

STATE OF MINNESOTA
Before the
BENTON COUNTY BOARD of COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
BENTON COUNTY DITCH No. 14

In the Matter of:

**the Reestablishment of Benton County
Ditch No. 14 Drainage System Records**

**FINDINGS AND ORDER DIRECTING
THE REESTABLISHMENT OF
DRAINAGE SYSTEM RECORDS**

Pursuant to Minn. Stat. § 103E.101, subd. 4a, the Drainage Authority seeks to reestablish records defining the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, and elevations or right-of-way of Benton County Ditch No. 14. For their Motion, the Drainage Authority does state and allege the following:

1. The Drainage Authority seeks to reestablish the drainage system records of Benton County Ditch No. 14 located in Maywood Township, Benton County.
2. County Ditch Engineer, Chris Byrd has completed a thorough investigation of the drainage system records and believes that the alignment, cross-section, profile, or right-of-way of the drainage system is lost, destroyed, or otherwise incomplete.
3. Houston Engineering Inc. has been hired to investigate the present-day conditions of County Ditch No. 14 and prepare a preliminary report detailing the findings.
4. The preliminary report dated May 19, 2020 has been completed. The report contains the necessary description of the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system to reestablish records.
5. The preliminary report dated May 19, 2020 also identifies an area of property that may be receiving benefits from Benton County Ditch No. 14 but is not currently assessed benefits for Benton County Ditch No. 14. A redetermination of benefits may be warranted.

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Benton County Ditch No. 14, hereby orders as follows:

- A. The Benton County Board of Commissioners acting as the Drainage Authority having such jurisdiction over Benton County Ditch No. 14, does hereby accept the preliminary report dated May 19, 2020 to reestablish the Public Drainage System Record for the aforementioned drainage system.
- B. The Benton County Board of Commissioners acting as the Drainage Authority having such jurisdiction over Benton County Ditch No. 14, does also hereby set forth a public hearing to be held on **August 18, 2020 at 10:00 AM** in accordance with Minn. Stat. § 103E.101, subd. 4a, to reestablish records.
- C. The Benton County Board of Commissioners acting as the Drainage Authority having such jurisdiction over Benton County Ditch No. 14, does also hereby set forth a public hearing to be held on **August 18, 2020 at 10:30 AM** pursuant to Minn. Stat. § § 103E.351, subd. 1(a), to determine whether or not to order the redetermination of benefits and damages.
- D. This order and the engineer's preliminary report dated May 19, 2020 shall be filed with the Benton County Auditor-Treasurer, Nadean Inman, pursuant to Minn. Stat. § 103E.101, subd. 4a.
- E. Once the engineer's preliminary report is filed, the Auditor-Treasurer shall give notice of the hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage system and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on the drainage authority's website.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 5 yeas, _____ nays, _____ absent, and _____ abstentions as follows:

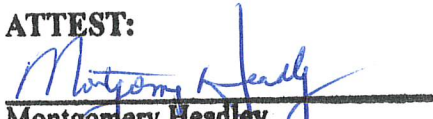
	Yea	Nay	Absent	Abstain
Buerkle	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peschl	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Popp	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heinen	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bauerly	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.


 Spencer C. Buerkle, Chairperson

Dated: 07-07-2020

ATTEST:


 Montgomery Headley
 Benton County Administrator

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I, Nadean Inman, Benton County Auditor-Treasurer, do hereby certify that I have compared the above findings and order with the original thereof as the same appears of record and on file with the Benton County Drainage Authority and find the same to be a true and correct transcript thereof. The above order and engineer's report was filed with me, Benton County Auditor-Treasurer, on July 8th, 2020

IN TESTIMONY WHEREOF, I hereunto set my hand this

8th day of July, 2020.

Nadean Inman
Nadean Inman