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EXTRACT OF MINUTES OF MEETING OF VILLAGE
COUNCIL OF VILLAGE OF FREEPORT, STEARNS
COUNTY, MINNESOTA, June 30, 1959

Pursuant to due call and notice thereof, a regular meeting of the Village Council of the Village of Freeport, Minnesota, was held at the Village Council rooms in said Village on the 30th. day of June, 1959, at 7:30 o'clock P. M.

The following members were present: Herbert J. Nennen, Edwin B. Hiltner, John Wensman, John Rose, and Gilbert Ritter

John Knapp, the village attorney, attended the meeting and reported that on June 5, 1959, the District Court of Stearns County entered its judgment ordering and directing the Village Council to detach the lands belonging to Edward Bonfig, as requested in his petition to the Village Council which was presented to the council on June 4, 1958.

After full discussion member John Wensman introduced the following resolution and moved for its adoption:

RESOLUTION ADOPTING ORDINANCE DETACHING LANDS

WHEREAS, prior to June 4, 1958, Edward Bonfig duly filed his petition with the Village Clerk for the Village of Freeport, Stearns County, Minnesota, praying for the detachment of certain lands owned by him from the Village of Freeport, and

WHEREAS, said petition having been duly presented to the Village Council of said Village of Freeport, Minnesota on June 4, 1958, at a meeting held to consider said petition, and said Village Council of said Village of Freeport, Minnesota did on said 4th. day of June, 1958, duly adopt a resolution rejecting said petition of said Edward Bonfig for detachment of said lands, and

WHEREAS, the said Edward Bonfig duly appealed to the District Court of Stearns County, Minnesota from said resolution rejecting said petition for detachment, and the District Court within and for said Stearns County, did on June 5th. 1959, make and enter its judgment on said appeal ordering and directing said Village Council of said Village of Freeport, Minnesota to detach the lands described in the petition, which lands are entirely situated in the Township of Oak, Stearns County, Minnesota.

NOW THEREFORE, pursuant to the direction of the judgment of said District Court for Stearns County, Minnesota, be it resolved that the Village Council of the Village of Freeport adopt the following ordinance:

ORDINANCE NO. 49

AN ORDINANCE TO DETACH LANDS FROM THE VILLAGE OF FREEPORT
BE IT ORDAINED, by the Village Council of the Village of Freeport, Stearns County, Minnesota, that the following described lands owned by Edward Bonfig and described as follows, to-wit:

Lots One (1), Two (2), Three (3), Eight (8), and the fractional Easterly Six and 1/10th. acres of Lot Four (4), all in Auditor's Subdivision Number Five (5) of Section Two (2) in Township One Hundred Twenty-five (125) North, Range Thirty-two (32) West, Stearns County, Minnesota.

be and are hereby detached from the Village of Freeport, Stearns County, Minnesota, pursuant to the direction of the judgment of the District Court of Stearns County, provided, however, that said lands so detached shall be subject to taxation for the payment of principal and interest on all Village of Freeport bonded indebtedness outstanding at the time of the detachment to the same extent as if it were still a part of the Village of Freeport.

Dated June 30, 1959.

Attest:

Edwin B. Hiltner
Village Clerk

Herbert J. Hennen
Mayor

The motion for the adoption of the foregoing resolution was duly seconded by member John Rose and upon vote being taken thereon, the following members voted in favor thereof: Herbert J. Hennen, Edwin B. Hiltner, John Mensman, John Rose, and Gilbert Ritter. No one voted against the same. Whereupon said resolution was declared duly passed and adopted.

Edwin B. Hiltner
Village Clerk

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY - 2 1960
Joseph R. Anderson
Secretary of State

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STATE OF MINNESOTA)
COUNTY OF STEARNS } SS.

I, the undersigned, being the duly qualified and acting Village Clerk of the Village of Freeport, Stearns County, Minnesota, hereby certify that I have compared the attached and foregoing extract of minutes with the original minutes on file and of record in my office and that the same is a full, true, and correct transcript of the minutes of a meeting of the Council of said municipality duly called and held on the date therein indicated, so far as such minutes relate to the detachment of the Edward Bonfig lands.

Witness my hand and the seal of said Village this 6 day of

July 1959.

Sam Hill

Seal

145700.D

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY - 2 1960
Joseph L. Anderson
Secretary of State

PETER AHLES

PHONE BL 1-8751

VINCENT A. AHLES

AHLES & AHLES
ATTORNEYS AT LAW
803 1/2 ST. GERMAIN STREET
ST. CLOUD, MINNESOTA

April 29, 1960

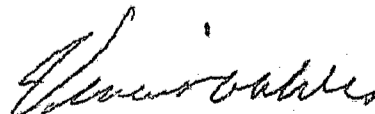
Sec. of State
Corp. Division
St. Paul, Minn.

Gentlemen:

Herewith we send you the certified copy of the proceedings of the Freeport Village Council, which we neglected to send in with our letter of April 27, 1960.

Yours very truly,

AHLES & AHLES



STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY - 2 1960
Joseph P. Holloman
Secretary of State

4/29/60

Mr. H. Swenson, Spec. Asst Atty General advised
acceptable under M.S. 645.35. Atty Gen. Op. 7/16/57.

Made collect call to Ahles & Ahles at 2:30 p.m.
Mailing Ordinance today to be filed in office on
May 2, 1960.

*Atty Gen Op. 7-16-57
166-c-8*

April 29, 1960

Secretary of State

Mr. John Casey
Spec. Asst Atty General

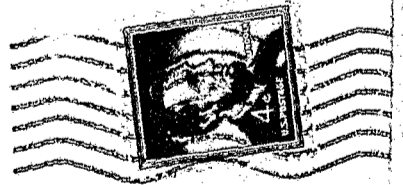
Cecil Dion

Village Ordinance

Attached is a letter received today from Ahles & Ahles, Attorneys,
at St. Cloud dated April 27, 1960.

Your immediate advice as to the legality of accepting for filing
the certified copy of said Ordinance of the Village of Freeport
is requested in view of the given tax deadline.

AHLES & AHLES
ATTORNEYS AT LAW
805 1/2 ST. GERMAIN STREET
ST. CLOUD, MINNESOTA



Handwritten signature

HON. JOSEPH L. DONOVAN
SECRETARY OF STATE
STATE CAPITOL
ST. PAUL MINNESOTA

PETER AHLES

PHONE 811-8751

VINGENT A. AHLES

AHLES & AHLES

ATTORNEYS AT LAW
803 1/2 ST. GERMAIN STREET
ST. CLOUD, MINNESOTA

April 27, 1960

Hon. Jos. L. Donovan,
Secretary of State
St. Paul, Minnesota

Dear Sir:

On July 15, 1959 I mailed you a certified copy of the ordinance of the Village of Freeport detaching certain farm lands from the Village. Your office thereupon returned the ordinance and stated that procedure for detachment of property should be pursuant to Chapter 686 Sec. 6 Laws of 1959. In compliance with your instructions I then sent the certified copy of the ordinance detaching the land to the Minnesota Municipal Commission on February 16, 1960. On February 26, 1960 Joseph Robbie, chairman of the Municipal Commission returned the resolution and stated that the Municipal Commission could not make an order detaching the lands from the Village of Freeport because the detachment occurs on a petition filed prior to the effective date of the Laws of 1959, Chapter 686 and it is therefore not before the Municipal Commission and they have no jurisdiction. Now, either the Secretary of State or the Municipal Commission must have the authority to give effect to this ordinance detaching the lands from the Village of Freeport. I am inclined to agree with Mr. Robbie of the Municipal Commission that inasmuch as this detachment resulted from proceedings commenced many months before Chapter 686 of the Laws of 1959 were passed that the proper procedure is for the Secretary of State to make the Order Detaching under the old law and notify the County Auditor. In fact, Mr. Robbie of the Municipal Commission informed me that there is an attorney general's opinion to that effect. As a private attorney, I of course am not entitled to opinions from the attorney general but if there remains any doubt in your mind I wish you would ask the attorney general for an opinion. A certified copy of the resolution of the Village of Freeport contains all the necessary facts setting forth when the petition for detachment was filed with the council and when the district court for stearns county finally handed down its decision ordering the Village council to detach the land from the Village.

PETER AHLES

PHONE 811-8751

VINCENT A. AHLES

AHLES & AHLES
ATTORNEYS AT LAW
803 1/2 ST. GERMAIN STREET
ST. CLOUD, MINNESOTA

April 27, 1960

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Hon. Jos. L. Donovan,
St. Paul, Minn.

Please give this your immediate attention
because I think this man Bonfig is entitled to
have his taxes assessed on May first on this
land as Township land and not as Village land.

Yours truly,

AHLES & AHLES, Attorneys,

By *Vincent A. Ahles*
s

VAA/s

14570
RECEIVED
APR 29 1960
SECRETARY OF STATE
CORPORATION DIVISION