MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

December 15, 2010

Kris Nass **(Via E-Mail)**
4703 Stagecoach Trail, North
Stillwater, MN 55082-1134

Re: D-478 Lake Elmo/Stillwater Township (Nass/Buberl Properties; 50.74 acres)

Dear Mr. Nass:

The Office of Administrative Hearings-Municipal Boundary Adjustments has scheduled a hearing on the above-described matter. As the party initiating the proposed boundary adjustment, a notice of hearing is attached, and a sample form outlining the basic issues that are considered at the hearing.

In order for Municipal Boundary Adjustments to give proper notification of the hearing to all parties pursuant to M.S. 414.09, you must submit to our office the names of the following parties:

1. The township or municipality presently governing the affected territory;

2. Any township or municipality abutting the affected territory; (NOTE: M.S. 414.011, Subd. 6 states, "The terms "abut," "abuts," and "abutting" refer to areas whose boundaries at least touch one another at a single point, including areas whose boundaries would touch but for an intervening roadway, railroad, waterway or parcel of publicly owned land.")

3. The county or counties where the affected territory is situated;

4. Any planning agency or commission which has jurisdiction over the affected area.

If there is a failure to properly and fully inform Municipal Boundary Adjustments of all such parties, upon motion of any party, the hearing may be continued until proper notice is made. Since there is a statutory time limitation on the scheduling of the hearing and publication requirements, we would appreciate your early attention to this matter.

If you have any questions, please contact this office.

Sincerely,

Christine M. Scotillo

Christine M. Scotillo, Executive Director
Municipal Boundary Adjustments
651-361-7910
christine.scotillo@state.mn.us
www.mba.state.mn.us

CMS:sjh

Attachments

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4703 Stagecoach Trail, North
Stillwater, MN 55082-1134

Re: D-478 Lake Elmo/Stillwater Township (Nass/Buberl Properties; 50.74 acres)

Dear Mr. Nass:

Our office will be e-mailing the Notice of Hearing to the **Oakdale-Lake Elmo Review**. The Notice will be published (at the petitioners' expense) on Wednesday, December 29th and January 5th. We have requested that the paper mail the invoice for publishing to you and the Affidavit of Publication to our office.

Please contact this office if you have any questions.

Sincerely,

Christine M. Scotillo

Christine M. Scotillo, Executive Director
Municipal Boundary Adjustments
651-361-7910
christine.scotillo@state.mn.us
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December 15, 2010

Kris Nass **(Via E-Mail)**
4703 Stagecoach Trail, North
Stillwater, MN 55082-1134

Re: Preparation for detachment hearing - D-478 Lake Elmo/Stillwater Township
(Nass/Buberl Properties; 50.74 acres)

Dear Mr. Nass:

A hearing will be held by the Office of Administrative Hearings-Municipal Boundary Adjustments, on the above-proposed boundary adjustment. Minnesota Statutes 414 requires the decision maker to consider certain specified factors in arriving at a decision. It is important that you are prepared to present adequate testimony since the evidence the parties present will be the sole basis for the decision.

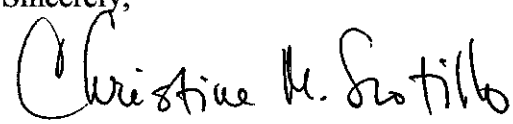
State aids to your governmental unit may be adjusted because of the decision and will be based upon the evidence received at the hearing. One example is that the Department of Revenue will adjust the Local Government Aids distribution based on the data you present at the hearing on the following: (1) population of the territory proposed for detachment, the city, and the township, (2) the net tax capacity for the property proposed for detachment, the city, and the township, (3) the township tax rate, for township purposes only, on the area proposed for detachment payable in the year of the detachment.

We also call to your attention the Rules of the Minnesota Municipal Board and specifically Rule 6000.1200, which requires the petitioner to notify us at least seven days prior to the hearing of any personal knowledge of controversy regarding the hearing.

Rules of Procedure may be purchased from Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155, (651) 297-3000, or 1-800-657-3757 (toll free). The rules are also contained in the pocket part immediately following Chapter 414, Minnesota Statutes Annotated or can be viewed at https://www.revisor.mn.gov/rules/?id=6000.

Please contact our office if you have any questions or if additional clarification is needed.

Sincerely,



Christine M. Scotillo, Executive Director
Municipal Boundary Adjustments
651-361-7910
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Enclosure

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December 15, 2010

Sharon Lumby, Lake Elmo City Clerk **(Via E-Mail)**
Lake Elmo City Hall
3800 Laverne Avenue, North
Lake Elmo, MN 55042-9629

Re: Preparation for detachment hearing - D-478 Lake Elmo/Stillwater Township
(Nass/Buberl Properties; 50.74 acres)

Dear Ms. Lumby:

A hearing will be held by the Office of Administrative Hearings-Municipal Boundary Adjustments, on the above-proposed boundary adjustment. Minnesota Statutes 414 requires the decision maker to consider certain specified factors in arriving at a decision. It is important that you are prepared to present adequate testimony since the evidence the parties present will be the sole basis for the decision.

State aids to your governmental unit may be adjusted because of the decision and will be based upon the evidence received at the hearing. One example is that the Department of Revenue will adjust the Local Government Aids distribution based on the data you present at the hearing on the following: (1) population of the territory proposed for detachment, the city, and the township, (2) the net tax capacity for the property proposed for detachment, the city, and the township, (3) the township tax rate, for township purposes only, on the area proposed for detachment payable in the year of the detachment.

We also call to your attention the Rules of the Minnesota Municipal Board and specifically Rule 6000.1200, which requires the petitioner to notify us at least seven days prior to the hearing of any personal knowledge of controversy regarding the hearing.

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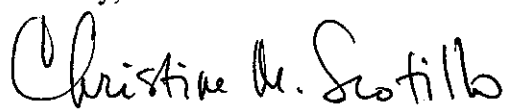

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December 15, 2010

Kathy Schmoeckel, Stillwater Township Clerk **(Via E-Mail)**
Stillwater Township Hall
13636 - 90th Street, North
Stillwater, MN 55082

Re: Preparation for detachment hearing - D-478 Lake Elmo/Stillwater Township
(Nass/Buberl Properties; 50.74 acres)

Dear Ms. Schmoeckel:

A hearing will be held by the Office of Administrative Hearings-Municipal Boundary Adjustments, on the above-proposed boundary adjustment. Minnesota Statutes 414 requires the decision maker to consider certain specified factors in arriving at a decision. It is important that you are prepared to present adequate testimony since the evidence the parties present will be the sole basis for the decision.

State aids to your governmental unit may be adjusted because of the decision and will be based upon the evidence received at the hearing. One example is that the Department of Revenue will adjust the Local Government Aids distribution based on the data you present at the hearing on the following: (1) population of the territory proposed for detachment, the city, and the township, (2) the net tax capacity for the property proposed for detachment, the city, and the township, (3) the township tax rate, for township purposes only, on the area proposed for detachment payable in the year of the detachment.

We also call to your attention the Rules of the Minnesota Municipal Board and specifically Rule 6000.1200, which requires the petitioner to notify us at least seven days prior to the hearing of any personal knowledge of controversy regarding the hearing.

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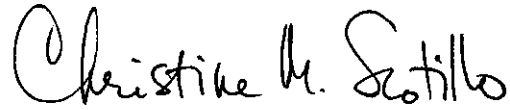
Please contact our office if you have any questions or if additional clarification is needed.

Sincerely,



Christine M. Scotillo, Executive Director
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Enclosure