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ADMINISTRATIVE
HEARINGS

STATE OF MINNESOTA
OFFICE OF ADMINISTRATION HEARING

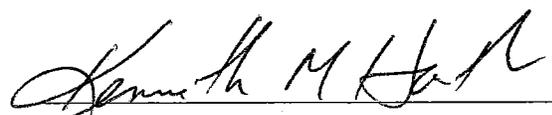
FOR THE MUNICIPAL BOUNDARY ADJUSTMENTS UNIT

In the Matter of the Petition for the
Detachment of Certain Lands from the
City of Lake Elmo

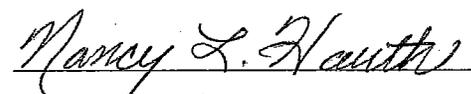
**STIPULATION FOR DISMISSAL WITH
PREJUDICE AND ORDER**

IT IS HEREBY STIPULATED and agreed, by and among the City of Lake Elmo,
through its undersigned attorney, and Kenneth M. Hauth and Nancy L. Hauth, that the Petition of
Kenneth M. Hauth and Nancy L. Hauth for detachment of their property at 5775 Manning Avenue
North, including all claims, counterclaims and crossclaims, which were made or which could
have been made between the City of Lake Elmo and Kenneth M. Hauth and Nancy L. Hauth in
the above-entitled action, are hereby dismissed, with prejudice, and without costs or
disbursements to any party.

Dated: 7/27/11

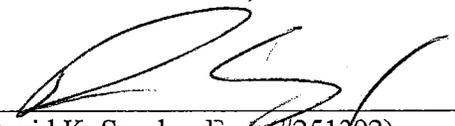

Kenneth M. Hauth

Dated: 7-27-2011


Nancy E. Hauth

**ECKBERG, LAMMERS, BRIGGS,
WOLFF & VIERLING, P.L.L.P.**

Dated: 7/27/11

By: 
David K. Snyder, Esq. (#251392)
Attorney for City of Lake Elmo
1809 Northwestern Avenue
Stillwater, MN 55082
(651) 439-2878

ORDER

IT IS HEREBY SO ORDERED. The Stipulating parties shall bear their own costs, disbursements and fees.

Dated this 11th day of August, 2011.

Barbara L. Nelson for
The Honorable Kathleen D. Sheehy
Administrative Law Judge

STATE OF MINNESOTA
OFFICE OF ADMINISTRATION HEARING

REC'D BY
MBA

JUN 07 2011

FOR THE MUNICIPAL BOUNDARY ADJUSTMENTS UNIT

In the Matter of the Petition for the
Detachment of Certain Land From the City
of Lake Elmo Pursuant to Minnesota Statute
§ 414.06

AMENDED PETITION

TO: Office of Administrative Hearings, Municipal Boundary Adjustments, P.O. Box 64620
St. Paul, MN 55164-0620, 651-361-7900

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 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 numbers 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; or
 x 75% or more of the property owners, the area is more than 40 acres;
to detach certain properties described herein from the City of Lake Elmo and make a part
of Stillwater Township.

1. There are seven property owners in the area proposed for detachment.
2. Seven property owners have signed this petition. (If the land is owned by both the husband and wife, both must sign the petition to represent all owners.)
3. The property is situated within the City of Lake Elmo, abuts the municipal boundary of the City of Lake Elmo and the boundary of Stillwater Township, in the County of Washington. The petitioned area abuts on the city's (N) S E W (circle one) boundary(ies).
4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The number of acres in the property proposed for detachment is 58.24 and is described as follows:

See Exhibit A, which consists of 5 deeds that contain the legal description of the 58.24 acres; and **Exhibit B**, which consists of three maps that depict the location of the 58.24 acres.
6. The reason detachment is requested is that the 58.24 acres meet the statutory requirements of Minn. Stat. § 414.06 for detachment from a city to a township, the property is zoned agricultural, the property is not served by any municipal improvements, and the property is better suited for Stillwater Township.

7. The number of residents in the area proposed for detachment is 4 (The number of residents is not necessarily the same as number of owners.)
8. The number and character of buildings on said property is: There are 6 buildings on the 58.24 acres of property. The 5 buildings consist of 3 homes, a detached garage, and 2 sheds.
9. Public improvements on said property are: No public improvements

Date: 6-1-11

Bernard W. Nass
Property Owner/Bernard W. Nass

Loella M. Nass
Property Owner/Loella M. Nass

Robert A. Buberl
Property Owner/Robert A. Buberl

Patricia M. Bidon
Property Owner/Patricia M. Bidon

Thomas M. Bidon
Property Owner/ Thomas M. Bidon

Nancy L. Hawth
Property Owner/Nancy L. Hawth

Kenneth M. Hawth
Property Owner/ Kenneth M. Hawth

REC'D BY
MBA

JUN 07 2011

EXHIBIT A

Individual(s) to Joint Tenants

629491

REC'D BY MBA JUN 07 2011

629491

OFFICE OF COUNTY RECORDER WASHINGTON COUNTY, MN

APR 27 1 46 PM '90

DOC JOHN A. FRAZEE COUNTY RECORDER

Signature of John A. Frazee

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed (✓) not required Certificate of Real Estate Value No. April 24, 19 90

County Auditor by Debra L. Johnson Deputy

STATE DEED TAX DUE HEREON: \$ 1.65

Date: Dec 19, 1989

10- (reserved for recording data)

FOR VALUABLE CONSIDERATION, Carl W. Poppenberger and Della M. Poppenberger, husband and wife (marital status), Grantor(s),

hereby convey (s) and quitclaim (s) to Bernard W. Nass and Loella M. Nass, husband and wife, Grantees as joint tenants, real property in Washington County, Minnesota, described as follows:

All that part of the Southwest 1/4 of the Northwest 1/4 and of the Northwest 1/4 of the Northwest 1/4 of Section 6, Township 29, Range 20 that lies Northerly of the following described line: Commencing at the Southwest corner of the Northwest 1/4 of said Section 6, thence North 1 degree 14 minutes 50 seconds East, along the West line of said Northwest 1/4, for 969.67 feet to the point of beginning of the line to be described; thence South 87 degrees 25 minutes 34 seconds East for 1120.72 feet and there terminating except the North 1236.51 feet thereof and also excepting therefrom all that portion of the Southwest 1/4 of the Northwest 1/4 of said Section 6, lying West of the Town Road (also known as Manning Avenue North) as it now traverses said Section 6, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

The total consideration for this transfer is less than \$500.00.

(If more space is needed, continue on back) together with all hereditaments and appurtenances belonging thereto.

5125 APR 24 1990

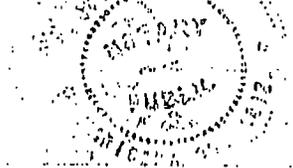
Affix Deed Tax Stamp Here

Signatures of Carl W. Poppenberger and Della M. Poppenberger

CHECK STATE OF MINNESOTA ARIZONA } 53. COUNTY OF MARICOPA

The foregoing instrument was acknowledged before me this 19th day of December, 1989, by Carl W. Poppenberger and Della M. Poppenberger, husband and wife, Grantor(s).

NOTARIAL SEAL OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Robert G. Briggs Eckberg, Lammers, Briggs, Wolff & Vierling 1835 Northwestern Avenue Stillwater, MN 55082

Signature of Julie E. Ray, MY COMMISSION EXPIRES AUG 20 1991

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Bernard W. Nass and Loella M. Nass 5651 Manning Avenue North Stillwater, MN 55082-1045

MINNESOTA CONSERVATION FUND WASHINGTON COUNTY \$5.00 FEE PAID M. G. 473H 4-24-90 DATE 629,384 INITIALS

589452

589452

No delinquent taxes and transfer entered. Certificate of Real Estate Value () filed () not required
Certificate of Real Estate Value No. Filed 8, 1988

Carl W. Poppenberger
County Auditor

by [Signature]
Deputy

REC'D BY
MBA

JUN 07 2011

OFFICE OF
COUNTY RECORDER
WASHINGTON COUNTY, MN
CERTIFIED FILED
AND/OR RECORDED ON

Dec 12 2 20 PM '88

589452
DOE
JOHN A. DOE
COUNTY RECORDER
BY [Signature] DEPUTY

STATE DEED TAX DUE HEREON: \$ 247.50
249.15

Date: December 2, 1988

RETURN TO: Lyle J. Eckberg
1835 Northwestern Avenue
Stillwater, MN 55082
#1003 (reserved for recording data)

FOR VALUABLE CONSIDERATION, Carl W. Poppenberger and Della M. Poppenberger, husband and wife, Grantor (s),
(marital status)
hereby convey (S) and warrant (S) to Bernard W. Nass and Loella M. Nass, husband and wife, Grantees as joint tenants, real property in Washington County, Minnesota, described as follows:

All that part of the NW 1/4 of the NW 1/4 of Section 6, Township 29, Range 20 West, that lies Southerly and Westerly of the Southerly right of way line of Minnesota Trunk Highway NO. 36 and Northerly and Westerly of the following described line; Beginning at a point on the West line of said NW 1/4 that is 923.00 feet, as measured along said West line, Southerly of the Northwest corner of said Section 6; thence Northeasterly by a deflection angle to the right of 73° for a distance of 336.41 feet; thence Southerly, parallel to the West line of said NW 1/4, for a distance of 148.5 feet; thence Easterly, parallel to the North line of said NW 1/4 for a distance of 784.70 feet more or less to the East line of said NW 1/4 of NW 1/4 and there terminating. Subject to Manning Avenue and N.S.P easement across said property.

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: any encumbrances created by or suffered to be created by acts or omissions of Grantees subsequent to Contract for Deed dated August 17, 1983

589452 JUN 07 2011

Affix Deed Tax Stamp Here

Carl W. Poppenberger
Carl W. Poppenberger

Della M. Poppenberger
Della M. Poppenberger

ARIZONA
STATE OF MINNESOTA
COUNTY OF Maseca } ss.
247.50

The foregoing instrument was acknowledged before me this 16 day of October, 1988, by Carl W. Poppenberger and Della M. Poppenberger, husband and wife, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

My Commission expires 8/1/92

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):
JERGENS, HEBERT, WELCH & HUMPHREYS, PA
20 N. Lake St., Suite 301
Forest Lake, MN 55025
By: David K. Hebert H88-293

[Signature]
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Bernard W. Nass and Loella M. Nass
2486 Oakgreen Ave. N.
Stillwater, MN 55082

MINNESOTA CONSERVATION FUND
WASHINGTON COUNTY
\$5.00 FEE PAID
M. S. 473H 12-9-88 DATE
#R19.895 chw INITIALS

JUN 07 2011

REC'D BY
MBA

3572546



Office of the
County Recorder
Washington County, MN

Certified filed and/or recorded on:
2006/03/07 2:25:00 PM

3572546



Cindy Koushnik
County Recorder

Cindy Koushnik

No delinquent taxes and transfer entered: Certificate
of Real Estate Value (X) filed () not required

Date March 7, 2006

Molly F. O'Rourke, Auditor-Treasurer

Deputy *Joyce A. Starzl*

06.029.20.21.0003

Warranty Deed
Individual(s) to Individual(s)

STATE DEED TAX DUE HEREON: \$264.00

REC'D BY
MBA

NOV 15 2011

Date: Oct. 16, 2002

FOR VALUABLE CONSIDERATION Violet E. Kern, a single person, Grantor(s),
(marital status)
hereby convey(s) and warrant(s) to Robert A. Buberl, Grantee,
real property in Washington County, Minnesota, described as follows:

That part of the East Half of the Northwest Quarter of Section 6, Township 29 North, Range 20 West,
Washington County, Minnesota lying Westerly and Northerly of KERN CENTER and KERN CENTER
2ND ADDITION, according to the plats of record and on file in the office of the County Recorder,
Washington County, Minnesota containing 22.99 acres, more or less.

Subject to a highway easement along the Northerly line thereof for Trunk Highway 36 as described
in Book 276 of Deeds, Page 497, of record and on file in said Office of the County Recorder.

Also subject to a transmission line easement in favor of Northern States Power Company as
described in Book 297, Page 288, of record and on file in said Office of the County Recorder.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: _____

All encumbrances and obligations incurred at the instance of the Purchaser subsequent to October 6, 1995.

Check box if applicable:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A Well Disclosure Certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed Well Disclosure Certificate.

WASHINGTON COUNTY

Receipt No: 219091 Date: 3/7/2006
Registration tax hereon of: \$264.00 PAID
MN Conservation Fund M.S. 473h \$5.00 PAID
Molly F. O'Rourke, Auditor by CJStarzl

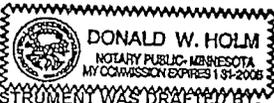
Violet E. Kern
Violet E. Kern

RETURN TO: 2666 59
LAND TITLE, INC.

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) SS:

The foregoing instrument was acknowledged before me on 16 OCTOBER 2002
by Violet E. Kern, a single person, Grantor(s).

NOTARIAL STAMP OR SEAL



THIS INSTRUMENT WAS DRAFTED BY:

ANDERSON DOVE FRETLAND &
VAN VALKENBURG, P.L.L.P.
5881 Cedar Lake Road
Minneapolis, Minnesota 55416
(952) 545-9000
PDD/3138/21-Buberl-Warranty Deed(01)

Robert A. Buberl
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Check here if part or all of the land is Registered (Torrens)
TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED
IN THIS INSTRUMENT SHOULD BE SENT TO (INCLUDE
NAME AND ADDRESS OF GRANTEE):

Robert A. Buberl
5750 Memorial Drive
Stillwater, MN 55082

REC'D BY
MBA

JUN 07 2011



Form No. 541 - WARRANTY DEED Minnesota Uniform Conveyance Blanks (1978) Miller-Davis Co., St. Paul, MN

Individual(s) to Joint Tenants

No delinquent taxes and transfer entered: Certificate of Real Estate Value () filed () not required
Certificate of Real Estate Value No. _____

May 4 1998 (Year)

R. Stafford County Auditor
by Sherry A. N. Olson Deputy

978579

WASHINGTON COUNTY

MAY 7 11 15 PM '98
978579

REC. CLERK
Cindy Korman

19 (reserved for recording data) Lawson

STATE DEED TAX DUE HEREON: \$858.00
Date: May 1, 1998

FOR VALUABLE CONSIDERATION, Richard T. Clagherty and Sally M. Clagherty
husband and wife Grantor(s).

hereby convey(s) and warrant(s) to Thomas M. Bidon and Patricia M. Bidon, husband and wife
Grantees, as joint tenants, real property in Washington County, Minnesota, described as follows:

See attached Exhibit "A"

OFFICE OF COUNTY RECORDER
WASHINGTON COUNTY, MN
 WELL CERTIFICATE RECEIVED

(if more space is needed, continue on back)
together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

WASHINGTON COUNTY AUDITOR-TREASURER
Receipt No.: 101360 04-May-98
Deed tax hereon of \$858.00 Paid
MN Conservation Fund M.S. 473H \$5.00 Paid
R.H. STAFFORD, Auditor-Treasurer by: CSMiller

Richard T. Clagherty
Richard T. Clagherty
Sally M. Clagherty
Sally M. Clagherty

STATE OF MINNESOTA }
COUNTY OF WASHINGTON }

The foregoing instrument was acknowledged before me on May 1, 1998
by Richard T. Clagherty and Sally M. Clagherty, husband and wife Grantor(s).

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR BAYNET
RAYMOND O. MARSHALL
Notary Public - Minnesota
Washington County
My Commission Expires 1/31/2000

Raymond O. Marshall
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):
Thomas M. Bidon
Patricia M. Bidon
5757 Manning Avenue North
Baytown Twp., MN 55082

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):
Return to:
LAWSON, MARSHALL, McDONALD
& GALOWITZ, P.A.
Lawyers
3880 Laverne Avenue North
Lake Elmo, MN 55042
612-777-6960
ROM

REC'D BY
MBA

JUN 07 2011



978579

EXHIBIT A

All that part of the North 1341.01 feet of the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 6, Township 29, Range 20, lying Southerly of the following described line: Beginning at a point on the west line of said $NW\frac{1}{4}$ that is 1071.50 feet Southerly of the Northwest corner, thence Northeasterly by a deflection angle to the right of 73° for a distance of 330.0 feet; thence Easterly, parallel to the north line of said $NW\frac{1}{4}$ for 795 feet, more or less, to the East line of said $W\frac{1}{2}$ and there terminating except the south 104.5 feet of said $W\frac{1}{2}$ of said $NW\frac{1}{4}$. Subject to encumbrances of record.

565480

REC'D BY JUN 07 201
MBA

No delinquent taxes and transfer entered; Certificate of Real Estate Value (filed () not required)
Certificate of Real Estate Value No. March 7, 1988
R.H. Stafford
County Auditor
by Sherry A. Miller
Deputy

565480
OFFICE OF
COUNTY RECORDER
WASHINGTON COUNTY, MN
CERTIFIED FILED
AND/OR RECORDED ON
Mar 11 11 51 AM '88
DOC 565480
JOHN A. FRANZER
COUNTY RECORDER
BY Sandra Ann DEPUTY

STATE DEED TAX DUE HEREON: \$ 214.50
Date: February 26, 1988

(reserved for recording data) #1000

FOR VALUABLE CONSIDERATION, Jane M. Bartlett, a single person
(marital status), Grantor(s),
hereby convey (s) and warrant (s) to Kenneth M. Hauth and Nancy L. Hauth, husband and wife
Grantees as joint
tenants, real property in Washington County, Minnesota, described as follows:

All that part of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Six (6), Township Twenty-nine (29), Range Twenty (20) described as follows: Beginning at a point of the West line of said Section 6, 923 feet South of the Northwest corner; thence North 73°0' East a distance of 330 feet; thence South parallel to the West section line a distance of 148.5 feet; thence South 73°0' West a distance of 330 feet to the West line of said Section 6; thence North along the West line a distance of 148.5 feet to the point of beginning.

(if more space is needed, continue on back)
together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

FEB 24 1988
214.50

Affix Deed Tax Stamp Here

Jane M. Bartlett
Jane M. Bartlett

STATE OF MINNESOTA } ss.
COUNTY OF RAMSEY

The foregoing instrument was acknowledged before me this 26th day of February, 1988,
by Jane M. Bartlett, a single person
Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)
 **MICHELLE E. CRAWFORD**
ANOAKA COUNT.
NOTARY PUBLIC - MINNESOTA
My commission expires 2-24-92

Michelle E. Crawford
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT
Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Centrust Mortgage Corporation
P. O. Box 407112
Fort Lauderdale, FL 33340-7112

GRANTEES:
Kenneth M. Hauth and Nancy L. Hauth
5775 Manning Avenue

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Universal Escrow Services, Inc.
1310 East Highway 96
White Bear Lake, MN 55110

051-39532

MINNESOTA CONSERVATION FUND
WASHINGTON COUNTY
\$5.00 FEE PAID
M. S. 473H 2-2-88 DATE
#013,814 SH INITIALS

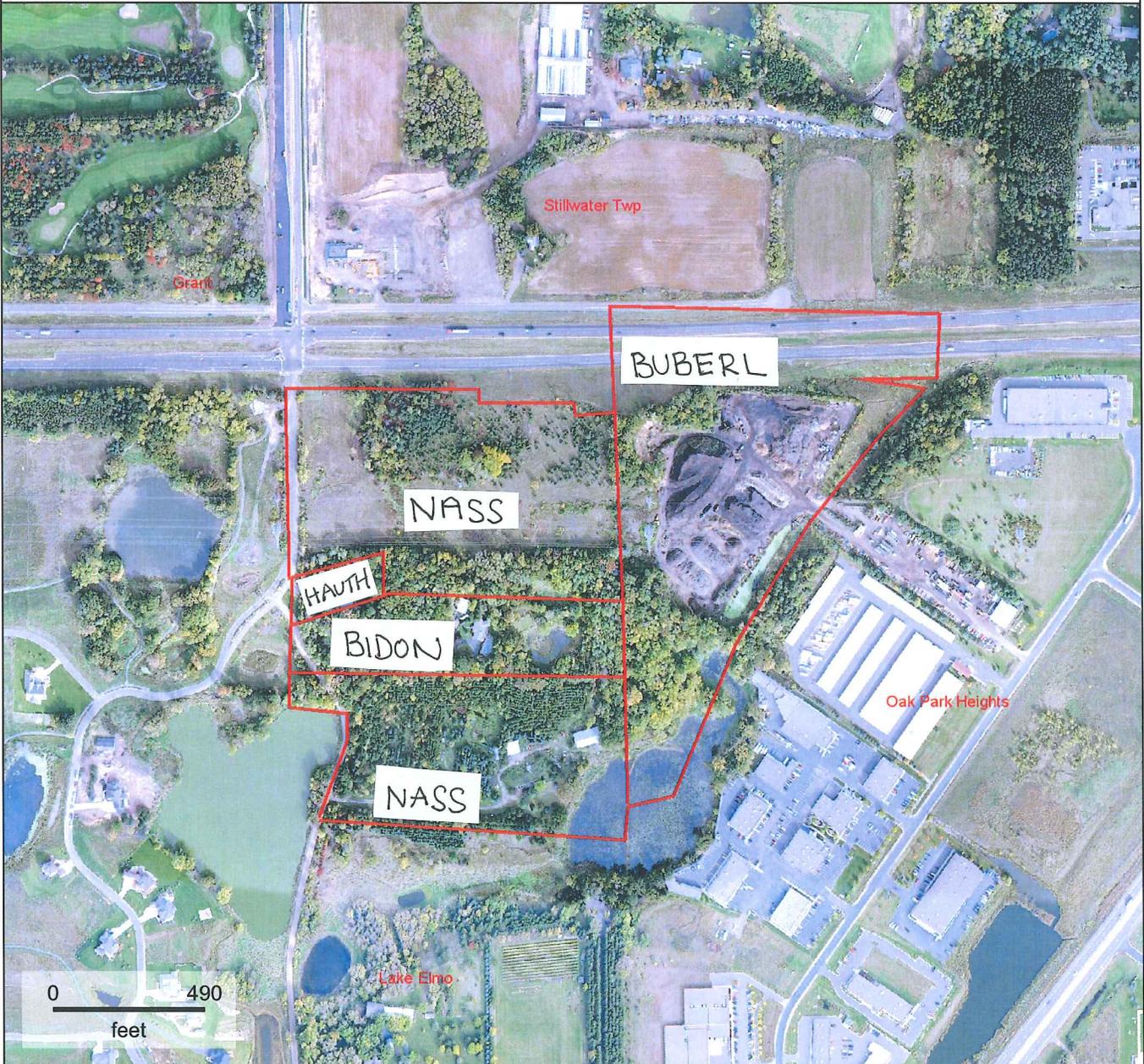
110206913
UNIVERSAL ESCROW SERVICES, INC.
1310 EAST HIGHWAY 96
WHITE BEAR LAKE, MN 55110

REC'D BY
MBA

JUN 07 2011

EXHIBIT B

Washington County, MN



Property Information

Property ID
Location



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

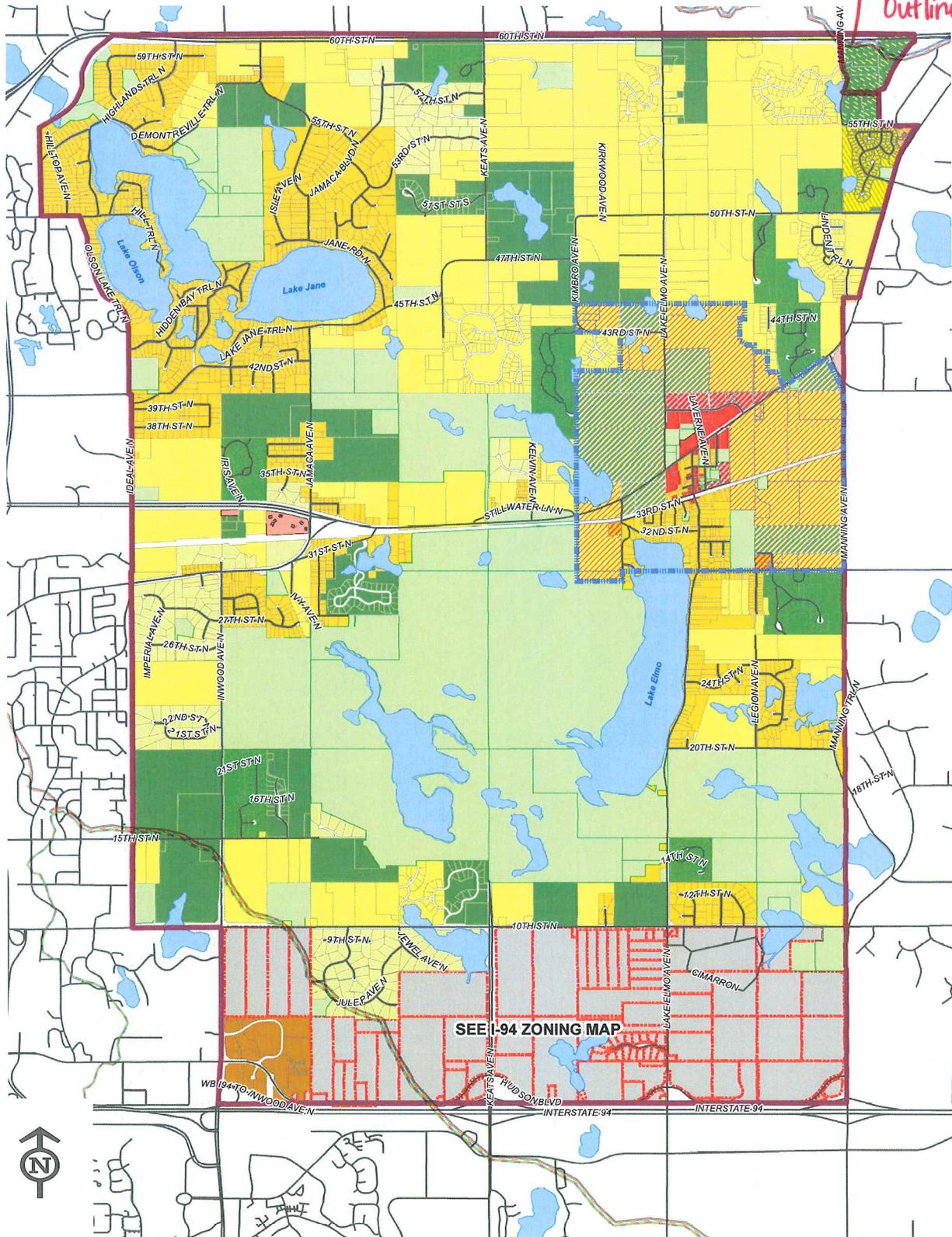
This drawing is a result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



2007 Lake Elmo Zoning Map

Nass/Burberl/Bidon/
Hauth Properties
Outlined in Red

REC'D BY
MBA
JUN 07 2011



Legend

General

- Village Area
- Lakes
- Lake Elmo Boundary

Watershed Districts

- Browns Creek
- Cottage Grove Ravine
- Valley Branch

Zoning Districts

- | | | | |
|-----------|--------|-----------------------------------|-------|
| A | R1 | GB | VR-A |
| A-Baytown | R2-PUD | HB | VR-GB |
| OP/OS | R3 | LB | VR-RR |
| BP | RE | LB-PUD | VR-R1 |
| P/PF | RR | SEE THE I-94 HOLDING DISTRICT MAP | |