

IN THE MATTER OF THE PETITION FOR DETACHMENT OF CERTAIN LAND FROM THE CITY OF BENSON, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.06

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

Pursuant to the 2012 amendment to Minn. Stat. § 414.06, the petitioner(s) shall also provide a copy of this petition to:

- 1) the city from which the land may be detached;
- 2) all property owners who have not signed this petition;
- 3) the clerk of the town to which the property may be attached if granted;
- 4) the clerk of any other abutting town or city; and
- 5) the county recorder in the county in which the land is located.

PETITIONERS' STATE:

The number of petitioners required by Minnesota Statutes § 414.06, Subd. 1, to commence this proceeding is four (4): Paul & Lori Schwendemann, husband and wife, and Kaleb and Jessica Schwendemann, husband and wife, who are the fee owners of the property.

It is hereby requested by all of the property owners of the area that is less than 40 acres be detached from the City of Benson, Minnesota, and made a part of the Township of Torning, Swift County, Minnesota.

- 1. There is one parcel- with four (4) fee owners in the area proposed for detachment and it consists of 35 deed acres.
- 2. All property owners have signed this petition.
- 3. The property is situated on the west side of the City of Benson, Minnesota, abuts the municipal boundary on the north and east side, a river is located on the west side, judicial ditch on the north, and the state highway/township to the south. It should also be noted that a couple acres on the west side of the property (included in the legal description) is in the adjoining township.
- 4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

5. The reason detachment is requested is:

Property owners seek to detach the property so that the same can be enrolled in permanent conservation programs as the benefits for such easements are greater when located in a township and further it will allow greater recreational and conservation uses of the property including restrictions on the use of chemical and fertilizer.

6. Summarize what efforts were taken prior to filing this petition to resolve the issues:

This matter was previously filed for detachment as the city opposed the detachment. However, within a few days of the scheduled hearing (OAH Docket No. 8-0330-35008) the city agreed to the detachment. However, due to time constraint of the hearing, and the corresponding city/township meetings, the parties were not able to prepare and file a resolution so the matter was dismissed with an agreement that it would be refiled. City and Township have approved the detachment and will be submitting the supporting resolution.

7. The number of acres in the property proposed for detachment is 35 deeded acres and is described as follows:

See Attached.

8. The number and character of buildings on said property is:

There are no buildings on the property. Access is by unimproved cart path.

9. The number of residents in the area proposed for detachment is:

None. Agricultural and waste land.

10. Public improvements on said property are:

None. Property owners indicate that any sewer/water connection stop well short of the property as there would never have been a need to continue to the property as it is general not suitable for any kind of development. Further, the property is largely located within the flood plain which restricts the use as well.

Date:	7-9-18	Paul/Scl

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Paul Schwendemann What I was a second secon	
Lori Schwendernann	

Kaleb Schwendemann

Jessica Schwendemann

Municipal Boundary Adjustment Unit Contacts

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(August 2012)

EXHIBIT A – Schwendemann Petition

Swift County, Minnesota:

Southwest Quarter of the Southwest Quarter (SW1/4SW1/4), Section Six (6), Township One Hundred Twenty-one (121), Range Thirty-nine (39), subject to highway easements of record, AND EXCEPTING that part of said SW1/4SW1/4 described as: Beginning at the Northwest corner of said SW1/4 of SW1/4; thence Southerly along the West side of said SW1/4 of SW1/4 a distance of eight hundred fifteen feet (815') to the center of Judicial Ditch No. 19; thence Northeasterly along the centerline of said Judicial Ditch #19 to the North line of said SW1/4 of SW1/4; thence Westerly along the North line of said SW1/4 of SW1/4 to place of beginning, Swift County, Minnesota.





