

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of Certain
Real Property from the City of Elmore to
Elmore Township (MBAU D-590)

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

This matter is pending before Administrative Law Judge LauraSue Schlatter.

Mike Fleming, Ledin, Hofstad, Troth & Fleming, Ltd., appears on behalf of James and Kandis Koppen and Marlyn Hagedorn (Petitioners). David F. Frundt, Frundt & Johnson, Ltd., appears on behalf of the City of Elmore (City). Duane Ehrich, Township Clerk, appears on behalf of the Elmore Town Board (Township).

On May 7, 2018, 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).¹

The Petition seeks detachment of approximately 40 acres of real property (Property) owned by James and Kandis Koppen and Marlyn Hagedorn and legally described as follows:

The Northwest Quarter of the Northeast Quarter (NW¼ of NE¼) of Section Thirty-two (32), in Township One Hundred One (101) North, Range Twenty-seven (27) West of the Fifth Principal Meridian.²

By letter to counsel for the Petitioners dated March 20, 2018, counsel for the City stated the City does not consent to the detachment request.³

By letter to counsel for the Petitioners dated March 3, 2018, Duane Ehrich, Township Clerk, stated the Township wishes to remain neutral and not oppose or support the detachment.⁴

In a joint letter dated June 21, 2018, counsel for the Petitioners and the City notified the Office of Administrative Hearings that settlement of this matter had been reached, and requested that the hearing scheduled for June 28, 2018, be cancelled.⁵

¹ Property Owner Petition for Detachment (May 7, 2018).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Letter to Administrative Law Judge LauraSue Schlatter (June 20, 2018).

On June 25, 2018, the City adopted Resolution Number 6.25.18 withdrawing its objection and supporting the Petition.⁶

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 City Resolution Number 6.25.18 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**.

Dated: June 26, 2018



LAURASUE SCHLATTER
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.

⁶ City Resolution (June 26, 2018).