

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment
of Certain Real Property from the
City of Dodge Center to Ashland
Township (MBAU D-618)

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

This matter is pending before Administrative Law Judge Jessica A. Palmer-Denig upon a notice that the parties have reached a resolution of their dispute.

Anthony J. Moosbrugger, Moosbrugger Law Office, P.A., appeared on behalf of Douglas Page (Petitioner). Melanie J. Leth, Weber, Leth & Woessner, PLC, appeared on behalf of the City of Dodge Center (City). James Checkel, Township Chair, appeared on behalf of the Ashland Town Board (Township), although the Township remained neutral in this matter.

On May 29, 2020, 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 (2018).

The Petition seeks detachment of approximately 31.16 acres of real property (Property) owned by the Petitioner and legally described as follows:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Three (3), Township One Hundred Six (106) North, Range Seventeen (17) West, lying South of the right of way plat of State Highway 14; AND

That part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Three (3), Township One Hundred Six (106) North, Range Seventeen (17) West, lying westerly of the right of way line of the railroad bed, formerly known as the Chicago Northwestern Transportation Company, and South of the right of way plat for State Highway 14.

The Township adopted a resolution on May 20, 2020, stating that the Township would remain neutral regarding the Petition. The resolution was filed with the Office of Administrative Hearings on May 29, 2020.

The City adopted Resolution Number 2020-031 opposing the Petition on June 8, 2020. Resolution Number 2020-031 was filed with the Office of Administrative Hearings

on June 10, 2020.

Following prehearing proceedings before the undersigned Administrative Law Judge, the parties engaged in mediation and reached a settlement. On July 27, 2020, the City adopted Resolution Number 2020-035 rescinding Resolution Number 2020-031 and supporting the Petition.

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 2020-035 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** and the matter is **DISMISSED**.

Dated: July 28, 2020


JESSICA A. PALMER-DENIGST
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.06, .07, .09, .12 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Dodge 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 (2019). However, no request for amendment shall extend the time of appeal from this Order.