

STATE OF MINNESOTA
Before the
**BENTON COUNTY DRAINAGE AUTHORITY
SITTING AS THE DRAINAGE AUTHORITY FOR
BENTON COUNTY DITCH NO. 14**

In the Matter of:

**the Reestablishment of COUNTY DITCH
NO. 14 Drainage System Records**

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

The Benton County Board of Commissioners, sitting as the drainage authority for Benton County Ditch No. 14, pursuant to Minn. Stat. § 103E.101, subd. 4a, based on the record and proceedings, Commissioner Peschl moved, seconded by Commissioner Heinen to adopt the following Findings and Order:

Findings:

1. The Benton County Drainage Authority is the drainage authority for Benton County Ditch No. 14.
2. After thorough investigation of the drainage system record, the drainage authority finds that the records establishing the alignment, profile, and right-of-way of Benton County Ditch No. 14 are incomplete.
3. The Board has reviewed a brief history of the system contained in a combined historical review memorandum for Benton County Ditch No. 14 dated September 2, 2019. Said history is incorporated by reference into these findings and order.
4. The Board reviewed and approved a contract with Houston Engineering on October 1, 2019 to provide consulting services on Benton County Ditch No. 6.
5. Minn. Stat. § 103E.101, subd. 4a allows the drainage authority to initiate proceedings to reestablish records defining the alignment; cross-section; profile; hydraulic structure locations; materials; dimensions and elevations; or right-of-way of a drainage system as originally constructed or subsequently improved.

Order:

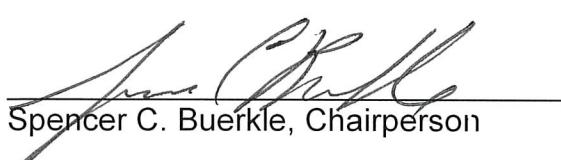
Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Benton County Ditch No. 14, hereby orders as follows:

- A. The Board shall follow the procedures of Minn. Stat. § 103E.101, subd. 4a to reestablish and correct the drainage system record for Benton County Ditch No. 14 to reflect the functional alignment, dimension, grade, and right-of-way of the system.
- B. Engineer Chris Byrd, Benton County Public Works Director, is hereby appointed to serve as the engineer for the investigation and preparation of the engineer's report. Houston Engineering shall act as a consulting engineer and provide engineering services for Benton County Ditch No. 14. The engineer, to the extent not already accomplished in its analysis supporting the historical review memorandum, shall investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials dimensions, elevations; and right-of-way of the drainage system.
- C. Once the engineer's 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 motion; 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 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