

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Otto Schalow	Ex-Officio Member
George Krueger	Ex-Officio Member

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IN THE MATTER OF THE PETITION OF )  
CERTAIN PROPERTY OWNERS FOR THE )  
INCORPORATION OF A VILLAGE TO BE )  
KNOWN AS "OJIBWA" )  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

The hearing in the above-entitled matter was convened by a quorum of the Minnesota Municipal Commission on April 29, 1971, in the City of Brainerd, County of Crow Wing, State of Minnesota. Various continued sessions of the hearing were held in said City. Appearances were entered by Richard Torrison, Attorney for Petitioners, and various persons appeared on their own behalf. Evidence was received and exhibits entered, and all persons were heard who desired to be heard. The Minnesota Municipal Commission, upon all records, files, evidence, arguments of counsel, and being fully advised in the premises, hereby makes and enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition of 100 or more property owners of the following described territory situated within Crow Wing County, Minnesota, requesting incorporation as a village was filed with the Minnesota Municipal Commission on December 8, 1971. Said petition was proper in form, content, execution, and filing.

PLATTED LAND:

Birchdale  
Bon Arbor  
Cinosam Acres

Cinosam Club  
Cinosam Tracts  
East Shore Terrace  
Elanndale  
Hartley Shores  
First Addition to Hartley Shores  
Hole in the Day Woods  
Johnson's Shore Lots  
First Addition to Johnson's Shore Lots  
Second Addition to Johnson's Shore Lots  
Johnson's Subdivision of Outlot D Birchdale  
Leonard's Lots  
Ojibwa Park  
Patterson Shores  
Peterson Playground  
First Addition to Peterson Playground  
See Gull Retreat  
Sharilyn Shores  
Smith's First Addition to Ojibwa Park  
Smith's Subdivision of Block E Ojibwa Park  
Sunset View  
First Addition to Sunset View  
Second Addition to Sunset View  
The Best Place  
Wise Acres  
Wyanoke

**UNPLATTED LAND:**

All the unplatted portions of Sections 5, 6, 18, 19, 30 and 31, Township 134 North, Range 28 West of the Fifth Principal Meridian and the unplatted portions of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 134 North, Range 29 West of the Fifth Principal Meridian all in Crow Wing County, Minn.; The limits of said platted and unplatted land being bounded on the West by the Crow Wing County, Cass County boundary; on the south by the north boundary of the Village of Baxter; on the north by the south boundary of the Village of Nisswa along the northerly boundary of Sections 1, 2, and 3, Township 134 North, Range 29 West and along the north boundary of Sections 5, and 6, Township 134 North, Range 28, West; and bounded on the east by the east boundary of Sections 31, 30, and 19, Township 134 North, Range 28 West to the shore of Long Lake; Thence across Long Lake to the South boundary of Section 5, Township 134 North, Range 28 West; thence in a northerly direction along the south and east boundary of said Section 5 to the north line of said Section 5 including within said village limits the Riparian Rights of all included land to lakes and streams within the limits described.

2. A public hearing on the proposed incorporation was set for April 29, 1971 at Brainerd, Minnesota. Due notice of said hearing was published, served and filed. Said hearing was duly convened with a legal quorum of the Commission in attendance. Continued sessions of the hearing were held at Brainerd, Minnesota on June 11, 1971, November 19, 1971,

and February 17, 1972. All parties and persons were heard who desired to be heard.

3. The territory proposed for incorporation is a portion of the unorganized territory of Crow Wing County. The remainder of the unorganized territory lies directly to the east of the territory proposed for incorporation. Municipal services, planning and zoning are provided to the entire unorganized territory by Crow Wing County.

4. The Office of Local and Urban Affairs of the Minnesota State Planning Agency estimated the population of the territory proposed for incorporation to be 1,407 in 1970 and estimate that it will be 2,240 in 1990. The population of the entire unorganized territory has more than tripled in the last 30 years.

5. The territory proposed for incorporation contains a section of U. S. Highway 371. Commercial uses presently exist along this highway and further commercial development is occurring at a relatively rapid rate.

6. Donnybrooke Speedway occupies nearly 400 acres within the center of the proposed village, along the east side of U. S. Highway 371. The speedway generates a large amount of traffic on race days, and other other law enforcement problems.

7. Approximately one-third of the territory proposed for incorporation is occupied by lakes. Portions of Gull Lake, Round Lake, and Long Lake account for a major portion of its north one-half, while about a dozen smaller lakes are scattered throughout the area. Substantial development exists along the shores of the larger lakes, consisting of single family houses, seasonal cabins, resorts, and a few small businesses.

8. There is a concentrated residential development known as Cinosam near Gull Lake.

9. With the exception of the development described in Findings 5 through 8, there are no areas of concentrated development within the territory proposed for incorporation.

10. There is no serious present problem of environmental pollution within the territory proposed for incorporation.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has, jurisdiction over the within proceeding.

2. County government is adequate to protect the public health, safety and welfare in the territory proposed for incorporation.

3. Town government would provide an appropriate means for bringing local government to the territory proposed for incorporation.

4. Some urban development is present in the territory proposed for incorporation, and more is anticipated, but the territory is largely undeveloped.

5. The requested incorporation should be denied.

#### ORDER

IT IS HEREBY ORDERED: That the requested incorporation be denied.

Dated this 25 day of May, 1972

MINNESOTA MUNICIPAL COMMISSION  
304 Capitol Square Building  
St. Paul, Minnesota 55303

*Howard L. Kaibel, Jr.*

Howard L. Kaibel, Jr.  
Executive Secretary

# 240 33  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY 30 1972  
*Arlen J. Edsall*  
Secretary of State

MEMORANDUM

The record shows that various urban problems are increasing in magnitude in the territory proposed for incorporation. In this instance, however, we do not believe incorporation is the proper response. We think that creation of town government and an Area Planning Organization would better serve the residents of the territory.

The record shows that the county is doing better than an adequate job of governing the area. Creation of town government would allow for gradual and orderly assumption of duties at the local level. For example, county zoning and zoning administration would continue to function in a town. Creation of a village, on the other hand, would oust the county's zoning jurisdiction, and would lead to much confusion during the organization of the new village, and prior to the time that appropriate ordinances could be adopted.

There are serious "start up" problems in any situation in which a new village is created. These problems are compounded where there is no prior governmental experience to fall back on. We believe town government is a good first step to bringing government closer to the people of the unorganized territory.

We also recommend creation of an Area Planning Organization as was suggested by the staff of the Office of Local and Urban Affairs of the State Planning Agency. The purpose of this Area Planning Organization would be to control urban growth and development along the Highway 371 corridor. In addition to the unorganized territory, the Area Planning Organization should include Brainerd, Nisswa and Baxter and the Counties of Crow Wing and Cass. The Area Planning Organization may also assist in obtaining federal funds for sewer, water, parks and open spaces. The Office of Local and Urban Affairs should be called upon to assist in the creation of the Area Planning Organization.

# 24033  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY 30 1972  
*Arden J. Edsall*  
Secretary of State