

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of D-509 Bertha/Bertha Township
Pursuant to Minnesota Statutes 414
(Larson/Marlowson Real Estate Property)

**NOTICE OF HEARING CANCELLATION AND
ORDER TO DISMISS**

The detachment petition submitted by the property owners, and other pertinent documents in the file, were reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the Notice of Hearing Cancellation and Order to Dismiss.

1. On April 22, 2013, a petition requesting the detachment of certain property from the City of Bertha to Bertha Township was filed by all of the property owners with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit (OAH-MBAU) pursuant to Minnesota Statutes § 414.06.
2. The City of Bertha submitted Resolution 2013-12, dated May 13, 2013, to the OAH-MBAU opposing the detachment petition.
3. On May 2, 2013, Bertha Township notified the OAH-MBAU of their position of neutrality to the detachment petition.
4. After due and appropriate legal notice, the first statutory hearing on the petition was convened June 17, 2013, and was continued.
5. On June 17, 2013, the parties were ordered to participate in a mediation session pursuant to Minnesota Statutes § 414.06, Subd. 2.
6. On July 17, 2013, the OAH-MBAU received a request from the property owners to withdraw the petition for detachment.

ORDER TO DISMISS

1. The undersigned designee of the Chief Administrative Law Judge hereby grants the petitioners' request to withdraw the petition for detachment of certain property from the City of Bertha described as:

That part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 11, Township 132 North, Range 35 West, Todd County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 11; thence South 00 degrees 15 minutes 38 seconds East, assumed bearing, along the west line of along said west line of said Section, 596.62 feet to the point of beginning of the land to be described.

thence counting South 00 degrees 15 minutes 38 seconds East, along said west line, 466.18 feet;

thence South 88 degrees 29 minutes 00 seconds East 277.22 feet;

thence North 00 degrees 53 minutes 42 seconds East 144.39 feet;

thence North 88 degrees 58 minutes 24 seconds West 3.24 feet;

thence North 00 degrees 49 minutes 15 seconds East 324.43 feet;

thence North 89 degrees 03 minutes 01 seconds West 282.95 feet to the point of beginning.

The tract contains 3.00 acres more or less and is subject to an existing public roadway easement (C.S.A.H. No. 23) over the westerly portion thereof (Parcel ID#: 29-0003201).

2. The continued hearing in this matter is cancelled, and MBAU Docket

D-509 Bertha/Bertha is closed.

Dated: July 19, 2013



Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit