

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of
Certain Real Property from the City
of Henning to Henning Township
(MBAU Docket D-631)

**ORDER APPROVING
DETACHMENT**

On July 26, 2021, a Petition for Detachment was filed with the Office of Administrative Hearings pursuant to Minn. Stat. § 414.06 (2020), requesting detachment of certain real property from the City of Henning (City).

On August 2, 2021, the City adopted Resolution No. 2021-15 supporting the Petition for Detachment. The Henning Town Board (Township) adopted a resolution supporting the Petition for Detachment on June 1, 2021.

An Amended Petition for Detachment was filed with the Office of Administrative Hearings on September 21, 2021, correcting the legal description in the Petition for Detachment. The property proposed for detachment (Property) in the Amended Petition for Detachment is legally described as follows:

All that part of the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-three (23), Township One-Hundred Thirty-Three (133), Range Thirty-Eight (38), lying South and West of the Right of Way of the Soo Line Railroad, and lying South and East of the Right of Way of Minnesota State Highway 210, and lying North and East of the Right of Way of the City of Henning Airport Road.

AND

That part of the Southwest Quarter of the Southeast Quarter of Section 23, Township 133 North, Range 38 West, Otter Tail County, Minnesota, described as follows: Commencing at the south quarter corner of said Section 23; thence northerly, along the west line of said Southwest Quarter of the Southeast Quarter, 1,321.23 feet to the northwest corner of said Southwest Quarter of the Southeast Quarter; thence East, along the north line of said Southwest Quarter of the Southeast Quarter, 443.00 feet to the point of beginning of the land to be described; thence South 07 degrees 00 minutes 00 seconds West 280.50 feet; thence South 25 degrees 00 minutes 00 seconds West 629.00 feet; thence South 17 degrees 44 minutes 00 seconds West 246.00 feet; thence South 89 degrees 54 minutes 48 seconds East 608.31 feet; thence North 00 degrees 21 minutes 17 seconds East 1083.73 feet to said north line of the Southwest Quarter of the Southeast Quarter; thence West, along said north line, 240.08 feet to the point of beginning.

AND

The Southwest Quarter of the Southeast Quarter of Section 23, Township 133 North, Range 38 West, Otter Tail County, Minnesota.

EXCEPT:

That part of the Southwest Quarter of the Southeast Quarter of Section 23, Township 133 North, Range 38 West, Otter Tail County, Minnesota, described as follows: Beginning at the south quarter post of said Section 23; thence northerly, along the west line of said Southwest Quarter of the Southeast Quarter, 1,321.23 feet to the northwest corner of said Southwest Quarter of the Southeast Quarter; thence East, along the north line of said Southwest Quarter of the Southeast Quarter 443.00 feet to the center of the Henning and Parkers Prairie County Road as now traveled (also known as of the City of Henning Airport Road); thence South 07 degrees 00 minutes 00 seconds West 280.50 feet; thence South 25 degrees 00 minutes 00 seconds West 629.00 feet; thence South 18 degrees West to place of beginning.

AND EXCEPT:

All that part of the Southeast Quarter (SE $\frac{1}{4}$) of Section 23, Township 133, Range 38, described as follows: Commencing at the South Quarter corner of said Section 23; thence on an assumed bearing of North along the west line of said Southeast Quarter (SE $\frac{1}{4}$) of Section 23, a distance of 352.00 feet to the point of beginning of the land to be described; thence continuing on a bearing of North along said west line, a distance of 100.00 feet; thence on a bearing of East a distance of 121.03 feet to the westerly right-of-way line of the Township Road; thence South 22 degrees 07 minutes 30 seconds West along said westerly right-of-way line, a distance of 107.95 feet to the intersection with line which bears East from the point of beginning, thence on a bearing of West a distance of 80.37 feet to the point of beginning.

AND EXCEPT:

All that part of the Southwest Quarter of the Southeast Quarter of Section 23, Township 133, Range 38, lying west of the Right of Way of the City of Henning Airport Road.

AND EXCEPT:

That part of the Southwest Quarter of the Southeast Quarter of Section 23, Township 133 North, Range 38 West, Otter Tail County, Minnesota, described as follows: Commencing at the south quarter corner of said Section 23; thence northerly, along the west line of said Southwest Quarter of the Southeast Quarter, 1,321.23 feet to the northwest corner of said Southwest Quarter of the Southeast Quarter; thence East, along the north line of said Southwest Quarter of the Southeast Quarter, 443.00 feet to the point of beginning of the land to be

described; thence South 07 degrees 00 minutes 00 seconds West 280.50 feet; thence South 25 degrees 00 minutes 00 seconds West 629.00 feet; thence South 17 degrees 44 minutes 00 seconds West 246.00 feet; thence South 89 degrees 54 minutes 48 seconds East 608.31 feet; thence North 00 degrees 21 minutes 17 seconds East 1083. 73 feet to said north line of the Southwest Quarter of the Southeast Quarter: thence West, along said north line, 240.08 feet to the point of beginning.

On October 4, 2021, the City adopted Resolution No. 2021-23 supporting the Amended Petition for Detachment. No resolution was received from the Township responding to the Amended Petition for Detachment.

Based upon a review of the Amended Petition for Detachment and City Resolution No. 2021-23, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.06, the Amended Petition for Detachment and City Resolution No. 2021-23 are deemed adequate in all legal respects and properly support this Order.
2. Pursuant to this Order, the Property is **DETACHED** from the City.

Dated: October 14, 2021


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.06, .07, .09, .12 (2020). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Otter Tail 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 (2021). However, no request for amendment shall extend the time of appeal from this Order.