

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Detachment of
Certain Real Property from the City of
Hartland to Hartland Township
(MBAU D-542)

ORDER APPROVING
DETACHMENT



On December 10, 2014, a Petition for Detachment (Petition) was filed with the Office of Administrative Hearings pursuant to Minn. Stat. § 414.06 (2014), requesting detachment, of certain real property (Property) owned by Donna L. Rausch, Gerald Rausch, and the Donna L. Rausch Revocable Trust (Petitioners) and legally described as follows:

Outlot "D" in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 104 North, Range 22 West, LESS THE FOLLOWING DESCRIBED TRACTS:

(1) Beginning at a point which point is 355 feet west of the southeast corner of Section 17, Township 104 North, Range 22 West; thence deflecting right 90°, 160 feet; thence deflecting left 90°, 100 feet; thence deflecting left 90°, 160 feet; thence deflecting left 90°, 100 feet to the point of beginning, subject to highway easements along the south side thereof; being a part of Outlot "D" in the City of Hartland, Freeborn County, Minnesota, as the same is platted and recorded in the office of the County Recorder, Freeborn County, Minnesota.

(2) Beginning at a point which point is 105 feet west of the southeast corner of Section 17, Township 104 North, Range 22 West; thence deflecting right 90°, 160 feet, thence deflecting left 90°, 150 feet; thence deflecting left 90°, 160 feet; thence deflecting left 90°, 150 feet to the point of beginning, subject to highway easements along the south side thereof; being a part of Outlot "D" in the City of Hartland, Freeborn County, Minnesota, as the same is platted and recorded in the office of the County Recorder, Freeborn County, Minnesota.

(3) Starting at the Southeast corner of Section 17, Township 104 North, Range 22 West; thence 560.8 feet North along the East line of said section; thence 33 feet West at a right angle, to a point which is hereinafter called the point of beginning; thence 80 feet West on an extension of the last described line; thence 100 feet North at a

right angle; thence 80 feet East at a right angle; thence 100 feet South at a right angle; to the point of beginning; being part of Outlot "D" in the City of Hartland, in the SE¼ SE¼ of Section 17, Township 104 North, Range 22 West, Freeborn County, Minnesota.

(4) Starting at the Southeast corner of Section 17, Township 104 North, Range 22 West; thence 460.8 feet North along the East line of said section; thence 33 feet West at a right angle, to a point which is hereinafter called the point of beginning; thence 125 feet West on an extension of the last described line; thence 100 feet North at a right angle; thence 125 feet East at a right angle; thence 100 feet South at a right angle; to the point of beginning; being part of Outlot "D" in the City of Hartland, in the SE¼ SE¼ of Section 17, Township 104 North, Range 22 West, Freeborn County, Minnesota.

(5) Starting at the Southeast corner of Section 17, Township 104 North, Range 22 West; thence North 360.8 feet along the East line of said section; thence 33 feet West at right angle to a point hereinafter called the point of beginning. Thence 125 feet West on an extension of the last described line; thence 100 feet North at a right angle; thence 125 feet East at a right angle; thence 100 feet South to the point of beginning, being part of Outlot "D" in the City of Hartland, in the SE¼ SE¼ of Section 17, Township 104 North, Range 22 West, Freeborn County, Minnesota.

(6) Beginning at a point which point is 255 feet west of the southeast corner of Section 17, Township 104 North, Range 22 West; thence deflecting North 90°, 160 feet; thence deflecting West 90°, 100 feet; deflecting South 90°, 160 feet; thence deflecting East 90°, 100 feet to the point of beginning, subject to highway easements along the south side thereof; being a part of Outlot "D" in the City of Hartland, Freeborn County, Minnesota, as the same is platted and recorded in the office of the County Recorder, Freeborn County, Minnesota.

(7) Starting at the Southeast corner of Section 17, Township 104 North, Range 22 West; thence 260.8 feet North along the East line of said section; thence 33.00 feet West at a right angle, to a point which is hereinafter called the point of beginning; thence 125.0 feet West on an extension of the last described line; thence 100.00 feet North at a right angle; thence 125.00 feet East at a right angle; thence 100.0 feet South at a right angle, to the point of beginning; being part of Outlot "D" in the City of Hartland, in the SE¼ SE¼ of Section 17, Township 104 North, Range 22 West.

(8) Beginning at a point which point is 455 feet west of the SE corner of Section 17, Township 104 North, Range 22 West; thence

deflecting right 90°, 160 feet; thence deflecting left 90°, 36 feet; thence deflecting left 90°, 160 feet; thence deflecting left 90°, 36 feet to the point of beginning, subject to highway easements along the south side thereof; being a part of Outlot "D" in the City of Hartland, Freeborn County, Minnesota, as the same is platted and recorded in the office of the County Recorder, Freeborn County, Minnesota.

(9) Beginning at the Southeast corner of Section 17, Township 104 North, Range 22 West; thence North 260.8 feet on the East line of said section; thence West 105.0 feet at a right angle; thence South 260.8 feet more or less, to the South line of said Section 17; thence East 105.0 feet on the South line of said Section 17, to the point of beginning; being part of Outlot "D" in the City of Hartland, in the SE¼ SE¼ of Section 17, Township 104 North, Range 22 West.

(10) Starting at the southeast corner of Section 17, Township 104 North, Range 22 West; thence 210.8 feet North along the East line of said section, thence 105 feet west at a right angle to a point which is hereinafter called the point of beginning; thence 53 feet west on an extension of the last described line; thence 50 feet North at a right angle; thence 53 feet East at a right angle; thence 50 feet South at a right angle, to the point of beginning being part of Outlot "D" in the City of Hartland, in the SE¼ SE¼ of Section 17, Township 104 North, Range 22 West.

(11) All that part of Outlot "D" in the SE¼ Section 17-T104N-R22W, City of Hartland, Freeborn County, Minnesota; described as follows: Commencing at the southeast corner of the SE¼ of said Section 17; thence North a distance of 660.8 feet, on the east line of said SE¼; thence West a distance of 33.00 feet, at a right angle, to the point of beginning; thence West a distance of 149.00 feet, on an extension of the last described line; thence North a distance of 302.00 feet, at a right angle; thence East a distance of 149.00 feet, at a right angle; thence South a distance of 302.00 feet, at a right angle, to the point of beginning.

(Parcel No. 1) Outlot "D" except beginning at the southeast corner of Section 17, Township 104, Range 22, Freeborn County, Minnesota, then West 491', North 160', East 386', North 47.8', West 53', North 350', East 45', North 100', West 69', North 302', East 149', South 302', East 33', thence South to the point of beginning, containing 35.99 acres; Parcel No. R28.015.0010.

Daniel L. Kolker, Peterson, Savelkoul, Kolker, Haedt and Benda, Ltd., appears on behalf of the City of Hartland (City). Andrew Willaert, Gislason & Hunter, LLP, appears on behalf of the Petitioners. Allen Batt, Hartland Township Clerk, appears on behalf of

Hartland Township (Township) without legal counsel.

On December 30, 2014, the City adopted a resolution opposing the Petition. On December 31, 2014, the Township adopted a resolution stating it was neutral to the Petition.

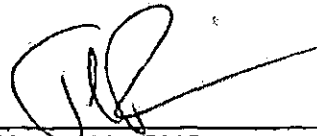
On May 5, 2015, the City adopted Resolution 2008-5 withdrawing its objection to the detachment of the Property, and agreeing to the detachment of the Property.

Based upon a review of the Petition and City Resolution 2008-5, and finding that the detachment would be in the best interests of the Property, the Chief Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.06, the Petition and City Resolution 2008-5 are deemed adequate in all legal respects and properly support this Order.
2. Pursuant to this Order, the Property is detached from the City of Hartland.
3. Pursuant to Minn. Stat. § 414.06, subd. 7 (2014), the cost of these proceedings to date shall be divided as follows: 50 percent to the Petitioners and 50 percent to the City. An invoice memorializing these costs will be sent to the parties under separate cover.

Dated: July 8, 2015



TAMMY L. PUST
Chief Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.06, .07, .09, .12 (2014). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Freeborn 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 Approving Detachment within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2013). However, no request for amendment shall extend the time of appeal from this Order.