

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Robert J. Ford
Harold J. Dahl

Chairman
Vice Chairman
Member

IN THE MATTER OF THE PETITION FOR) FINDINGS OF FACT,
THE DETACHMENT OF PROPERTY FROM) CONCLUSIONS OF LAW
THE CITY OF BROOKLYN PARK) AND ORDER

The petition of the owner of certain property within the corporate limits of the city of Brooklyn Park for detachment of said property from said City was received by the Commission on January 26, 1970. The matter came on for hearing before the Commission on April 17, 1970, at the Brooklyn Park City Hall before Robert W. Johnson, Chairman, and Commissioner Robert J. Ford. The petitioner was represented by his attorney, Richard J. Parish, 3826 West Broadway, Robbinsdale, Minnesota. The City of Brooklyn Park was represented by Curtis A. Pearson, Attorney at Law, 2200 First National Bank Building, Minneapolis, Minnesota.

The Commission did on March 22, 1971 file Findings of Fact, Conclusions of Law and an Order whereby the lands petitioned for detachment were detached. The City of Brooklyn Park on April 14, 1971 filed a Notice of Appeal with the Clerk of District Court for Hennepin County and said Notice of Appeal was properly served on the Commission and the petitioner. By an Order of the District Court, Fourth Judicial District dated October 1, 1971, the Honorable Douglas K. Amdahl, Judge of the District Court, dismissed the appeal without prejudice and remanded the petition to the Minnesota Municipal Commission for further consideration.

The matter came on for hearing before the Commission on November 24, 1971 at the Brooklyn Park City Hall before Robert W. Johnson, Chairman, and Commissioner Harold J. Dahl. The petitioner was present as was his son, William Sipe, Jr. Notice had been sent to attorney Richard J. Parish, 3826 West Broadway, Robbinsdale,

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Minnesota, who was the attorney of record on the case. The City of Brooklyn Park was represented by Curtis A. Pearson, City Attorney.

The Commission having duly considered the testimony of witnesses, the exhibits received in evidence, all files and records, and having viewed the affected property, being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

I.

The petition for detachment contains the required information, was executed by the sole owner of the property, and was properly presented to the Commission.

II.

Due, timely and adequate notice of the hearing before this Commission was properly served and mailed in accordance with law.

III.

The property which has been petitioned to be detached from the City of Brooklyn Park is situated within and adjacent to the corporate limits of the city.

IV.

Said property is unplatted.

V.

Said property is unoccupied and used exclusively for agricultural purposes, but is currently for sale.

VI.

The City of Brooklyn Park has constructed or is constructing municipal water and sewer which can serve said property and will allow for development of the property in the reasonable near future.

VII.

The City of Brooklyn Park has substantial municipal problems resulting from storm water runoff in the westerly portion of the City and is the municipal corporation best able to resolve and solve the surface water problem as it relates to the land petitioned for detachment.

CONCLUSIONS OF LAW

The property described herein should not be detached from the City of Brooklyn Park, and the Order of this Commission dated March 22, 1971 should be null and void.

ORDER

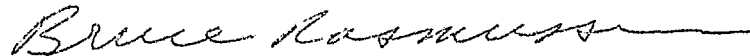
IT IS HEREBY ORDERED: The petition for the detachment of the following described property from the City of Brooklyn Park be and hereby is denied:

That part of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 lying East of the Centerline of State Highway No. 52, all in Section 18 Township 119, Range 21, Hennepin County, Minnesota, Except Highways According to Minnesota Highway Department takings noted as Parcel 1, S. P. 2750 (52=3) 903 and Parcel 19 S. P. 2712 (52=3) 901.

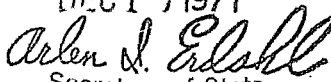
IT IS FURTHER ORDERED: That the Order of this Commission dated March 22, 1971 detaching said property shall be null and void.

Dated this 11th day of December, 1971

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101



Bruce Rasmussen
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 15 1971

Secretary of State