

CASE OF DEEDS:
HAYES PATRIMONY BOARD

APPROVED

STATE OF MINNESOTA }
 } ss
COUNTY OF HENRY }

VIRGIL G. 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 11th day of July 19 61,
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 G. Herrick
Virgil G. Herrick

Subscribed and sworn to before me this
20th day of July 19 61

Mae Smythe
MAE SMYTHE
Notary Public, Dakota County, Minn.
My Commission Expires April 13, 1967.

#15586
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 20 1961
James L. Anderson
Secretary of State

#15586

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 be enlarged, 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 16th day of May 1961, at 9:00 A. M., in the City Hall, Bloomington, Minnesota, and the Board having held said hearing pursuant to said Order on May 16, 1961; and Virgil C. Herrick, Attorney and Executive Secretary of the Minnesota Water Resources Board, having appeared for the Board; John K. Harvey, having appeared for the Hennepin County Board of Commissioners and 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, no objectors having testified, 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:

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 10, 1961. Attached to said petition was

(Findings of Fact, etc.)

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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 May 16, 1961, at 9:00 A. M., in 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 Commissioner of Conservation, the Director of the Division of Waters, the Hennepin County Auditor and the chief executive officials of the affected municipalities; and

III

That the Director of the Division of Waters examined the petition and filed his report with the Board. He recommended that the territory of Anderson and Bush Lakes Watershed should be included in the Nine Mile Creek Watershed District. This report, together with a map and supporting testimony were received in evidence at the hearing; and

IV

That the Hennepin County Commissioners, before submitting the petition to the Board, received a petition requesting the proposed addition to Nine Mile Creek Watershed District from 108 freeholders who constitute a majority of the residents of the affected area and a petition from the City Council of Bloomington, Minnesota. A representative of the freeholders appeared and testified to the effect that a majority of the freeholders in the area were in favor of adding the area to the

(Findings of Fact, etc.)

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district; and

V

That Anderson and Bush Lakes are in need of rehabilitation. Specifically, they need additional water in time of drouth and an improved outlet to dispose of excess flood waters. It appears probable that a diversion of excess waters could be made from Nine Mile Creek into Anderson and Bush Lakes. This diversion would increase the value of the lakes for recreational purposes;

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 for petitioning the change of boundaries to include Anderson and Bush Lakes Watershed is to provide a method of regulating the levels of the above lakes. It appears that this may be accomplished in conjunction with the proposed plan of managing the existing Nine Mile Creek Watershed District.

VIII

That the proposed addition to Nine Mile Creek Watershed District is supported by

1. A majority of freeholders living in the affected area.
2. The Bloomington City Council.
3. The Hennepin County Board of Commissioners.

(Findings of Fact, etc.)

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IX

That the Board hereby orders that the boundary of the Nine Mile Creek Watershed District be and hereby is amended to read:

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

(Findings of Fact, etc.)

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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

(Findings of Fact, etc.)

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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 South half of the Southwest quarter of Section 33, Township 117, Range 22, to the Northeast corner thereof; thence Southerly along the East line of said South half 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

(Findings of Fact, etc.)

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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 west line extended of Lot 13 of Auditor's Subdivision Number 335; thence Southerly along the West line of said Lot 13 and along the West line of Northeast quarter of the Southeast quarter of Section 14, Township 116, Range 22 W of the 5th Principal Meridian to the South line of the Northeast quarter of the Southeast quarter of said Section 14; thence Easterly along said South line to the West line of Section 13, Township 116, Range 22; thence Southerly along the West line of Sections 13 and 24, Township 116, Range 22 to the South line of the Northwest quarter of the Northwest quarter of said Section 24; thence Easterly along said South line to the West line of Government Lot 8 in said Section 24; thence Southerly along said West line to the North line of Government Lot 9 in said Section 24; thence Easterly along North line of said Government Lot 9 to the center of said Section 24; thence Southerly along the North-South center line of said Section 24 to the South quarter corner of said Section 24; thence Easterly along the South line of said Section 24 to a point, said point being 648 ft. Westerly of the Southeast corner of said Section 24 and measured along said South line; thence Northerly 250 feet parallel with East line of said Section 24; thence Easterly 410 feet parallel with said South line; thence northerly 410 feet parallel with said East line; thence Easterly 238 feet parallel with said South line to the East line of said Section 24; thence Northerly along said East line of Section 24 to its intersection with the North line of Southwest quarter of the Southwest quarter of Section 19,

(Findings of Fact, etc.)

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Township 116, Range 21; thence Easterly along said North line to the East line of the Southwest quarter of the Southwest quarter of said Section 19; thence Southerly along the East line of the Southwest quarter of the Southwest quarter of said Section 19 and East line of the Northwest quarter of the Northwest quarter of Section 30, Township 116, Range 21 to its intersection with the North line of the Southeast quarter of the Northwest quarter of said Section 30; thence easterly along said North line to the North-South quarter line of said Section 30; thence Southerly along said North-South quarter line to the East-West quarter line of said Section 30; thence Easterly along said East-West quarter line of Section 30 and the East-West quarter line of Section 29, Township 116, Range 21 to the North-South quarter line of said Section 29; thence Northerly along said North-South quarter line to the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 29; thence Easterly along said North line and the North line of the South half of the Northeast quarter of the Northeast quarter of said Section 29 to its intersection with the West line of Section 28, Township 116, Range 21; thence Southerly along the said West line of said Section 28 to the South line of Government Lot 2 of said Section 28; thence Easterly along the South line of said Government Lot 2 to a point 638.1 feet West of the East line of said Section 28; thence Northerly parallel to said East line to a point 1830.1 feet South of the North line of the South half of Government Lot 1 of said Section 28; thence Easterly, parallel to said North line of the South half of Government Lot 1, 638.1 feet to the West line of Section 18, Township 27, Range 24 West of the 4th Principal Meridian; thence

(Findings of Fact, etc.)

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Northerly to the West quarter corner of said Section 18; thence Easterly along the East-West quarter line of said Section 18 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 11th day of July 1961.

MINNESOTA WATER RESOURCES BOARD

George E. Loughland, Chairman

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