

STATE OF MINNESOTA  
WATER RESOURCES BOARD

#14825  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY 17 1960  
*Joseph L. Johnson*  
Secretary of State

AFFIDAVIT

STATE OF MINNESOTA )  
COUNTY OF RAINIER )

VIRGIL C. HERRICK, being first duly sworn on oath deposes and says:

THAT he is the Executive Secretary of the Water Resources Board;  
that he has compared the attached copy of the Findings of Fact, Conclusions  
of Law and Order, dated at St. Paul, Minnesota the 16<sup>th</sup> day of MAY  
19 60, with the original thereof on file in his official  
custody; and

THAT said copy is a true and correct copy of said original and  
the whole thereof.

*Virgil C. Herrick*  
Virgil C. Herrick

Subscribed and sworn to before me this  
17<sup>th</sup> day of May 19 60.

*Roberta R. Schneider*

ROBERTA R. SCHNEIDER  
Notary Public, Scott County, Minnesota  
My Commission Expires June 19, 1965

#14725  
C.D.

STATE OF MINNESOTA

Water Resources Board

In the Matter of the Petition       )  
For the Change of Boundaries       )  
of the Nine Mile Creek Watershed   )  
District.                               )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

A petition having been heretofore filed with the Minnesota Water Resources Board requesting that the boundaries of the above district as originally ordered be redefined and changed, pursuant to the provisions of Laws of 1955, Chapter 799, as amended; and

The Board having ordered that a hearing be held on said petition on the 29th day of March, 1960, at 7:30 P.M. in the City Hall, Bloomington, Minnesota, and the Board having held said hearing pursuant to said order on March 29, 1960; and

Virgil C. Herrick, attorney and Executive Secretary of the Minnesota Water Resources Board, having appeared for the Board; Raymond A. Haik having appeared for the Nine Mile Creek Watershed District; and

The Board having examined the testimony and evidence offered and received on behalf of the petitioners and objectors, and having duly considered the same, and having considered all the records and files of the Board relating to said petition, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER:

FINDINGS OF FACT

I

That the above district lies wholly within the petitioning county and that a duly executed petition of the County of Hennepin was filed with the Board on February 9, 1960. Attached to said petition were proof of service upon the Director of the Division of Waters, the Commissioner of Conservation, and the auditor of Hennepin County. Also attached was a map showing the proposed boundary.

II

That said petition was found sufficient by the Board and a hearing thereon was ordered to be held March 29, 1960, at 7:30 P.M. in the City Hall, Bloomington,

Minnesota. Notice of this hearing was given by publication in a regular newspaper in Hennepin County as required by statute, and in addition thereto, notice was mailed to the Commissionery of Conservation, the Director of the Division of Waters, the Hennepin County auditor, and the chief executive official of the affected municipalities; and

### III

That the Director of the Division of Waters examined the petition and filed his report with the Board recommending that the amended boundary follow more closely the natural watershed boundary and that the part of the Nine Mile Creek watershed located below the bluffs of the Minnesota River be excluded for inclusion within the Lower Minnesota Watershed District. This report, together with a map and supporting testimony, were received in evidence at the hearing; and

### IV

That the duly qualified managers of the above district desire to establish an organizational and administrative expense fund as authorized by the Minnesota Watershed Act as amended. In order to establish this fund, it is necessary to levy a property tax on the property within the district. The description of the lands originally used in defining the district when it was organized is not of sufficient detail to enable the county auditor to levy a property tax; and

### V

That the municipal engineers from the City of Hopkins and villages of Bloomington and Minnetonka appeared and testified regarding the area within their respective municipalities that drains into Nine Mile Creek. In general, they recommended changes in the boundary to reflect storm sewer drainage.

That Robert Crabb representing Southdale Management Company appeared and testified that the storm sewers developed by the company flowed into two ponds in the N.E. 1/4 of Section 30, Twp. 28 N. R. 24 W, 4th P.M. (North and East of Lake Cornelia.) The testimony regarding the eventual outlet of these ponds was indecisive.

Upon the foregoing Findings of Fact, the BOARD CONCLUDES AND

ORDERS:

VI

That the Board has jurisdiction and authority to order the change in the boundaries of the Nine Mile Creek Watershed District.

VII

That the purpose in petitioning for the change in boundaries is to enable the managers of the watershed district to establish an organizational and administrative expense fund, as authorized by the Minnesota Watershed Act. That the description used in defining the boundary in the order establishing the district was not in sufficient detail to enable the county auditor to levy a property tax. That it is the conclusion of the Board that the above described purpose is legitimate and reasonable;

VIII

That the Board, its employees and advisors have carefully examined the petition and compared the description with maps and plats on file; that based on the testimony and other evidence submitted the following described boundary appears to: (1) Follow the natural watershed boundary of Nine Mile Creek; (2) be sufficient to enable the taxing authorities to levy a property tax for any authorized purpose.

The Board, in adopting the description, has incorporated suggested revisions made by the Division of Waters, Department of Conservation and the officials of the municipalities appearing at the hearing.

The Board concludes that Southdale Shopping Center is a part of the natural watershed of Nine Mile Creek. Investigation of the topography of the area indicates that when the ponds into which the Southdale storm sewers outlet overflow, such overflow is into Lake Cornelia and thence into Nine Mile Creek. Any surface drainage other than through the storm sewers would also appear to be into the Nine Mile Creek Watershed.

IX

That the Board hereby orders that the following boundary be and hereby

is established as the official boundary of the Nine Mile Creek Watershed District.

Commencing at the intersection of the center line of West 108th Street in the Village of Bloomington with the center line of Interstate Highway Number 35W (new State Highway Number 65); thence Northerly along the center line of Highway Number 35W to the East-West quarter line of Section 16, Township 27 North, Range 24 West, 4th Principal Meridian; thence Easterly along the East-West quarter line of Sections 16 and 15, Township 27, Range 24, to the East line of Section 15, Township 27, Range 24; thence Northerly along the East line of Sections 15 and 10, Township 27, Range 24, to the South line of Section 3, Township 27, Range 24; thence Westerly along said South line to the North-South quarter line of said Section 3; thence Northerly along said North-South quarter line to the South line of Section 34, Township 28, Range 24; thence Westerly along the South line of Section 34 to the Southwest corner of Section 34, thence Northerly along the West line of Section 34 to the East-West quarter line of Section 33, thence West along the East-West quarter line of Sections 33 and 32 to the North-South quarter line of Section 32, Township 28, Range 24; thence North along the North-South quarter line of Sections 32 and 29 to the Northeast corner of Southwest quarter of Section 29, Township 28, Range 24 (being also the center line of West 66th Street); thence Westerly along the center line of West 66th Street to the center line of France Avenue, thence Northerly on the center line of France Avenue to the center line of West 62nd Street, thence Westerly on the center line of West 62nd Street to the center line of Valley View Road; thence Northwesterly along the center line of Valley View Road to its intersection with the West line of Section 19, Township 28, Range 24; thence North along the West line of Sections 19 and 18, Township 28, Range 24, to the East-West line of Section 28, Township 117, Range 21; thence Westerly to the center line of County Road Number 20; thence Westerly and Northerly along the center line of County Road 20 to the South line of Section 19, Township 117 North, Range 21 West, 5th Principal Meridian; thence West along South line of Section 19 to the Southwest corner of Southeast quarter of said Section 19; thence Northerly on the West boundary of the Southeast quarter of said Section 19 to the

center line of Excelsior Avenue; thence Westerly along the center line of Excelsior Avenue to the center line of 5th Avenue South in the City of Hopkins; thence Northerly along the center line of 5th Avenue South to the center line of Minnetonka Mills Road; thence Northwesterly along the center line of Minnetonka Mills Road to its intersection with center line of State Trunk Highway Number 7; thence Southwesterly along said Highway 7 center line to its intersection with the center line of County Road Number 73; thence Southerly along the center line of County Road Number 73 to the East-West quarter line of Section 23, Township 117, Range 22; thence Westerly along the East-West quarter line of Section 23 to the center line of County Road Number 61; thence Northwesterly along the center line of County Road Number 61 to its intersection with the center line of State Highway Number 7; thence Southwesterly along the center line of State Highway Number 7 to its intersection with the center line of County Road 145; thence Southerly along the center line of County Road 145 to the North line of Section 33, Township 117, Range 22; thence Westerly along said North line to West line of Section 33, Township 117, Range 22; thence Southerly along said West line of Section 33 to the Northwest corner of the Southwest quarter of the Southwest quarter of Section 33, Township 117, Range 22; thence Easterly along the North line of said ~~Southwest quarter~~ <sup>South half</sup> of the Southwest quarter of Section 33, Township 117, Range 22, to the Northeast corner thereof; thence Southerly along the East line of said ~~Southwest quarter~~ <sup>South half</sup> of Southwest quarter to the South line of Section 33, Township 117, Range 22; thence Westerly along the South line of said Section 33 to the Northwest corner of Section 4, Township 116, Range 22; thence Southerly along the West line of said Section 4 to the North line of the plat of Eden View 2nd Addition; thence Easterly along the North line of said addition to its intersection with East line of County Road 4; thence Southerly along the East line of County Road 4 to its intersection with the Southwesterly line of the plat of Birch Island Acres; thence Southerly and Easterly along the South line of the plats of

Birch Island Acres and Registered Land Survey Number 261 to the East-West quarter line of said Section 4, Township 116, Range 22; thence Easterly along the East-West quarter line of said Section 4 to the East line thereof; thence Southerly along the East line of said Section 4 to the Southeast corner thereof; thence Easterly along the South line of Section 3, Township 116, Range 22 to its intersection with the center line of County Road 60; thence Southerly and Easterly along the center line of County Road 60 to its intersection with the center line of State Trunk Highway Number 212; thence Southerly and Westerly along the center line of Highway 212 to its intersection with the center line of State Trunk Highway Number 5 in the Southeast quarter of Section 11, Township 116, Range 22; thence Southerly and Easterly along the center line of Highway Number 5 to its intersection with the center line of County Road Number 18; thence Southerly along the center line of County Road Number 18 to its intersection with the North line of Southwest quarter of Section 18, Township 116, Range 21; thence Easterly along said North line to the Northeast corner of said Southwest quarter; thence Southerly to the Southeast corner thereof; thence Easterly along the South line of Sections 18 and 17, Township 116, Range 21, to the center line of the Minneapolis Northfield and Southern Railway right of way; thence Southerly along said right of way line to the South line of Section 20, Township 116, Range 21; thence Easterly along the South line of Sections 20 and 21, Township 116, Range 21, to the Southeast corner of said Section 21; thence Southerly along the East line of Section 28, Township 116, Range 21 to the East-West quarter line of Section 18, Township 27, Range 24; thence Easterly along said East-West quarter line to the center of said Section 18; thence Southerly along the North-South quarter line of Section 18, Township 27, Range 24 to the South line thereof; thence Easterly along the South line of said Section 18 to the Southeast corner thereof; thence Southerly along the East line of Section 19, Township 27, Range 24, to the Southeast corner of said Section 19; thence

Easterly along the South line of Section 20, Township 27, Range 24, to the Northwest corner of the Northeast quarter of Section 29, Township 27, Range 24; thence Southerly along the West line of said Northeast quarter to the South right of way line of Overlook Drive; thence Northeasterly along said right of way line to the Northwest corner of Block 5 of the plat of Wells Wood Addition; thence Southerly and Easterly along the Southerly line of the plat of Wells Wood Addition to the Southeast corner of said addition; thence Northerly along the Easterly line of said addition to the Northeast corner thereof; thence Westerly along the North line of said addition to the Southeast corner of the plat of Waleswood Park; thence Northerly along the East line of the plat of Waleswood Park to the center line of West 108th Street; thence Easterly to beginning.

Dated in St. Paul, Minnesota  
this 16<sup>th</sup> day of May, 1960.

MINNESOTA WATER RESOURCES  
BOARD

George Loughland, Chairman

*George Loughland*

#14825