

Minnesota Water Resources Board

500 Lafayette Road
First Floor
St. Paul, Minnesota
55146

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)


AFFIDAVIT

Karen Schultz being first duly sworn on oath,

deposes and says:

THAT she IS the Secretary for the Minnesota
Water Resources Board; that she has compared the attached copy of
an Order relating to the Minnehaha Creek Watershed District

dated at Saint Paul, Minnesota, on the 13th day of December 1985
with the original thereof on file in her official custody; and
THAT SAID COPY is a true and correct copy of said original and the
whole thereof.


Karen Schultz
Secretary

STATE OF Minnesota
COUNTY OF Ramsey

Subscribed and sworn to before me
this 16th day of January 1986

My Commission Expires 1-9-89

Albert J. Bramstedt

ALBERT J. BRAMSTEDT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 9, 1989

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 27 1986
Jean Anderson Klavne
Secretary of State

136449

Minnesota Water Resources Board
500 Lafayette Road
First Floor
St. Paul, Minnesota 55146

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 27 1986
Joan Anderson Howe
Secretary of State

In the Matter of the Petition to Add
Certain Land to the Minnehaha Creek
Watershed District Filed September 11,
1985 by the City of Victoria (M.S. 1984
Section 112.761)

ORDER
AMENDING THE BOUNDARY
OF THE
MINNEHAHA CREEK
WATERSHED DISTRICT

A sufficient petition having been filed with the Minnesota Water Resources Board (Board) pursuant to Minn. Stat. Sec. 112.761 (1984) seeking the addition of certain land to the Minnehaha Creek Watershed District (District); proper legal notice of hearing having been given by the Board; and a public hearing having been conducted on the petition; the Board, having fully considered the record, makes the following:

FINDINGS OF FACT

1. On September 11, 1985 the City of Victoria filed a petition requesting that the SW 1/4 of Section 18, Township 116 North, Range 23 West, of the City of Victoria be included within the legal boundary of the District.
2. On October 15, 1985 the Chairman of the Board issued a Notice and Order for Hearing scheduling a public hearing on the petition for November 14, 1985 beginning at 7:30 p.m. in the Council Chambers of the City of Victoria. Copies of said Notice and Order were mailed to the City of Victoria, the Auditor of Carver County, the District, the Director of the Division of Waters, Department of Natural Resources,

and about 24 other interested persons, including each of the directly affected landowners. The Notice and Order was also published in the Carver County Herald newspaper on October 23 and 30, 1985.

3. A public hearing was conducted on November 14, 1985 by Board member Erika Sitz. Appearing with Erika Sitz on behalf of the Board was Mel Sinn, Executive Director. Appearing on behalf of the City of Victoria were Larry Bodahl, City Administrator, and Gerald Schmieg, Mayor. No other persons appeared.
4. The City of Chaska, the District, and Carver County each submitted written statements supporting the petition.
5. The land proposed to be added to the District is contiguous to the District's legal boundary.
6. A portion of the quarter-section proposed to be added to the District drains into the District, and the remaining portion drains into the neighboring Hazeltine-Bavaria watershed.
7. The land use of said quarter-section is a mix of low density residential, agricultural, and undeveloped grassland and slough.
8. City Administrator, Larry Bodahl, and Mayor, Gerald Schmieg, testified that it would be in the best interests of the City to have the said quarter-section included in the District because it would result in the entire City being included within a single watershed management organization and minimize the administrative costs of complying with the Metropolitan Surface Water Management Act (Chapter 509, Laws of 1982).
9. The portion of said quarter-section that drains into the Hazeltine-Bavaria watershed area does not contain any facilities that could pose significant pollution problems to the Hazeltine-Bavaria watershed.

10. The portion of said quarter-section that drains into the Hazeltine-Bavaria watershed area is not expected to experience any significant changes in land use.
11. The said quarter-section can be feasibly administered by the District. Granting of the petition will not hinder the preparation of a watershed management plan for the Hazeltine-Bavaria Watershed Management Organization that complies with the requirements of the Metropolitan Surface Water Management Act.

CONCLUSIONS OF LAW

1. The Board has proper jurisdiction in this matter.
2. All relevant, substantive, and procedural requirements of law have been fulfilled.
3. Granting of the petition will aid interlocal cooperative efforts in managing surface waters in the affected area pursuant to the Minnesota Watershed Act and the Metropolitan Surface Water Management Act.
4. It would be in the public welfare and public interest, and further the purpose of the Minnesota Watershed Act, to amend the legal boundary of the District as requested in the petition.

IT IS THEREFORE ORDERED

1. That the SW 1/4 of Section 18, Township 116 North, Range 23 West, is hereby added to and included within the legal boundary of the Minnehaha Creek Watershed District.
2. That the Board's Order dated August 9, 1985, which redefined the boundary of the Minnehaha Creek Watershed District, is hereby amended as follows:

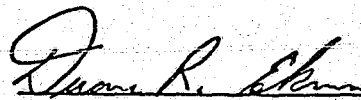
Strike the last line on page 21 and the first five lines on page 22, and insert in lieu thereof the following description:

"thence continuing easterly on the south line of the SW 1/4 of Section 18, Township 116 North, Range 23 West, to the southeast corner thereof; thence northerly on the east line of said SW 1/4 to the northeast corner thereof; thence easterly on the south line of the North halves of Sections 18, 17, and 16, Township 116 North, Range 23 West,".

3. That the legal boundary of the Minnehaha Creek Watershed District is defined by the Board's Order dated August 9, 1985, as modified by this Order.

Dated at Saint Paul, Minnesota 55146, this 13th day of December 1985.

MINNESOTA WATER RESOURCES BOARD



Duane R. Ekman
Chairman

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