

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF AITKIN

FIFTEENTH JUDICIAL DISTRICT

In the Matter of the Creation
of Aitkin Drainage and Conservancy
District.

FINDINGS OF FACT
AND
ORDER OF ORGANIZATION

The above entitled matter having come before the undersigned judge of this court at the district courtroom in the courthouse in the Village of Aitkin, Minnesota, on December 14, 1951, at 2:00 P.M., upon the petition of resident free-holders for the creation of a drainage and conservancy district, notice of such hearing having been given as required by the order of this court of November 15, 1951, by publication of a copy of that order in the Aitkin Independent Age, a newspaper published at Aitkin, Minnesota, on November 15, 22, and 29 in 1951, proof of which publication has been made by the filing herein of the publisher's affidavit, Joseph W. Ryan, having appeared as attorney for the petitioners, and no one having appeared in opposition to said petition,

Now, Therefore, upon all the files and records herein, and upon the evidence presented in support of said petition, all matters required by law preliminary to said hearing having been duly accomplished, and upon motion of the counsel for the petitioners, the court makes the following:

FINDINGS OF FACT

I

The petition filed herein on November 10, 1951, for the creation of Aitkin Drainage and Conservancy District was duly signed and acknowledged by 92 resident free-holders within the territory herein-after described as said drainage and conservancy district. The district is comprised of approximately 135 square miles and includes the drainage area of parts of Mississippi, Rice, Little Willow and Mud Rivers and Cedar Brook in Aitkin County and in one section of

11675

land in Dean Lake Township in Crow Wing County.

II

Aitkin Drainage and Conservancy District is an appropriate name for the district herein created and its place of business and main office should be in Aitkin, Minnesota.

III

The purpose of the district is the regulating of the streams, channels and water courses and the flow of the water therein by changing, widening, deepening and straightening the same or otherwise improving the use and capacity thereof; the regulation and control of flood waters and the prevention of floods by the deepening, widening, straightening or diking the channels of any stream or water course, or by the construction of ditches or other means to control such waters; all for the primary purpose, among others, of relieving the area herein described of recurring flooding from the Mississippi, Rice, Little Willow and Mud Rivers and Cedar Brook. The establishment of such drainage and conservancy will be conducive to the public health, safety and convenience, and will promote the welfare of the inhabitants of the district and be of public benefit of the district herein proposed.

IV

The primary improvement contemplated by the district is the construction and maintenance of a diversion ditch from a point on the Mississippi River in Section Six (6) of Spencer Township in Aitkin County to a point on the river in Section Thirteen (13) of Dean Lake Township of Crow Wing County. The ditch will cause a reduction of flood waters of the Mississippi River within the district by speeding the flow of such waters to a point beyond the area flooded and damaged in the past.

V

The territory hereinafter described in Paragraph 2 of the court's order is appropriate for inclusion within the drainage district.

VI

The drainage district shall have a board of directors consisting of five members, and the following named persons nominated in the petition are qualified to act as such first board of directors.

Vernon K. Quaintance	Aitkin, Minnesota
Allan Cummings	Aitkin, Minnesota
Erick Carlson	Aitkin, Minnesota
Ralph Keath	Palisade, Minnesota
Bernard Janzen	Aitkin, Minnesota

From the foregoing findings of fact, the court makes the following:

ORDER

1. Aitkin Drainage and Conservancy District is hereby created and organized as a public corporation pursuant to Chapter 111 of Minnesota Statutes Annotated.

2. The boundaries of said district shall be as follows:

Beginning at the point where the West boundary of Aitkin County intersects the South boundary of the right-of-way of the Northern Pacific Railway Company in Section 31 of the Town of Aitkin; Thence Easterly along the South line of said right-of-way to the North-and-South quarter line in Section 26 of the Town of Aitkin; Thence South to the South bank of Mud River; Thence Easterly along the South bank of Mud River to a point West of the center of Second Street S. E. of the Village of Aitkin; Thence East to the center of Fourth Avenue S. E.; Thence North to the South boundary of the Northern Pacific Railway Company right-of-way; Thence East on the South line of said right-of-way to the East boundary of the Town of Aitkin; Thence North to the South line of U. S. Highway No. 169; Thence Northeasterly on said line to where it intersects the North line of Section 16 of the Town of Spencer; Thence East to the Southeast corner of Section 8 in the Town of Kimberly; Thence North to the North line of said township; Thence West to the Southeast corner of Section 32 of the Town of Fleming; Thence North to U. S. Highway No. 210; Thence West to the East boundary of U. S. Highway No. 169; Thence North along said East boundary to the North line of Section 26 of the Town of Waukenabo; Thence West to the Northwest corner of Section 30 of the Town of Waukenabo; Thence South to the Southeast Corner of Section 1 of unorganized township 48-27; Thence West 1 mile; Thence South 1 mile; Thence West 1 mile; Thence South 2 miles; Thence West to the West line of Aitkin County; Thence South on said line to the Northeast corner of Section 13 of the Town of Dean Lake in Crow Wing County; Thence West to the Northwest corner of said Section 13; Thence South to the South bank of the Mississippi River; Thence West along said South bank to the West line of Aitkin County; Thence South on said county line to the point of beginning.

3. The name of the district is Aitkin Drainage and Conservancy District, and its main office and place of business shall be Aitkin, Minnesota.

4. The district shall be governed by a board of five directors and the names and terms of the first board of directors are as follows:

Vernon K. Quaintance	Aitkin, Minnesota	4 years
Allan Cummings	Aitkin, Minnesota	4 years
Erick Carlson	Aitkin, Minnesota	4 years
Ralph Keath	Fallsade, Minnesota	2 years
Bernard Janzen	Aitkin, Minnesota	2 years

Dated at Aitkin, Minnesota, this 19 day of December, 1951

s/ J. J. Hadler
District Judge

FILED
December 19, 1951
H. J. Johnson, Clerk

100-4

State of Minnesota, }
COUNTY OF AITKIN } ss.

DISTRICT COURT
Fifteenth Judicial District

In the Matter of the Creation of Aitkin
Drainage and Conservancy District.

~~Plaintiff~~

vs.

Defendant

I, Elof E. Jeppson Clerk of said court, do hereby certify:

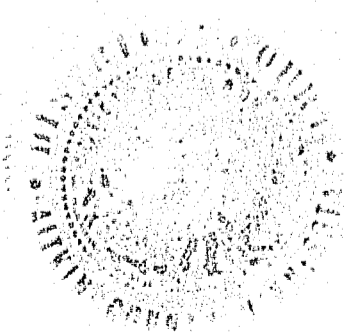
that I have carefully compared the paper writing to which this certificate is attached with the original

Findings of Fact and Order of Organization

in the above entitled action on file and of record in my office, and that the same is a true and correct copy thereof and
transcript therefrom, and of the whole thereof

Including the filing thereof

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the
seal of said Court at Aitkin, in said County and State, this 19th day of
December, 1951



Elof E. Jeppson
Clerk of said Court.

By L. Johnson
Deputy

11675

11675
D.S.

State of Minnesota
COUNTY OF AITKIN

DISTRICT COURT

Fifteenth Judicial District

In the Matter of the
Aitkin Drainage, etc.

Plaintiff

vs.

Defendant

CERTIFICATE OF TRANSCRIPT

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 24 1952
Minneapolis
COUNTY OF AITKIN