

**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 ELMORE, 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 Minn. Stat. § 414.06, the petitioners will also provide a copy of this petition to:

- 1) The City of Elmore;
- 2) The Clerk of Elmore Township; and
- 3) The Faribault County Recorder

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 414.06, Sub. 1, to commence this proceeding is all of the property owners. James M. Koppen and Kandis A. Koppen, Trustees of the Trust Agreement of James and Kandis Koppen, and Marlyn Hagedorn (the "Petitioners") are all off the property owners in the area proposed for detachment and state and represent the following in support of their petition for detachment of certain real property described herein from the City of Elmore (the "City"), located in Faribault County, said property to be made a part of the Township of Elmore.

1. The property that petitioners seeks to detach from the City is described as the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Thirty-two (32), in Township One Hundred One (101) North, Range Twenty-seven (27) West of the Fifth Principal Meridian, also identified as Parcel ID: 25.032.0020, and is 40 acres. (the "Property") The Property abuts the municipal boundary. *See attached Faribault County Beacon map for additional details.*
2. The owners of the Property are James M. Koppen and Kandis A. Koppen, Trustees of the Trust Agreement of James and Kandis Koppen, and Marlyn Hagedorn. There are no other properties and no other property owners who are affected by this petition for detachment.
3. The boundaries of the Property are set forth in the attached Faribault County Beacon map of the Property. The Property is bounded on the west by property owned by James M. Koppen and Kandis A. Koppen, Trustees of the Trust Agreement of James and Kandis Koppen, and Marlyn Hagedorn which property is described as the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Thirty-two (32) in Township One Hundred One (101) North, Range Twenty-seven (27) West of the Fifth Principle Meridian and identified as Parcel ID: 07.032.0800. (the "Township" Property). The Township Property is located in the Town of Elmore. The North and West boundary lines of the Property border parcels located in the Township of Elmore while the East and South boundary lines

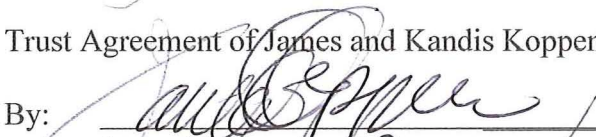
of the Property border parcels located in the City of Elmore.

4. There are no buildings located on the Property. The property is rural in character and not developed for urban residential, commercial or industrial purposes, it is vacant land.
5. There are no residents living on the property.
6. There are no municipal improvements located on the property.
7. Prior to filing this petition, the Petitioners attempted to resolve the issue by contacting the City of Elmore's City Council and requesting the City's support of the detachment of the parcel. The City Council indicated to the Petitioners that they do not consent to the detachment and declined to provide a resolution of support to be submitted with this Petition. *See attached Elmore City Letter, March 20, 2018.*
8. Petitioners also contacted the Township of Elmore's Town Board. The Town indicated that they wish to remain neutral to this action. *See attached Elmore Township Letter, March 3, 2018.*
9. The land is currently zoned as and actively utilized for agricultural purposes. There is an existing agricultural lease with Joey Sanders of J&J Recycling in Elmore, Minnesota for both the City and Town parcels.
10. The purpose of the detachment is due to the large tax rate imposed on the Property compared to the tax rate imposed on the Township Property, coupled with the fact that the Property receives no benefits for this extra taxation. As is shown on the attached 2018 tax statements for both the Property and the Township Property, the City has imposed city taxes in the amount of \$1,854.53, whereas the Town has imposed township taxes of only \$230.31. This constitutes a yearly tax difference of \$1,624.22 for identical properties for the simple fact that one parcel is located within the City and the other in the Township.


Dated this 30 day of April, 2018

Trust Agreement of James and Kandis Koppen

By:

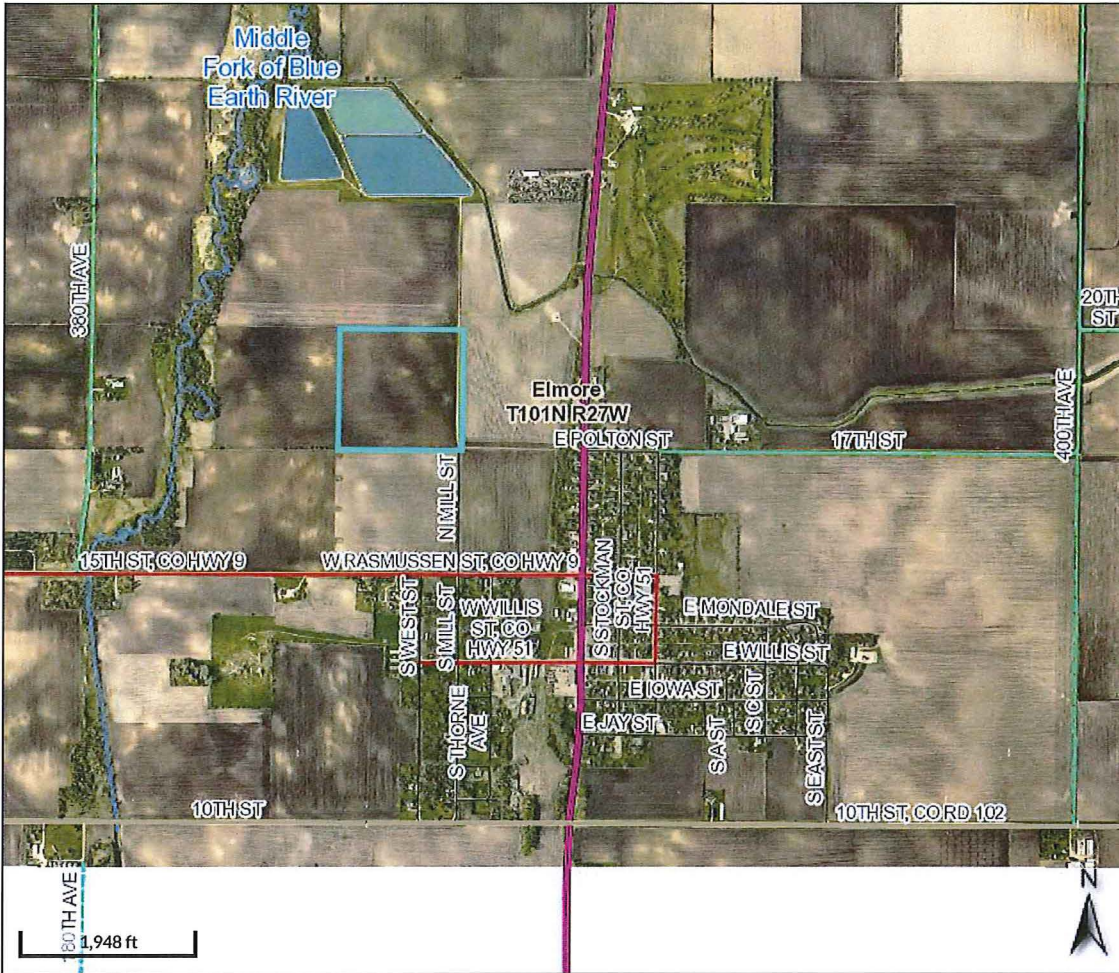

James M. Koppen, Trustee

By:


Kandis A. Koppen, Trustee

Individually

By: Marlyn Hagedorn
Marlyn Hagedorn



Overview




Legend

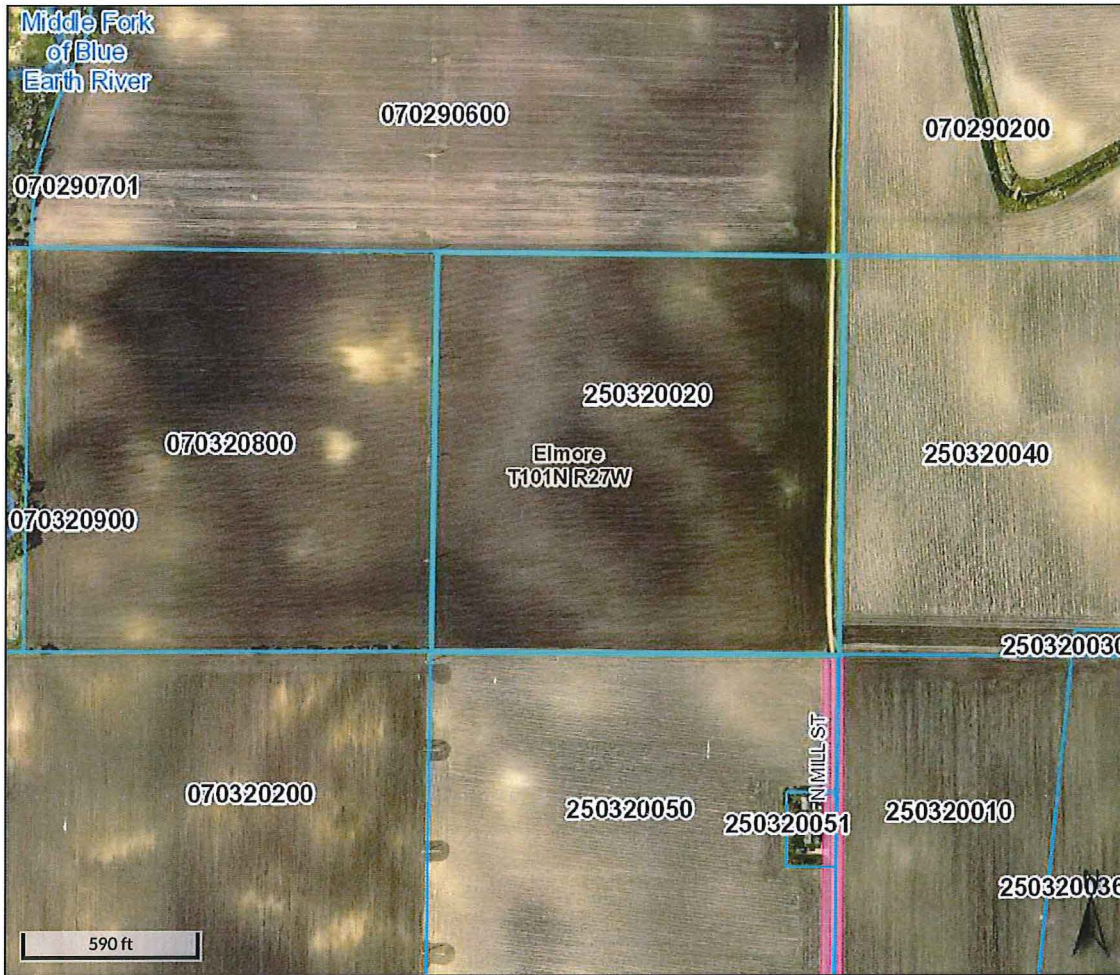
-  Townships
-  Railroad Centerline
-  Road Centerline
-  Interstate/US/MN
-  CSAH
-  County
-  Township
-  Municipal
-  Other
-  Lake, Wetland, Intermittent Water

Parcel ID	250320020	Alternate ID	n/a	Owner Address	MARLYN HAGEDORN & TRUST AGRMNT
Sec/Twp/Rng	32-101-027	Class	101 - AGRICULTURAL		OF JAMES & KANDIS KOPPEN
Property Address		Acreage	40		14719 CROSS LAKE ROAD
					PINE CITY, MN 55063

District 2502 ELMORE RSD
 Brief Tax Description Sect-32 Twp-101 Range-027 40.00 AC AL: NW 1/4 OF NE 1/4
 (Note: Not to be used on legal documents)

Date created: 1/11/2018
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 Developed by
 The Schneider Corporation



Overview



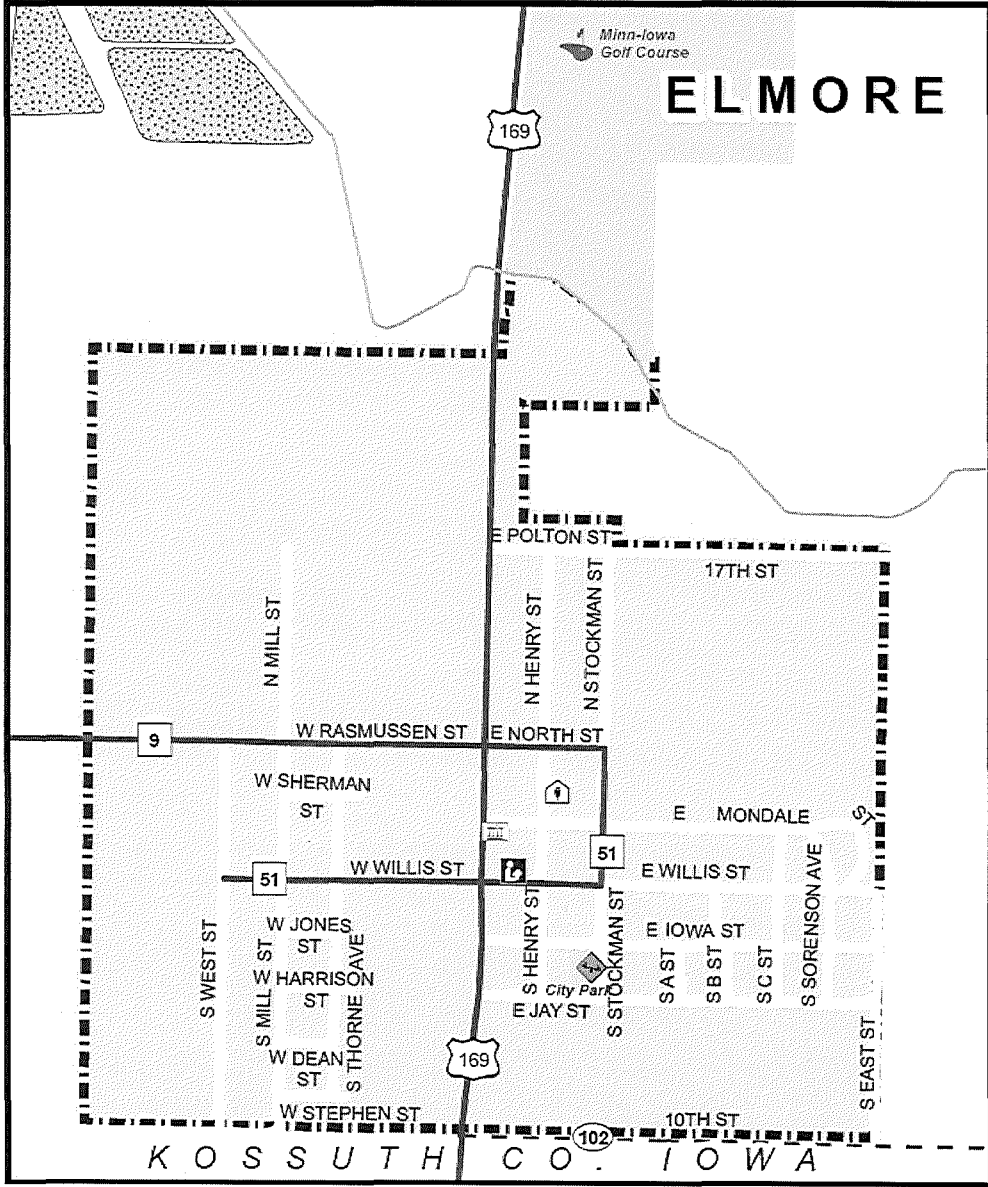
- Legend**
-  Townships
 -  Railroad Centerline
 -  Road Centerline
 -  Interstate/US/MN
 -  CSAH
 -  County
 -  Township
 -  Municipal
 -  Other
 -  Parcels
 -  Road ROW
 -  RR ROW
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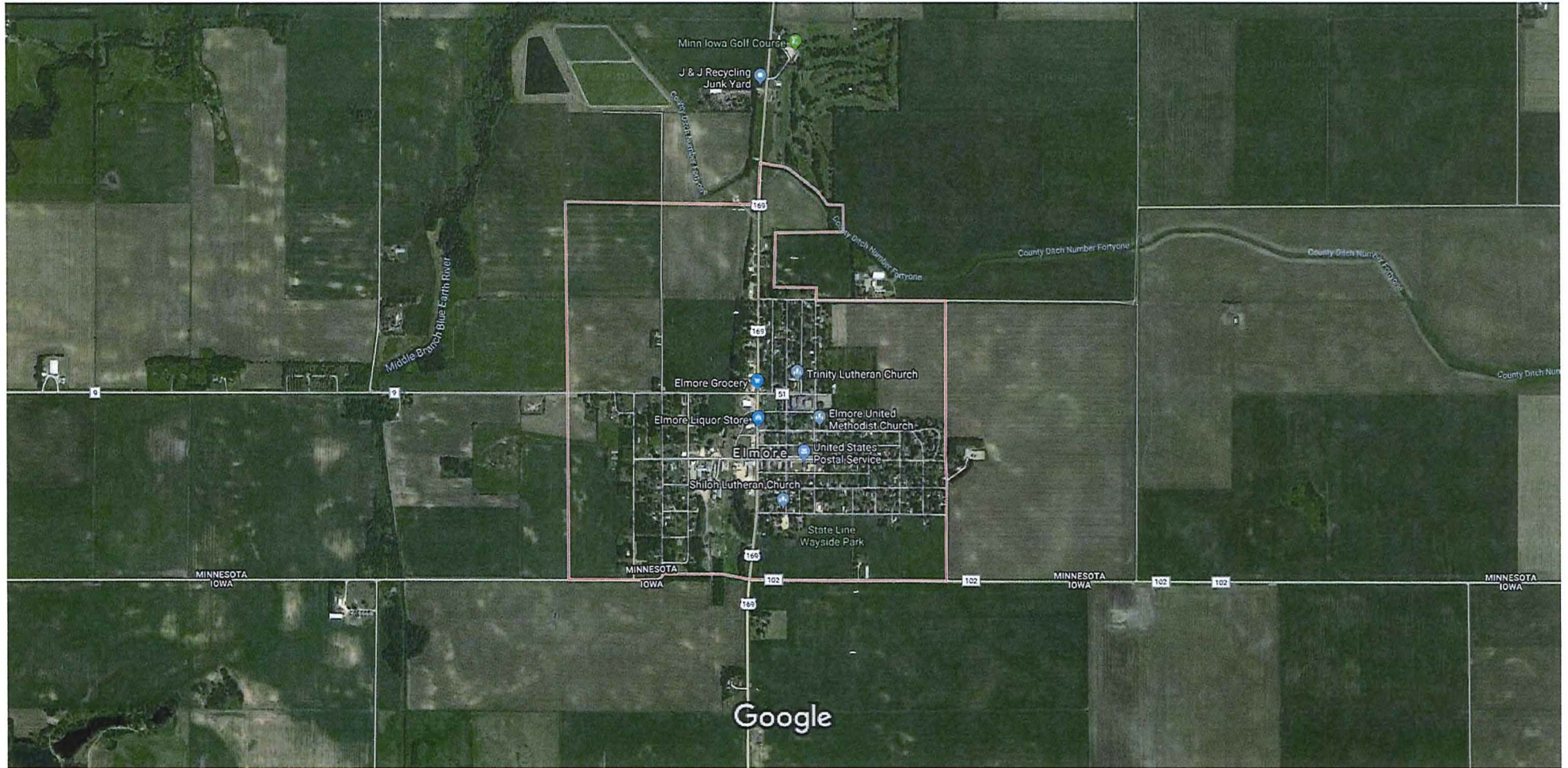
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 The Schneider Corporation



City of Elmore
 Official Transportation Map

Google Maps Elmore



Imagery ©2018 DigitalGlobe, USDA Farm Service Agency, Map data ©2018 Google 1000 ft

Frundt & Johnson, Ltd.

ATTORNEYS AT LAW

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Ryan A. Gustafson
• Christopher J. Ubben
+ Charles K. Frundt (Retired)
+ Michael D. Johnson (Retired)
+ Randel I. Bichler (Retired)

March 20, 2018

Chelsie Troth
Ledin, Hofstad, Troth & Fleming
38877 10th Ave, Ste D
North Branch, MN 55056

RE: Response to Letter of March 12, 2018 – Koppen Trust/Hagedorn

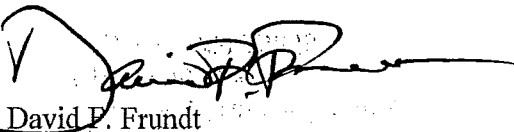
Dear Ms. Troth:

Please consider this letter in response to your letter to the Elmore City Council dated March 12, 2018. At this point in time, the City of Elmore does not consent to the detachment request of your clients. The City has made efforts to minimize the property tax differences between the City and the Township over the last five years for which your clients have received a benefit. The City does have a rural service district and the rural service district rate is 2.5% of the normal City tax rate. The City also feels that not all of the facts necessarily lead to a conclusion that all aspects of the detachment statute will be met by your clients. Therefore, on behalf of the City, I respectfully decline to simply consent to your detachment petition.

Thank you for your attention to this matter.

Very truly yours,

FRUNDT & JOHNSON, LTD



David F. Frundt
City Attorney, City of Elmore
dfrundt@frundt-johnson.com
DFF:ajc

♦Also admitted to practice law in Iowa

+MN CLE restricted status due to retirement

WELLS OFFICE:

22 S. Broadway, STE 300, PO Box 98, Wells MN 56097
Phone: (507) 553-5021 • Fax:(507) 553-5023

Town Board Members
Elmore Township
Elmore, MN.

March 3, 2018

Chelsie;

At the March 2, 2018 meeting the Elmore township board discussed the proposal to detach the parcel of land from the City of Elmore. Parcel Id. R25.032.0020.

The town board wishes to remain neutral and not support or oppose this action.

Sincerely,
Elmore Township Board
Duane Ehrich, Clerk
40566 60th St.
Blue Earth, MN. 56013

Duane Ehrich - Clerk