

Minnesota Water Resources Board

500 Lafayette Road
First Floor
St. Paul, Minnesota
55146

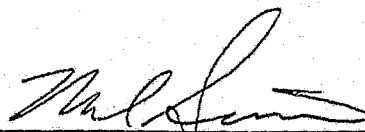
STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

AFFIDAVIT

Mel Sinn being first duly sworn on oath,
deposes and says:

THAT HE IS the Executive Director for the Minnesota
Water Resources Board; that HE has compared the attached copy of
an Order relating to the Minnehaha Creek Watershed District
Boundary Change

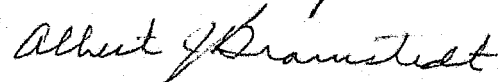
dated at Saint Paul, Minnesota, on the 8th day of September 1987
with the original thereof on file in HIS official custody; and
THAT SAID COPY is a true and correct copy of said original and the
whole thereof.



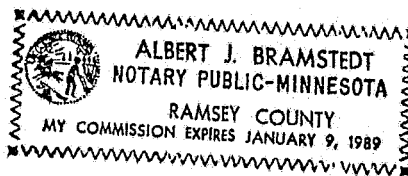
Mel Sinn
Executive Director

STATE OF Minnesota
COUNTY OF Ramsey

Subscribed and sworn to before me
this 11th day of Sept, 1987

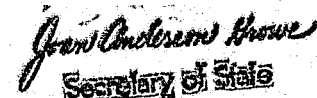


My Commission Expires 1-9-89


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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 11 1987


Secretary of State

#37589

Minnesota Water Resources Board
500 Lafayette Road
First Floor
St. Paul, Minnesota 55101

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 11 1987

John Anderson Howe
Secretary of State

In the Matter of the Petition to Amend
the Boundary of the Minnehaha Creek
Watershed District Filed July 13, 1987
(Minn. Stat. 1986, sec. 473.8771)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
ORDER

A sufficient petition having been filed with the Minnesota Water Resources Board (Board) pursuant to Minn. Stat. sec. 473.8771 (1986) seeking the addition of certain lands to the Minnehaha Creek Watershed District (District); and proper legal notice of filing of the petition having been given by the Board; the Board, having fully considered the record, makes the following:

FINDINGS OF FACT

1. On July 13, 1987 the District filed a petition requesting that certain land be included within the legal boundary of the District. The petition was accompanied by written statements of concurrence from the Nine Mile Creek Watershed District and the City of Edina.
2. On July 23, 1987 the Chairman of the Board issued a Notice of Filing of the petition. The Notice of Filing was published in the Edina Sun-Current newspaper on August 5 and 12, 1987. The Notice of Filing was mailed on August 4, 1987 to the District, the Nine Mile Creek Watershed District, the City of Edina, the Auditor of Hennepin County, and other persons.

3. The Notice of Filing described the boundary changes proposed by the petition and invited interested persons to submit written comments on the petition for Board consideration. The notice also announced that any person who objected to the petition could submit a written request for a public hearing, and that if no written requests were received by September 1, 1987 the Board would act on the petition without conducting a hearing. No written comments or requests for hearing were received by the Board's office.
4. The petition requests that the following described land in the City of Edina be added to the District:
 - A. That portion of the Northwest Quarter of the Northeast Quarter of Section 30, Township 117 North, Range 21 West, lying north of the centerline of Belmore Lane and east of the centerline of Dearborn Avenue and its northerly extension; and
 - B. That portion of the Northwest Quarter of the Northeast Quarter of Section 30, Township 117 North, Range 21 West, lying north of the centerline of Maloney Avenue, east of the centerline of Griffit Street, and south of the centerline of Belmore Lane.
5. The petition states that the lands requested to be added to the District drain into the District, and that granting of the petition would make the legal boundary of the District more closely conform to the actual hydrologic divide.
6. On August 31, 1987 Board staff contacted the City of Edina to confirm that runoff from the affected land would outlet into the District. On September 2, 1987 the Board's office received a copy of an Edina storm drainage map that shows the area as being tributary to the District.

7. Granting of the petition would make the District's legal boundary more closely conform to the actual hydrologic divide.

CONCLUSIONS OF LAW

1. The petition meets all the requirements of Minnesota Statutes 1986, Section 473.8771; proper notice was given by the Board; all relevant, substantive, and procedural requirements of law have been fulfilled; and the Board has proper jurisdiction in the matter.
2. Granting of the petition would be consistent with the purposes of the Metropolitan Water Management Act because it would facilitate proper management of surface waters on a sound hydrologic basis.
3. It would be in the public welfare and public interest, and further the purposes of the Minnesota Watershed Act and the Metropolitan Water Management Act, to amend the legal boundary of the District as requested by the petition.

IT IS THEREFORE ORDERED

1. That the land described in Paragraph 4 of the above Findings of Fact are hereby included in the Minnehaha Creek Watershed District and excluded from the Nine Mile Creek Watershed District.
2. That the transferred lands shall remain liable for all existing Nine Mile Creek Watershed District tax levies and special assessments until they are fully paid.
3. That the Board's Order dated August 9, 1985, which redefined the boundary of the Minnehaha Creek Watershed District, is hereby amended as follows:

Insert the following description immediately before the word "centerline" in the seventh line of the second paragraph on page twenty three:

"northerly extension of the centerline of Dearborn Avenue; thence southerly on said northerly extension and the centerline of Dearborn Avenue to the centerline of Belmore Lane; thence easterly on said centerline to the centerline of Griffit Street; thence southerly on said centerline to the centerline of Maloney Avenue; thence easterly on said centerline to the".

4. That the legal boundary of the Minnehaha Creek Watershed District is defined by the Board's Order dated August 9, 1985; as modified by the Board's boundary change Order of December 13, 1985; and as further modified by this Order.
5. That the Board's Order dated April 12, 1985, which redefined the boundary of the Nine Mile Creek Watershed District, is hereby amended as follows:

Insert the following description immediately before the word "centerline" in the twenty ninth line on page seven:

"northerly extension of the centerline of Dearborn Avenue; thence southerly on said northerly extension and the centerline of Dearborn Avenue to the centerline of Belmore Lane; thence easterly on said centerline to the centerline of Griffit Street; thence southerly on said centerline to the centerline of Maloney Avenue; thence easterly on said centerline to the".

6. That the legal boundary of the Nine Mile Creek Watershed District is defined by the Board's Order dated April 12, 1985, which redefined the boundary of the Nine Mile Creek Watershed District; as modified by this Order.

Dated at Saint Paul, Minnesota 55101, this 8th day of September 1987.

MINNESOTA WATER RESOURCES BOARD



Duane R. Ekman
Chairman

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

SEP 1 1987

Grant Anderson Howe
Secretary of State

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O.D.