

REC'D. BY AUG 01 1996  
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**IN THE MATTER OF THE PETITION BY ALL OF THE  
PROPERTY OWNERS FOR THE CONCURRENT DETACHMENT  
AND ANNEXATION OF CERTAIN LAND PURSUANT TO  
MINNESOTA STATUTES, SECTION 414.061, SUBD. 5**

TO: Minnesota Municipal Board  
475 McColl Building  
366 Jackson Street  
Saint Paul, MN 55101-1925

We, the undersigned, being all of the property owners of the land legally described in Exhibit A which is attached hereto and incorporated herein by reference, hereby request that the Minnesota Municipal Board detach said property from the City of Minnetrista, County of Hennepin, State of Minnesota and annex the same to the City of St. Bonifacius, County of Hennepin, State of Minnesota, pursuant to Minnesota Statutes, Section 414.061, subd. 5.

In bringing this Petition forward, the Petitioners state that:

1. There are six separate properties with four separate owners in the area legally described in Exhibit A which is proposed for concurrent detachment and annexation. All of the property owners located within said area proposed for concurrent detachment and annexation have voluntarily executed this Petition.
2. The area proposed for concurrent detachment and annexation legally described in Exhibit A is presently located within the corporate limits of the City of Minnetrista, County of Hennepin, State of Minnesota and abuts the corporate limits of the City of St. Bonifacius, County of Hennepin, State of Minnesota on the City of St. Bonifacius' southwestern boundary.
3. The area proposed for concurrent detachment and annexation legally described in Exhibit A contains 363 acres.
4. This Petition is submitted to the Minnesota Municipal Board for concurrent detachment and annexation of the area described in Exhibit A to facilitate the responsible development of said area utilizing municipal services including municipal sewer and water services. Responsible development of said area using municipal services is in the best interests of the City of St. Bonifacius, the City of Minnetrista, and the property proposed for concurrent detachment and annexation.

The City of St. Bonifacius has received a development request from one of the undersigned property owners, for a residential development and golf course for the area described in Exhibit A which is being proposed for concurrent

detachment and annexation. Said area is currently proposed to be developed in an urban or suburban capacity necessitating the extension of all municipal services which the City of St. Bonifacius is in the best position to more effectively, efficiently, and economically provide to the area than the City of Minnetrista.

The City of Minnetrista currently has no municipal water system available to serve the area which is legally described in Exhibit A. Provision of both municipal sewer and water services by the City of Minnetrista given the location of the area proposed to be developed, would present a severe economic burden making development impracticable. Further, density and minimum lot size restrictions in the City of Minnetrista would also make development of this area in the manner envisioned and extension of municipal services, like sewer and water impracticable.

In addition to economic considerations there are also environmental considerations. The area involved in this annexation is largely undeveloped and interspersed with small water areas, making it ideal for residential/golf course type development. Since the area is interspersed with these small water features, development within the City of Minnetrista using on-site septic systems could present an environmental risk which would be largely avoided by annexation and extension of municipal sewer and water services by the City of St. Bonifacius. Concurrent detachment from the City of Minnetrista would prevent the creation of this potential environmental hazard and prevent the burdensome expense on the City of Minnetrista of providing sewer and water to the area in question which it cannot provide in an efficient or economical manner.

5. Based on economics, availability of services, environmental considerations, density restrictions, geographical proximity of the City of St. Bonifacius to the area proposed for concurrent detachment and annexation, and the topographical features of said area, we, the undersigned, hereby request that the Minnesota Municipal Board, within sixty (60) days of receipt of this petition, hold a public hearing on the question of concurrent detachment and annexation of the property described herein from the City of Minnetrista to the City of St. Bonifacius.

6. The following parties are entitled to notice pursuant to Minn. Stat. § 44.09:

- a. The City of Minnetrista, as the City presently governing the area proposed to be concurrently detached and annexed.
- b. Hennepin County, as the County in which the area proposed to be concurrently detached and annexed is located.
- c. Carver County and the Townships of Watertown, Waconia and Laketown, as governing units with territory abutting the area proposed to be concurrently detached and annexed.

- d. The Metropolitan Council, the City of Minnetrista Planning Commission and the Minnehaha Watershed District, as agencies having jurisdiction over the affected area.

Date: Dec 13, 1995 Owners: Country West L.L.C

*John A. Bruntjen*  
By: John A. Bruntjen  
Its: Manager

*Stanley E. Maas*  
Stanley E. Maas

*Theda B. Maas*  
Theda B. Maas

*Phillip J. Ditsch*  
Phillip J. Ditsch

Attachments:

- Exhibit A - Legal descriptions of the area proposed for concurrent detachment and annexation.
- Exhibit B - Map showing the City of St. Bonifacius and the area proposed for concurrent detachment and annexation.

**Exhibit A****Stanley E. and Theda B. Maas Property - Parcel 1:****Property Description**

That part of the West One Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 31, Township 117 North, Range 24 West of the 5th Principal Meridian, lying North of the Northwesterly line of the Dakota Rail, Inc., formerly known as Great Northern Railroad, right-of-way, Hennepin County, Minnesota.

EXCEPT: That part of the West Half of the Southeast Quarter of Section 31, Township 117, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter; thence on an assumed bearing of North 00 degrees 09 minutes 55 seconds East along the west line of said West Half of the Southeast Quarter, a distance of 1313.52 feet to the point of beginning; thence South 61 degrees 06 minutes 46 seconds East, a distance of 887.29 feet to the intersection of a line distant 66.00 feet northwesterly of, as measured at right angles to and parallel with, the Northwesterly right of way line of DAKOTA RAIL INC.; thence South 49 degrees 07 minutes 22 seconds West along said parallel line, a distance of 459.85 feet to the northerly right of way line of TOWNS EDGE ROAD, according to the recorded plat thereof; thence southeasterly along said right of way line to the northwesterly right of way line of said DAKOTA RAIL INC.; thence southwesterly along said line to the west line of said West Half of the Southeast Quarter; thence North 00 degrees 09 minutes 55 seconds East along said line; a distance of 1191.33 feet to the point of beginning.

Subject to a permanent easement for drainage and utility purposes, over, under and across that part of the above described parcel that lies northerly of the northerly right way line of said TOWNS EDGE ROAD and southeasterly of a line distant 100.00 feet northeasterly of, as measured at right angles to and parallel with the northwesterly right of way line of said DAKOTA RAIL, INC.

**Country West L.L.C. Parcel 1 and Parcel 2 (For ease of reference, formally the Lemke Property):****Property Description**

That part of Tract A, Registered Land Survey No. 1299 lying Northwesterly of the following described line; commencing at the most Northeasterly corner of said Tract A, Registered Land Survey No. 1299; thence North 75 degrees, 23 minutes 45 seconds West, a distance of 255.29 feet to a point hereinafter designated as Point "A"; thence North 80 degrees, 31 minutes West, a distance of 176.00 feet to a point; thence South 9 degrees, 29 minutes West, a distance of 135.50 feet to the actual point of beginning of the line to be described; thence Northeasterly to Point "A" and said line there terminating.

Tract B, Registered Land Survey No. 1299 and

That part of the Southerly 25.00 feet of Tract C, Registered Land Survey No. 1299, which lies Westerly of the Westerly line of Tract D in said Registered Land Survey and Easterly of a line described as follows: Commencing at the Southwest corner of said Tract C; thence on an assumed bearing of North 81 degrees, 40 minutes, 10 seconds East along the Southerly line of said Tract C, a distance of 725.18 feet to an angle point in the Southerly line of said Tract C, being the point of beginning of the line to be described thence North 6 degrees, 20 minutes, 00 seconds East, a distance of 25.00 feet and said line there terminating, the above described lands being situate in Hennepin County, Minnesota.

**Country West L.L.C. Parcel 1 and Parcel 2 (For ease of reference, formally the Boll Property):**

**Property Description**

Parcel 1:

The West One Half (W 1/2) of the Northwest Quarter (NW 1/4) of Section 31, Township 117, Range 24, Hennepin County, Minnesota, according to the Government Survey thereof;

And

That part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 31, Township 117, Range 24, Hennepin County, Minnesota, according to the Government Survey thereof: Commencing at a point on the north line of said Section 120 feet West of the northeast corner of the Northwest Quarter (NW 1/4); thence South 875 feet; thence West 548 feet; thence North 875 feet to the north line of said section; thence East along the north line of said section to the point of beginning.

Parcel 2:

Tract C, Registered Land Survey No. 1299, except that part of the Southerly 25.00 feet thereof which lies Westerly of the Westerly line of Tract D in said Registered Land Survey and Easterly of a line described as follows: Commencing at the Southwest corner of said Tract C; thence on an assumed bearing of North 81 degrees, 40 minutes, 10 second East along the Southerly line of said Tract C, a distance of 725.18 feet to an angle point in the Southerly line of said Tract C being the point of beginning of the line to be described; thence North 6 degrees, 20 minutes, 00 seconds East, a distance of 25.00 feet and said line there terminating, files of the Registrar of Titles, Hennepin County, Minnesota.

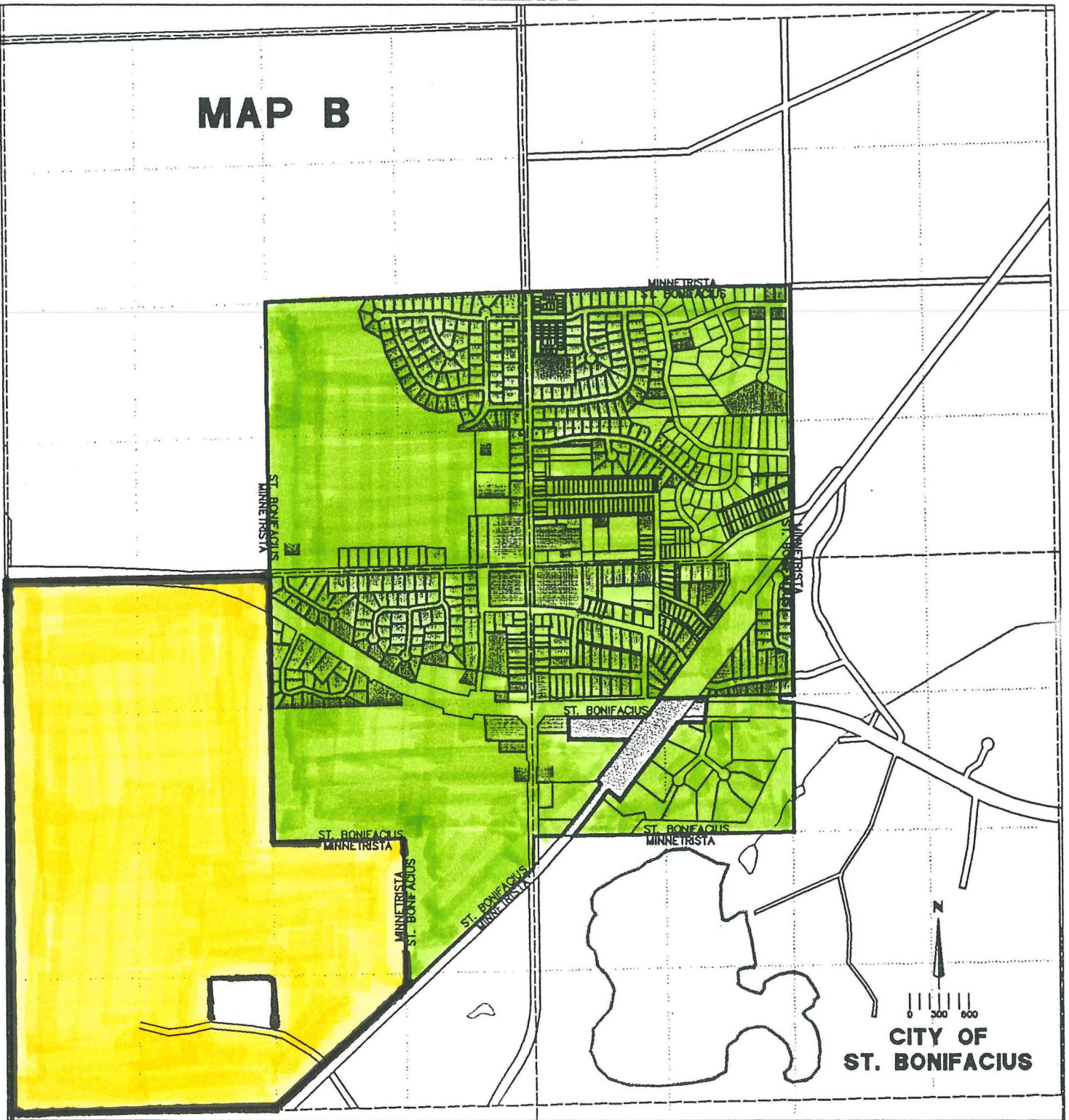
**Phillip J. Ditsch Property - Parcel 1:**

**Property Description**



The West 1/2 of the East 1/2 of the Northwest 1/4, Section 31, Township 117, Range 24, except Minnesota Highway #7 right-of-way.

EXHIBIT B

MAP B



WILLIAM R. ENGELHARDT ASSOC., INC.

-  CITY OF ST. BONIFACIUS
-  AREA PROPOSED FOR CONCURRENT DETACHMENT AND ANNEXATION

**CONSENT TO PETITION  
BY ALL OF THE PROPERTY OWNERS FOR THE  
CONCURRENT DETACHMENT AND ANNEXATION OF CERTAIN LAND  
PURSUANT TO MINNESOTA STATUTES, SECTION 414.061, SUBD. 5**

We, the undersigned, being the fee owners of certain land legally described in the Petition dated December 13, 1995 to the Minnesota Municipal Board, entitled "In the Matter of the Petition by all of the Property Owners for the Concurrent Detachment and Annexation of Certain Land Pursuant to Minnesota Statutes, Section 414.061, Subd. 5", to which this document is attached, and to which land, legally described therein, we have executed a contract for deed with Country West L.L.C., hereby acknowledge and consent to said Petition to the Minnesota Municipal Board for detachment of said land from the City of Minnetrista, County of Hennepin, State of Minnesota and annexation of the same to the City of St. Bonifacius, County of Hennepin, State of Minnesota, pursuant to Minnesota Statutes, Section 414.061, subd. 5.

We, the undersigned, further acknowledge, consent to, agree to, and support the filing of said Petition along with this document with the Minnesota Municipal Board.

Date: 1/26/96

Owners:

Clarence F. Lemke  
Clarence F. Lemke

Caroline E. Lemke  
Caroline E. Lemke

RESOLUTION 1995-45

**RESOLUTION OF THE CITY OF ST. BONIFACIUS  
IN SUPPORT OF A PROPERTY OWNER PETITION SEEKING  
CONCURRENT DETACHMENT AND ANNEXATION OF  
CERTAIN LANDS FROM THE CITY OF MINNETRISTA  
TO THE CITY OF ST. BONIFACIUS**

WHEREAS, the City of St. Bonifacius has received a petition from four property owners, with six separate properties, located within the City of Minnetrista, requesting that the City of St. Bonifacius adopt a resolution supporting a property owner petition to the Minnesota Municipal Board for concurrent detachment from the City of Minnetrista of certain lands legally described in the property owner petition which is attached hereto as Exhibit A and annexation of the same to the City of St. Bonifacius pursuant to Minn. Stat. § 414.061, subd. 5; and

WHEREAS, the area proposed for concurrent detachment and annexation, which is legally described in Exhibit A attached hereto, abuts the City of St. Bonifacius on the city's southwestern boundary and contains 363 acres; and

WHEREAS, the area proposed for concurrent detachment and annexation, which is legally described in Exhibit A attached hereto, is proposed for development of an urban or suburban character; and

WHEREAS, the area proposed for concurrent detachment and annexation, which is legally described in Exhibit A attached hereto, as a result of proposed development and to protect the environment, will need certain municipal services, including sewer and water services, which can be provided more efficiently and economically by the City of St. Bonifacius.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Bonifacius, County of Hennepin, State of Minnesota that;

1. The City Council of the City of St. Bonifacius has reviewed the attached petition (Exhibit A) and based on this review, believes that concurrent detachment and annexation of the area legally described in Exhibit A, pursuant to Minnesota Statutes, Section 414.061, subd. 5, would be in the best interests of both the City of St. Bonifacius and the City of Minnetrista in light of anticipated urban development and respective ability to provide needed municipal services in an efficient and economic manner.

2. The City Council of the City of St. Bonifacius hereby fully supports the proposed concurrent detachment and annexation and formally requests that the Minnesota Municipal Board order the concurrent detachment and annexation of the property legally described in Exhibit A from the City of Minnetrista to the City of St. Bonifacius.



3. The City Clerk is hereby directed and authorized to provide the property owners a certified copy of this Resolution to be filed along with the property owners' petition (Exhibit A) to the Minnesota Municipal Board.

Adopted this 14th day of December, 1995, by the City Council of the City of St. Bonifacius.

CITY OF ST. BONIFACIUS

By: \_\_\_\_\_

David Orr  
Its Mayor

By: \_\_\_\_\_

Brenda Lisk  
Its Clerk

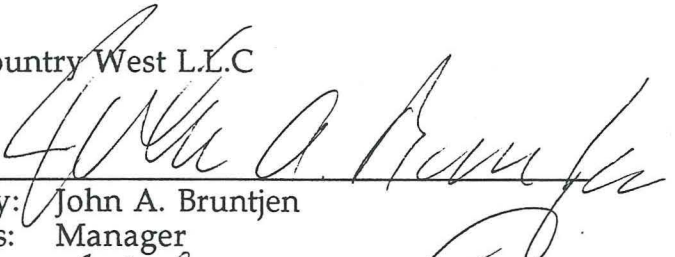
IN THE MATTER OF THE PETITION BY ALL OF THE  
PROPERTY OWNERS FOR THE CONCURRENT DETACHMENT  
AND ANNEXATION OF CERTAIN LAND PURSUANT TO  
MINNESOTA STATUTES, SECTION 414.061, SUBD. 5


To: City Council, City of Bonifacius


We, the undersigned, being all of the property owners of the property described in the attached property owner petition for concurrent detachment and annexation, hereby request that the City Council of the City of St. Bonifacius adopt a resolution in support of said petition and authorize the filing of the same by the undersigned property owners with the Minnesota Municipal Board. The undersigned property owners desire to file the attached property owner petition along with a supporting City Council resolution with the Minnesota Municipal Board in order to detach the property described in the attached property owner petition from the City of Minnetrista, County of Hennepin, State of Minnesota and annex the same to the City of St. Bonifacius, County of Hennepin, State of Minnesota, pursuant to Minnesota Statutes, Section 414.061, subd. 5.

The supporting information and reasons for requesting concurrent detachment and annexation are stated in the attached property owner petition.

Date: Dec 13, 95 Owners: Country West L.L.C

  
By: John A. Bruntjen  
Its: Manager

  
Stanley E. Maas

  
Theda B. Maas

  
Phillip J. Ditsch

## Exhibit A

Stanley E. and Theda B. Maas Property - Parcel 1:Property Description

That part of the West One Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 31, Township 117 North, Range 24 West of the 5th Principal Meridian, lying North of the Northwesterly line of the Dakota Rail, Inc., formerly known as Great Northern Railroad, right-of-way, Hennepin County, Minnesota.

EXCEPT: That part of the West Half of the Southeast Quarter of Section 31, Township 117, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter; thence on an assumed bearing of North 00 degrees 09 minutes 55 seconds East along the west line of said West Half of the Southeast Quarter, a distance of 1313.52 feet to the point of beginning; thence South 61 degrees 06 minutes 46 seconds East, a distance of 887.29 feet to the intersection of a line distant 66.00 feet northwesterly of, as measured at right angles to and parallel with, the Northwesterly right of way line of DAKOTA RAIL INC.; thence South 49 degrees 07 minutes 22 seconds West along said parallel line, a distance of 459.85 feet to the northerly right of way line of TOWNS EDGE ROAD, according to the recorded plat thereof; thence southeasterly along said right of way line to the northwesterly right of way line of said DAKOTA RAIL INC.; thence southwesterly along said line to the west line of said West Half of the Southeast Quarter; thence North 00 degrees 09 minutes 55 seconds East along said line; a distance of 1191.33 feet to the point of beginning.

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Country West L.L.C. Parcel 1 and Parcel 2 (For ease of reference, formally the Lemke Property):Property Description

That part of Tract A, Registered Land Survey No. 1299 lying Northwesterly of the following described line; commencing at the most Northeasterly corner of said Tract A, Registered Land Survey No. 1299; thence North 75 degrees, 23 minutes 45 seconds West, a distance of 255.29 feet to a point hereinafter designated as Point "A"; thence North 80 degrees, 31 minutes West, a distance of 176.00 feet to a point; thence South 9 degrees, 29 minutes West, a distance of 135.50 feet to the actual point of beginning of the line to be described; thence Northeasterly to Point "A" and said line there terminating.

Tract B, Registered Land Survey No. 1299 and

That part of the Southerly 25.00 feet of Tract C, Registered Land Survey No. 1299, which lies Westerly of the Westerly line of Tract D in said Registered Land Survey and Easterly of a line described as follows: Commencing at the Southwest corner of said Tract C; thence on an assumed bearing of North 81 degrees, 40 minutes, 10 seconds East along the Southerly line of said Tract C, a distance of 725.18 feet to an angle point in the Southerly line of said Tract C, being the point of beginning of the line to be described thence North 6 degrees, 20 minutes, 00 seconds East, a distance of 25.00 feet and said line there terminating, the above described lands being situate in Hennepin County, Minnesota.

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And

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Parcel 2:

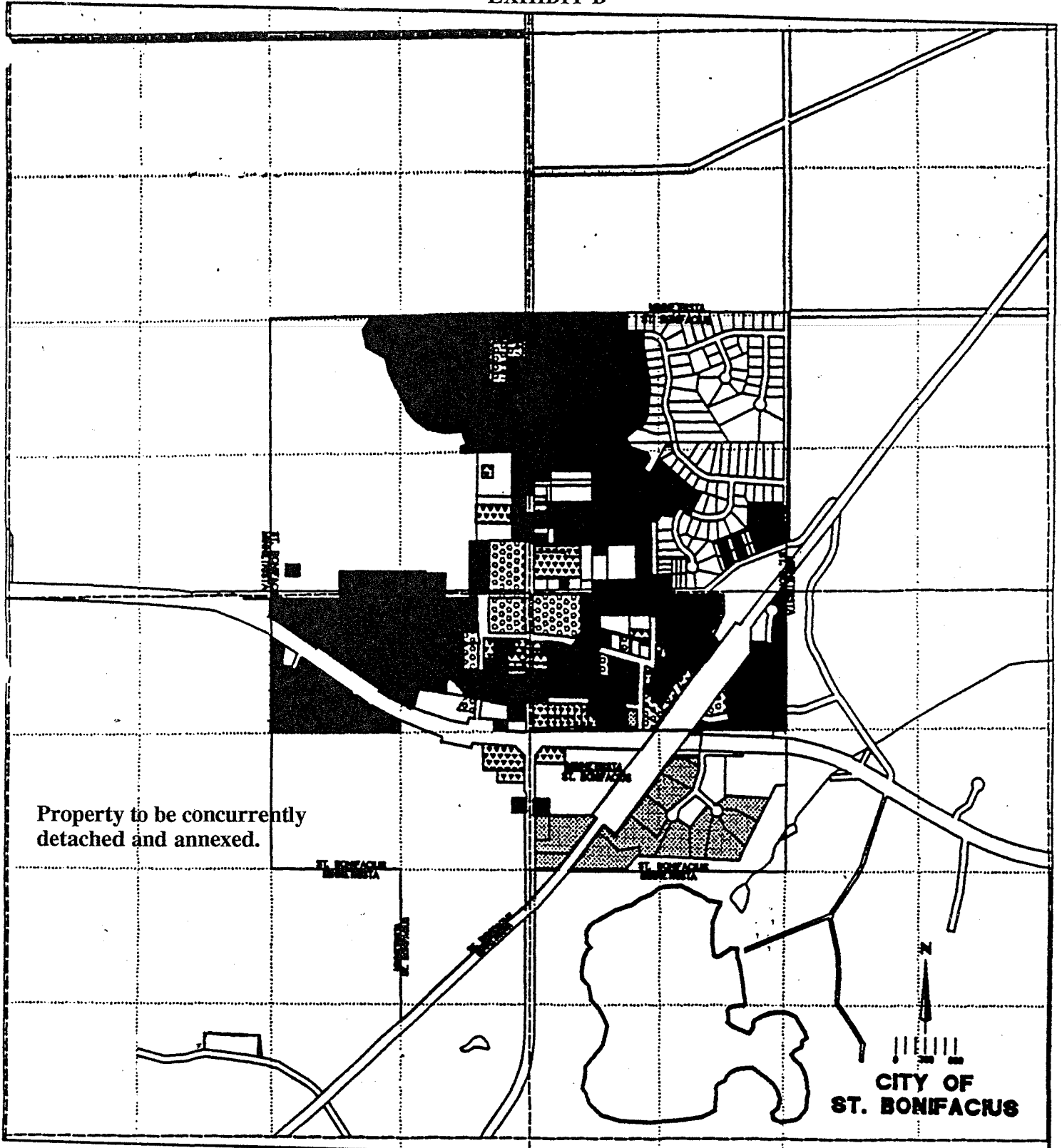
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Phillip J. Ditsch Property - Parcel 1:

Property Description

The West 1/2 of the East 1/2 of the Northwest 1/4, Section 31, Township 117, Range 24, except Minnesota Highway #7 right-of-way.

EXHIBIT B



WILLIAM E. BRIDGMAN ASSOC., INC.

- RESIDENTIAL
- ▨ INDUSTRIAL
- ▣ COMMERCIAL
- ▤ PUBLIC/SEMI-PUBLIC

REC'D. BY AUG 01 1996  
M A R

**AFFIDAVIT OF SERVICE**

STATE OF MINNESOTA )  
  ) ss.  
COUNTY OF RAMSEY    )

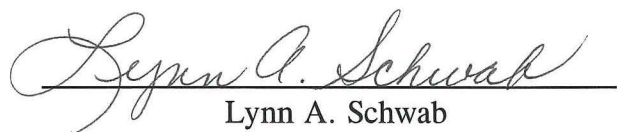
Lynn A. Schwab, of the City of St. Paul, County of Ramsey, in the State of Minnesota, being duly sworn, says that on the 1st day of August, 1996, she served a copy of the enclosed **Property Owner Petition for Concurrent Detachment and Annexation and Supporting City of St. Bonifacius Resolution No. 1995-45** on:

Mayor Paul Pond, City Hall, 7701 County Rd. 110 W.,  
Minnetrista, MN 55364-9552


Charlotte Erickson, City Clerk/Administrator, City Hall, 7701  
County Rd. 110 W., Minnetrista, MN 55364-9552

Thomas J. Radio, Popham, Haik, Schnobrich & Kaufman, Ltd.,  
222 S. Ninth St., Suite 3300, Minneapolis, MN 55402

in this action, by mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at St. Paul, Minnesota, directed to said individual(s) at the above listed address, that address being the last-known mailing address of said individual(s).

  
Lynn A. Schwab

Subscribed and sworn to before me  
this 1st day of August, 1996.

  
Notary Public

