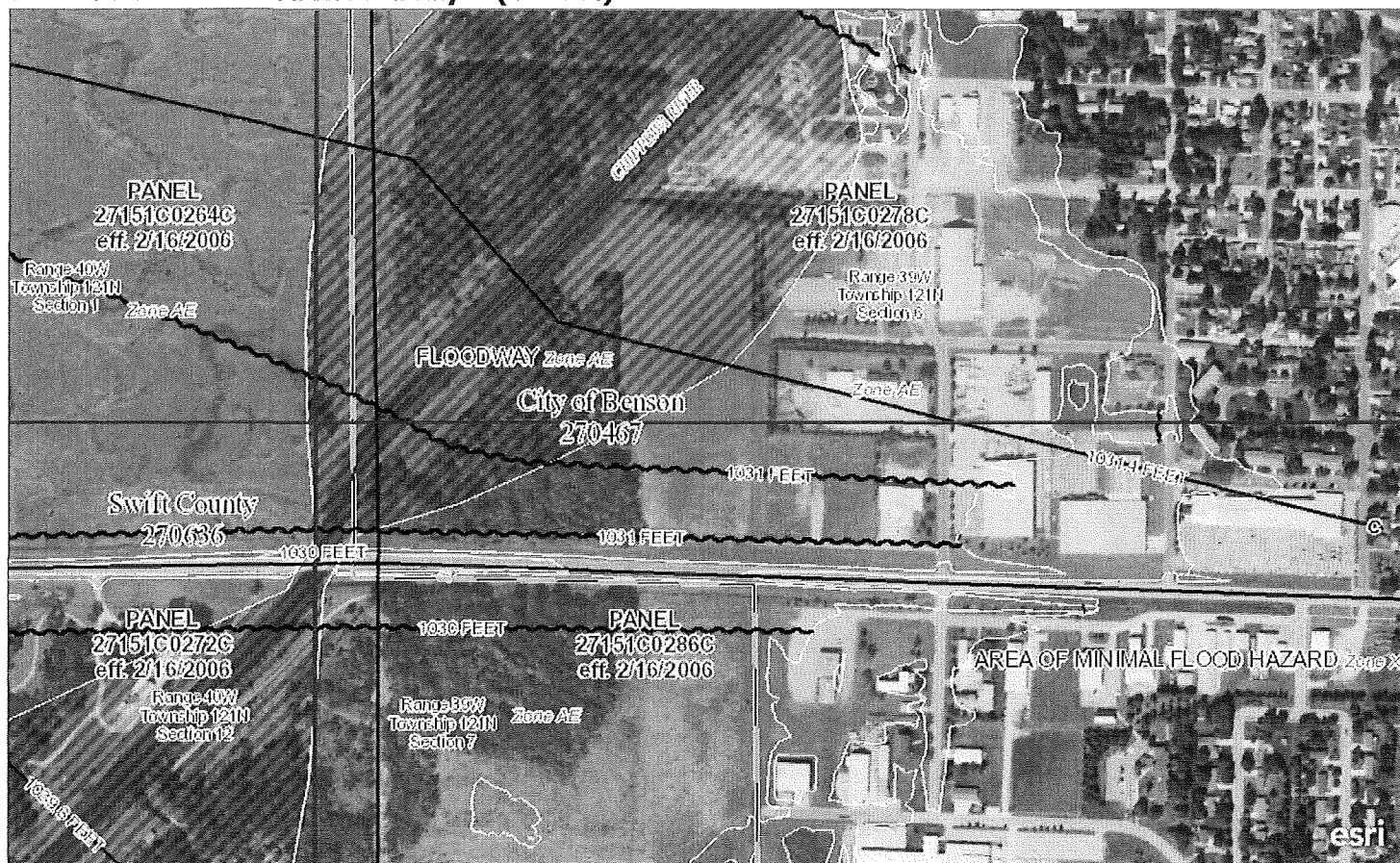


Imagery ©2017 Google, Map data ©2017 Google 1000 ft

Google Maps



Imagery ©2017 DigitalGlobe, USDA Farm Service Agency, Map data ©2017 Google United States 200 ft

FEMA's National Flood Hazard Layer (Official)

Data from Flood Insurance Rate Maps (FIRMs) where available digitally. New NFHL FIRMette Print app available:

<http://tinyurl.com/j4xwp5e>

600ft

National Geospatial-Intelligence Agency (NGA); Delta State University; Esri | Print here instead: <http://tinyurl.com/j4xwp5e> Support:

FEMAMapSpecialist@riskmapcds.com | USGS The National Map: Orthoimagery