

**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 all of the property owners (the area is less 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 five property owners of the area proposed for detachment.
2. All (i.e. five) 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 West 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 benefits from the City but is subjected to a City rural service tax rate that is approximately 1,155% higher than the rate in 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 parcel that is the subject of this petition. 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. In fact, detachment would improve the symmetry of the City by making an island of Clark Township property that is currently surrounded by the City contiguous with the rest of Clark Township. Said island was created in 2010, when 8.82 acres was detached from the City of Wells, but was not contiguous with Clark Township (based on maps submitted by the City that did not accurately reflect City boundaries, Exhibits C and C-1 of Resolution No. 2010-19 of the City of Wells, as filed with the Office of Administrative Hearings on August 11, 2010 in Docket No. D-474).

(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 property 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 these areas.

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' property at 75% of the normal City rate (i.e. that charged to property outside of the rural 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 but 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 22.12 and is described as follows:

Tax Parcel ID number R30.008.1030 in NW ¼ Sect. 8, T103N, R24W being:
(1) Auditor's Lot 51; and Auditor's Lot 46 except for a tract commencing at the Southeast corner of Auditor's Lot 46, thence North 160 feet, thence West 50 feet more or less, thence South 160 feet, thence East to the point of beginning; and (2) Auditor's Lot 49 except for a tract commencing at the Northeast corner of Auditor's Lot 50, thence North 67 feet, thence West 391 feet, thence South 67 feet, thence East 391 feet to the point of beginning; and (3) Auditor's Lot 55; and the East 331 feet of Auditor's Lot 58 except for a tract commencing at the Northeast corner of Auditor's Lot 55 thence South 18 rods, thence West 268 feet, thence South 139 feet more or less, thence West 393 feet, thence North 421 feet, thence East 69.5 feet, thence North to the North Line of the Northwest Quarter, thence East to the point of beginning; and except for .8 acres on the North side of Auditor's Lots 55 and 58 for highway; and except for a tract in Auditor's Lot 46 commencing 392.7 feet West of the Southeast corner of the Northwest Quarter, thence North 90 feet, thence West 150 feet, thence South 50 feet, thence West to the West Line of Auditor's Lot 46, thence South 40 feet, thence East to the point of beginning; Faribault County (22.12 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: July 5, 2018

Catherine A. Pluym Carol A. Gregor
Catherine A. Pluym, Parcel Owner Carol A. Gregor, Parcel Owner

Marilyn N. Kelley Jodie L. Drager
Marilyn N. Kelley, Parcel Owner Jodie L. Drager, Parcel Owner

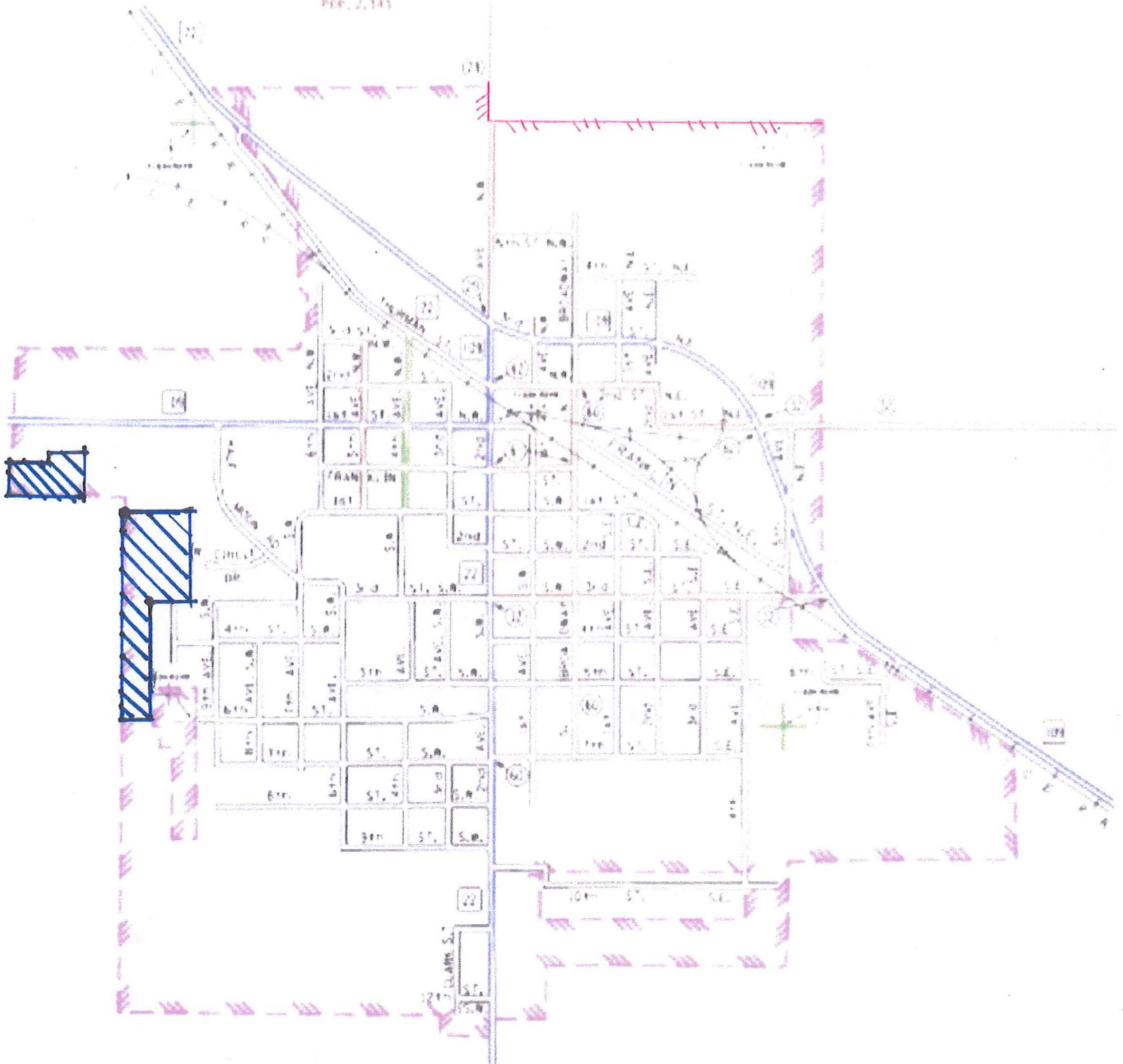
Darin D. Schirmer Steven J. Vatndal
Darin D. Schirmer, Parcel Owner Steven J. Vatndal, Attorney for Petitioners

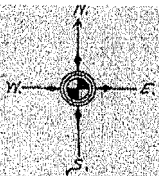
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LEGEND

- INTERSTATE HIGHWAY
- STATE HIGHWAY
- STATE ROAD
- COUNTY ROAD
- CITY ROAD
- PRIVATE ROAD
- UNPAVED ROAD
- STREET LIGHTS

WELLS
FARRIS COUNTY
POP. 2,343





AUDITOR'S PLAT NO. 1
OF PART OF
N.W. 1/4, Sec. 8, T. 103 N. R. 24 W.
Clark, Faribault Co.
Minnesota.
Scale 200 ft. = 1 inch.

