

#16768

STATE OF MINNESOTA  
WATER RESOURCES BOARD  
353 Centennial Building  
St. Paul Minnesota  
55101

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
FEB 28 1964  
*Joseph L. ...*  
Secretary of State

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In the Matter of the Petition For  
the Change of Boundaries and  
Withdrawal of Territory of the  
Coon Creek Watershed District.  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
ORDER.

A petition having been filed with the Minnesota Water Resources Board requesting that the boundaries of the Coon Creek Watershed District, as previously ordered, be changed, pursuant to the provisions of Laws of 1955, Chapter 799, as amended;

And the Board on December 9, 1963, having ordered that a hearing be held on said petition on the 21st day of January, 1964, at 1:30 P.M. in the Council Chambers, Coon Rapids, Minnesota, and the Board having held said hearing pursuant to said order; and Mr. Frank Murray, Attorney General's Office, and Mr. Erling Weiberg, Administrative Secretary of the Board, appearing with the Board, and Mr. Robert Johnson, Anoka County Attorney, having appeared for the Anoka County Board of Commissioners, and Mr. Virgil Herrick, Attorney, appearing for the Board of Managers of the Coon Creek Watershed District;

And the Board having heard the testimony and evidence offered on behalf of the petitioners and by interested citizens and having duly considered the same and having considered all the records in the files of the Board relating to said petition, now makes the following Findings of Fact, Conclusions of Law and Order.

(Findings of Fact,  
Conclusions of Law,  
Order)

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#### FINDINGS OF FACT

I. That the Coon Creek Watershed District lies wholly within Anoka County, and that a duly executed petition by the County Board of Commissioners of Anoka County was filed. Also filed with the petition was an Affidavit of Mailing by the County Attorney, Anoka County, stating that a copy of the petition was deposited in the Anoka County Auditor's Office, and copies mailed to the Director of the Division of Waters, St. Paul, and to the Commissioner of Conservation, St. Paul. A map was attached to the petition, showing the proposed changes to the Coon Creek Watershed District boundary.

II. Said petition was found sufficient by the Board on December 9, 1963, and a hearing was ordered to be held on the 21st day of January 1964, at 1:30 P.M. in the Council Chambers, Coon Rapids, Minnesota, after proper Notice of Hearing was given. The Board held said hearing, pursuant to the Notice of Hearing, on January 21, 1964.

III. The Director of the Division of Waters, Department of Conservation, examined the petition and filed his report with the Board. He recommended the following action on the boundary changes, as requested in the petition and as identified on the map attached to the petition:

(Findings of Fact,  
Conclusions of Law,  
Order)

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<u>AREAS</u>	<u>RECOMMENDATIONS</u>
A. Area I	To be added to Watershed District, as petitioned
Township 31 North, Range 23 West:	
S $\frac{1}{2}$ of Section 2 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 S $\frac{1}{2}$ of Section 3 SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, and E $\frac{1}{2}$ of Section 4	
B. Area II	To be added to Watershed District, as petitioned
Township 31 North, Range 23 West:	
E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 10, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 10	
C. Area III	To be added to Watershed District, as petitioned
Township 31 North, Range 23 West and Township 31 North, Range 24 West:	
S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 19, Township 31 North, Range 23 West, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 19, Township 31 North, Range 23 West, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 24, Township 31 North, Range 24 West.	
D. Area IV	To be withdrawn from Watershed District, as petitioned
Township 31 North, Range 24 West:	
1. That area lying south-easterly of the center-line of Foley Boulevard described as follows:	
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 25	
2. The SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 lying south-easterly of the center-line of Foley Boulevard and north-easterly of the center-line of Federal Aid Secondary No. 1, commonly known as East River Road.	

(Findings of Fact,  
Conclusions of Law,  
Order)

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3. NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 35 lying north-easterly of the center-line of Federal Aid Secondary No. 1, commonly known as East River Road.

E. Area V To be withdrawn from Watershed District, as petitioned

Township 31 North, Range 24 West:

1. That land lying south-westerly of the Great Northern Railroad in Sections 9, 15, 16, and 22.
2. That area of Section 23 lying south-westerly of the Great Northern Railroad north of the center-line of Egret Street and north-easterly of U.S. Highway No. 10; also, formerly State Highway No. 56; now designated State Highway No. 47; commonly known as Coon Rapids Boulevard.
3. That area of Section 23 lying south-westerly of U.S. Highway No. 10; also, formerly State Highway No. 56; now designated State Highway No. 47; commonly known as Coon Rapids Boulevard.

F. Area VI Not to be withdrawn from Watershed District, though petitioned to be withdrawn

Township 32 North, Range 22 West:

W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 4	E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 17
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 5	E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 17
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5	E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 20
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 5	E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 20
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 8	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21
SE $\frac{1}{4}$ of Section 8	W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 21
NW $\frac{1}{4}$ of Section 9	W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 28
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 9	E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 29
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29

(Findings of Fact,  
Conclusions of Law,  
Order)

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IV. The Board found the following facts to exist from testimony, exhibits, and evidence on file and available to the Board with regard to proposed changes at certain locations in the boundary of the Coon Creek Watershed District:

A. The Board in its consideration of Areas I, II, and III, described in paragraph number III, A, B, C, above, which are lands proposed to be added to the watershed district, not now in the district, found the following facts:

1. The areas are contiguous to the existing district;
2. The areas can be feasibly administered by the Board of Managers of the existing district;
3. Under normal conditions the runoff water from most of the land area involved does, in fact, move off the land into Coon Creek or tributaries of Coon Creek, either by means of surface ditches or recently installed storm sewers;
4. That the systematic management of the existing drainage systems in the proposed added areas will improve the land for agricultural and urban purposes;
5. The management of the land area will provide for flood control of waters therein, thereby providing for the safety of the general public and the inhabitants of the areas.

B. The Board, in reviewing proposals for changing the present boundary at certain locations so lands presently in the district will be excluded therefrom, which are areas IV, V, and VI, as described in paragraph number III, D, E, F, above, determined the following facts:

(Findings of Fact,  
Conclusions of Law,  
Order)

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1. The westerly boundary of Area IV is Foley Boulevard, a road constructed on a natural ridge, through which there exists no outlet to Coon Creek. Foley Boulevard is a barrier to runoff water moving westward to Coon Creek. Witnesses indicated that Area IV can be satisfactorily served by drainage in directions other than to Coon Creek.
2. The easterly boundary of Area V is the Great Northern railroad right-of-way and an elevated track bed. Immediately to the east of this railroad right-of-way is the Northern Pacific railroad right-of-way and an elevated track bed. These two railroad track beds are barriers to surface water movement easterly to Coon Creek. No culverts or other similar openings exist through either of these track beds nor are openings traversing the track beds anticipated to be constructed. Some of the Area is now served by storm sewers and surface channels, which remove the surface water runoff in a southerly direction to the Mississippi River. In another region of Area V surface runoff water will be collected in channels and diverted into a number of small ponds, which are to be retained for the purpose of water conservation. Any overflow will be gathered into a storm sewer and directed to the Mississippi River.
3. The Board determined in its consideration of Area VI that the territory does have a drainage problem. This situation appears to be due to the water management

(Findings of Fact,  
Conclusions of Law,  
Order)

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(Number 3, continued)

technique employed within the boundary of the Carlos Avery Game Refuge. The Area is, in fact, a part of the Coon Creek Watershed District.

#### CONCLUSIONS OF LAW

V. The Minnesota Water Resources Board has jurisdiction over the matter of proposed boundary changes of the Coon Creek Watershed District and authority to order changes in said boundary.

VI. The public interest and the public welfare will be served by the addition of Areas I, II, and III, as described in paragraph number III, A, B, C, above, to the Coon Creek Watershed District. The purposes of the Minnesota Watershed Act, Chapter 112, will be served by the inclusion of Areas I, II, and III. Lands in Areas I, II, and III, are contiguous to the existing district and the territory can be feasibly administered by the Managers of Coon Creek Watershed District.

VII. The territory in Areas IV and V, as described in paragraph III, D, E, above, has not and will not receive any benefits from the operation of the Coon Creek Watershed District; that the district can perform the functions for which it was established without the inclusion of said territory; and that said territory, is not, in fact, a part of the watershed.

VIII. The territory in Area VI, as described in paragraph III, F, above, has been found to be, in fact, a part of the watershed.

(Findings of Fact,  
Conclusions of Law,  
Order)

IT IS THEREFORE ORDERED,

IX. That Areas I, II, and III, noted in paragraph number III, A, B, C, above, are hereby added to the Coon Creek Watershed District, and the watershed district is enlarged to include these areas.

X. The territory in Areas IV and V, noted in paragraph III, D, E, above, are hereby released from the Coon Creek Watershed District, subject to the requirement of law concerning indebtedness and levies.

XI. The territory in Area VI, described in paragraph III, F, above, is denied release from the Coon Creek Watershed District, for the land is, in fact, a part of the Watershed.

XII. The territory, of approximately 85 square miles, in Coon Creek Watershed District as a result of the foregoing action, is as described below:

Township 33 North, Range 22 West - (Columbus)

$S\frac{1}{2}$  of  $S\frac{1}{2}$                       Section 32

Township 32 North, Range 22 West - (Columbus)

$W\frac{1}{2}$  of  $SW\frac{1}{4}$                       Section 4

All of Section                      "                      5

$E\frac{1}{2}$  of  $NE\frac{1}{4}$                       "                      6  
 $S\frac{1}{2}$                                       "                      6

All of Sections                      "                      7, 8

$NW\frac{1}{4}$                                       "                      9  
 $W\frac{1}{2}$  of  $SW\frac{1}{4}$                       "                      9

$SW\frac{1}{4}$  of  $SW\frac{1}{4}$                       "                      16

All of Sections                      "                      17, 18, 19, 20

$NW\frac{1}{4}$  of  $NW\frac{1}{4}$                       "                      21  
 $W\frac{1}{2}$  of  $SW\frac{1}{4}$                       "                      21

$W\frac{1}{2}$  of  $NW\frac{1}{4}$                       "                      28



(Findings of Fact,  
Conclusions of Law,  
Order)

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(Township 32 North, Range 22 West - (Columbus) - continued)

	N $\frac{1}{2}$	Section 29
	SW $\frac{1}{4}$	" 29
N $\frac{1}{2}$ of	SE $\frac{1}{4}$	" 29
SW $\frac{1}{4}$ of	SE $\frac{1}{4}$	" 29
All of	Section	" 30
	N $\frac{1}{2}$	" 31
	SW $\frac{1}{4}$	" 31
NW $\frac{1}{4}$ of	SE $\frac{1}{4}$	" 31
W $\frac{1}{2}$ of	NW $\frac{1}{4}$	" 32

Township 32 North, Range 23 West - (Ham Lake)

SE $\frac{1}{4}$ of	SW $\frac{1}{4}$	Section 1
E $\frac{1}{2}$ of	SE $\frac{1}{4}$	" 1
SW $\frac{1}{4}$ of	SE $\frac{1}{4}$	" 1
	SE $\frac{1}{4}$	" 2
SW $\frac{1}{4}$ of	NE $\frac{1}{4}$	" 3
S $\frac{1}{2}$ of	NW $\frac{1}{4}$	" 3
	SW $\frac{1}{4}$	" 3
W $\frac{1}{2}$ of	SE $\frac{1}{4}$	" 3
	E $\frac{1}{2}$	" 4
SE $\frac{1}{4}$ of	NW $\frac{1}{4}$	" 4
	SW $\frac{1}{4}$	" 4
SW $\frac{1}{4}$ of	NW $\frac{1}{4}$	" 5
	S $\frac{1}{2}$	" 5
SE $\frac{1}{4}$ of	NE $\frac{1}{4}$	" 6
E $\frac{1}{2}$ of	SE $\frac{1}{4}$	" 6
All of	Sections	" 7 through 35 inclusive.
	N $\frac{1}{2}$	" 36
	SW $\frac{1}{4}$	" 36
N $\frac{1}{2}$ of	SE $\frac{1}{4}$	" 36
SW $\frac{1}{4}$ of	SE $\frac{1}{4}$	" 36

Township 32 North, Range 24 West - (Grow)

NE $\frac{1}{4}$ of	NE $\frac{1}{4}$	Section 12
S $\frac{1}{2}$ of	NE $\frac{1}{4}$	" 12
E $\frac{1}{2}$ of	SW $\frac{1}{4}$	" 12
	SE $\frac{1}{4}$	" 12
All of	Section	" 13

(Findings of Fact,  
Conclusions of Law,  
Order)

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(Township 32 North, Range 24 West - (Grow) - continued)

$E\frac{1}{2}$ of $NE\frac{1}{4}$	Section 14
$S\frac{1}{2}$	" 14
$S\frac{1}{2}$	" 15
$S\frac{1}{2}$	" 16
$SE\frac{1}{4}$	" 17
All of Sections	" 21 through 28 inclusive.
$NE\frac{1}{4}$ of $NE\frac{1}{4}$	" 29
$S\frac{1}{2}$ of $NE\frac{1}{4}$	" 29
$SE\frac{1}{4}$	" 29
$E\frac{1}{2}$	" 32
All of Sections	" 33 through 36 inclusive.

Township 31 North, Range 23 West - (Village of Blaine)

$W\frac{1}{2}$ of $NE\frac{1}{4}$	Section 1
$NW\frac{1}{4}$	" 1
$N\frac{1}{2}$ of $SW\frac{1}{4}$	" 1
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	" 1
All of Sections	" 2 through 9 inclusive
$W\frac{1}{2}$	" 10
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	" 10
$S\frac{1}{2}$ of $SE\frac{1}{4}$	" 10
$N\frac{1}{2}$ of $NE\frac{1}{4}$	" 15
$SW\frac{1}{4}$ of $NE\frac{1}{4}$	" 15
$W\frac{1}{2}$	" 15
All of Sections	" 16, 17, 18
$N\frac{1}{2}$	" 19
$N\frac{1}{2}$ of $S\frac{1}{2}$	" 19
All of Sections	" 20, 21
$NW\frac{1}{4}$	" 22
$NW\frac{1}{4}$ of $SW\frac{1}{4}$	" 22

(Findings of Fact,  
Conclusions of Law,  
Order)

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(Township 31 North, Range 23 West - (Village of Blaine) - continued)

$N\frac{1}{2}$ of $NE\frac{1}{4}$	Section 28
$SW\frac{1}{4}$ of $NE\frac{1}{4}$	" 28
$W\frac{1}{2}$	" 28
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	" 28
$S\frac{1}{2}$ of $SE\frac{1}{4}$	" 28
$E\frac{1}{2}$	" 29
$E\frac{1}{2}$ of $NE\frac{1}{4}$	" 32
$N\frac{1}{2}$	" 33
$N\frac{1}{2}$ of $SW\frac{1}{4}$	" 33
$NW\frac{1}{4}$ of $SE\frac{1}{4}$	" 33

Township 31 North, Range 24 West - (City of Coon Rapids)

All of Sections	Section 1 through 4 inclusive.
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$NE\frac{1}{4}$	" 5
$N\frac{1}{2}$ of $SE\frac{1}{4}$	" 5
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	" 5

NOTE:

In some of the succeeding land description the term "Railway Companies Rights-of-Ways" refers to the ownership of property by the Great Northern Railway Company and the Northern Pacific Railway Company

$NE\frac{1}{4}$ of $NE\frac{1}{4}$	" 8
That part of the $SE\frac{1}{4}$ of $NE\frac{1}{4}$ , north and east of the Railway Companies Rights-of-Ways	" 8
That part of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ , north and east of the Railway Companies Rights-of-Ways	" 8
$N\frac{1}{2}$	" 9
$NE\frac{1}{4}$ of $SW\frac{1}{4}$	" 9
That part of the $NW\frac{1}{4}$ of $SW\frac{1}{4}$ , north and east of the Railway Companies Rights-of-Ways	" 9
That part of the $SW\frac{1}{4}$ of $SW\frac{1}{4}$ , north and east of the Railway Companies Rights-of-Ways	" 9

(Findings of Fact,  
Conclusions of Law,  
Order)

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(Township 31 North, Range 24 West - (City of Coon Rapids) - cont.)

That part of the $SE\frac{1}{4}$ of $SW\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways $SE\frac{1}{4}$	Section 9 " 9
All of Sections	" 10, 11, 12, 13, 14
$N\frac{1}{2}$ $NE\frac{1}{4}$ of $SW\frac{1}{4}$	" 15 " 15
That part of the $NW\frac{1}{4}$ of $SW\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 15
That part of the $SW\frac{1}{4}$ of $SW\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 15
That part of the $SE\frac{1}{4}$ of $SW\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways $SE\frac{1}{4}$	" 15 " 15
That part of the $NE\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 16
That part of the $NE\frac{1}{4}$ of $NW\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 16
That part of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 16
That part of the $NE\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 22
That part of the $NE\frac{1}{4}$ of $NW\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 22
That part of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 22
$N\frac{1}{2}$ $NE\frac{1}{4}$ of $SW\frac{1}{4}$	" 23 " 23
That part of the $NW\frac{1}{4}$ of $SW\frac{1}{4}$ , including rights-of-ways, north and east of the Railway Companies Rights-of-Ways	" 23

(Findings of Fact,  
Conclusions of Law,  
Order)

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(Township 31 North, Range 24 West - (City of Coon Rapids) - cont.)

That part of SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , lying south and east of the center-line of Egret Boulevard, and north and east of U.S. Highway Number 10, now known as part of Lot 8; Lot 10, 11, 12; part of Lot 13; part of Lot 14; and Lot 20 of revised Auditor's Subdivision No. 76

Section 23  
" 23  
" 23

All of Section

" 24

That part of the NE $\frac{1}{4}$ , lying northwesterly of the center-line of County State Aid Highway Number 11, commonly known as Foley Boulevard

" 25

That part of the NW $\frac{1}{4}$ , lying northwesterly of the center-line of County State Aid Highway Number 11, commonly known as Foley Boulevard

" 25

That part of the N $\frac{1}{2}$  of SW $\frac{1}{4}$ , lying northwesterly of the center-line of County State Aid Highway Number 11, commonly known as Foley Boulevard

" 25

N $\frac{1}{2}$   
SW $\frac{1}{4}$

" 26  
" 26

The SE $\frac{1}{4}$  except that part lying southeasterly of County State Aid Highway Number 11, commonly known as Foley Boulevard, and northeasterly of Federal Aid Secondary Number 1, commonly known as East River Road

" 26

(Government Lots 3 and 4 are not included in the land description of Section 26)

N $\frac{1}{2}$  of the NE $\frac{1}{4}$  except that part lying northeasterly of the center-line of Federal Aid Secondary Number 1, commonly known as East River Road

" 35

(Findings of Fact,  
Conclusions of Law,  
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(Township 31 North, Range 24 West - (City of Coon Rapids) - cont.)

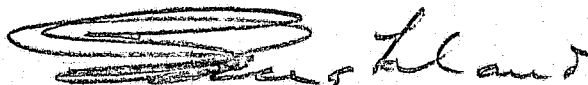
Government Lots 1 and 2          Section 35

(Government Lots 5 and 6 are not included  
in the land description of Section 35)

The amended boundary of Coon Creek Watershed District is hereby  
declared to be determined by the extremities of the whole land area  
described above.

Dated at Saint Paul, Minnesota, this 21st day of February 1964.

MINNESOTA WATER RESOURCES BOARD

  
\_\_\_\_\_  
G. E. Loughland,  
Chairman

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