

STATE OF MINNESOTA

IN SUPREME COURT

A11-0644

A11-1471

City of Brainerd,

Respondent (A11-0644),

vs.

Brainerd Investments Partnership, et al.,

Respondents Below (A11-0644),

Roger Anda, et al.,

Appellants (A11-0644);

Betty Anda, et al.,

Appellants (A11-1471),

vs.

City of Brainerd, Minnesota,

Respondent (A11-1471).

ORDER

Upon the court's own motion and based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the slip opinion filed on March 13, 2013, is amended on page 1 and page 12 to reflect Justice Wright's participation in the consideration and decision of the above-entitled case. The corrected pages are attached to this order.

Dated: March 25, 2013

BY THE COURT:

/s/

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Lorie S. Gildea  
Chief Justice

STATE OF MINNESOTA

IN SUPREME COURT

A11-0644

A11-1471

Court of Appeals

Gildea, C.J.  
Dissenting, Anderson, G. Barry, J.,  
Anderson, Paul, J.

City of Brainerd,

Respondent (A11-0644),

vs.

Filed: March 13, 2013  
Office of Appellate Courts

Brainerd Investments Partnership, et al.,

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Gerald W. Von Korff, Rinke Noonan, Saint Cloud, Minnesota, for appellants.

George C. Hoff, Justin L. Templin, Hoff, Barry & Kozar, P.A., Eden Prairie, Minnesota,  
for respondent.

In sum, under the common and ordinary meaning of “owner,” the State of Minnesota is an owner that may petition a municipality for an improvement under Minn. Stat. § 429.031, subd. 1(f). Because CLC is an “owner,” we hold that CLC’s petition under section 429.031, subdivision 1(f) is valid.

Affirmed.