

AGENDA
APPOINTMENT OF VIEWERS FOR THE REDETERMINATION OF BENEFITS
FOR JD 1 AND JD 49 BLUE EARTH AND FARIBAULT COUNTIES.
MAY 21, 2019

1. Welcome and introductions; Will Purvis, Chair
(Appointed as chair at October 9, 2018 joint meeting.)
2. Staff recommendation; Craig Austinson, Ditch Manager
 - a. Appointment of viewers to redetermine benefits on JD 1 and JD 49.
3. Comments from the Joint Board
4. Recommended actions:
(If more information is needed, continue the joint meeting to a time and date certain.)
 - a. Appoint viewers to redetermine JD 1. (resolution attached)
 - b. Appoint viewers to redetermine JD 49. (resolution attached)
5. Adjourn the meeting
(If no other action is needed, adjourn the hearing.)

MEMORANDUM



To: Blue Earth and Faribault County Boards of Commissioners
As Joint Drainage Authority for JD 1 and JD 49

From: Craig Austinson
Blue Earth County Ditch Manager, Taxpayer Services

Date: May 21, 2019

Subject: Redeterminations of Benefits for JD 1 and JD 49

BACKGROUND

JD 1 is a 2,850-acre watershed in Blue Earth and Faribault Counties that includes all the 1,360 acres of Lura Lake and portions of Sections 34 and 35 of Sterling Township. JD 1 outlets to Rice Creek and eventually to the Maple River. Portions of JD 1 are failing. Three landowner meetings were held to discuss options to repair or improve JD 1. At the April 8, 2019, landowners' meeting, landowners stated they would seek a petition to improve the system. It was noted the existing benefits do not reflect reasonable present-day land values and benefited areas have changed.

JD 49 is an approximately 3,700 acre system, with an additional approximately 6,000 acre watershed of other drainage systems that use JD 49 as an outlet. The watershed includes portions of Shelby and Sterling Townships in Blue Earth County and Winnebago City and Delavan Townships in Faribault County. The existing benefits do not reflect present-day values and benefited areas have changed.

ACTION REQUESTED

At today's meeting of the Joint Drainage Authority, I am requesting the Joint Drainage Authority order redeterminations of benefits and appoint viewers for JD 1 and JD 49. Resolutions attached.

**BEFORE THE JOINT BLUE EARTH COUNTY AND FARIBAULT COUNTY
BOARDS OF COMMISSIONERS,
ACTING AS DRAINAGE AUTHORITY FOR JUDICIAL DITCH 1**

In the Matter of:

**the Redetermination of Benefits of
Judicial Ditch 1**

**FINDINGS AND ORDER
INITIATING THE REDETERMINATION
OF BENEFITS AND APPOINTING
VIEWERS**

The Joint Blue Earth County and Faribault County Boards of Commissioners, sitting as the drainage authority for Judicial Ditch 1, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, moves and seconds to adopt the following Findings and Order:

Findings:

1. The Joint County Board of Commissioners is the drainage authority for Judicial Ditch 1.
2. Judicial Ditch 1 was established in 1971. Benefits were determined concurrent with its establishment.
3. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
4. Since the 1971 determination of benefits and damages, land uses and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of the drainage system.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area.
6. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present-day land values, and the benefitted areas have changed.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Judicial Ditch 1, hereby orders as follows:

1. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits.

2. That Dan Ruby, Charles W. Anderson, Lance Roberts, Gary Ewert as alternate, and Ron Ringquist as alternate/consultant are hereby appointed as viewers to complete a redetermination and report the benefits and damages for Judicial Ditch 1.
3. That within 5 days of this Order, the Blue Earth County Taxpayer Services Department shall mail to the viewers a copy of the Order.

After discussion the motion passed and the Findings and Oder adopted.

Approved and filed this May 21, 2019.

Signed: Will Purvis, Chair
Joint Blue Earth County and Faribault County Drainage Authority

Attest: Robert W. Meyer, Blue Earth County Administrator

**BEFORE THE JOINT BLUE EARTH COUNTY AND FARIBAULT COUNTY
BOARDS OF COMMISSIONERS,
ACTING AS DRAINAGE AUTHORITY FOR JUDICIAL DITCH 49**

In the Matter of:

**the Redetermination of Benefits of
Judicial Ditch 49**

**FINDINGS AND ORDER
INITIATING THE REDETERMINATION
OF BENEFITS AND APPOINTING
VIEWERS**

The Joint Blue Earth County and Faribault County Board of Commissioners, sitting as the drainage authority for Judicial Ditch 49, pursuant to Minn. Stat. § 103E.351, based on the record and proceedings, moves and seconds to adopt the following Findings and Order:

Findings:

1. The Joint County Board of Commissioners is the drainage authority for Judicial Ditch 49.
2. Judicial Ditch 49 was established in 1984. Benefits were determined concurrent with its establishment.
3. The current benefits roll reflects the benefitted properties, benefitted areas, and benefit values as determined by viewers based on assumptions regarding the future use and drainage of said properties.
4. Since the 1984 determination of benefits and damages, land uses and drainage practices have changed to accelerate and increase the flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of the drainage system.
5. Since the original determination of benefits and damages, land values have changed within the benefitted area.
6. The drainage authority finds that the conditions required for the initiation of a redetermination of benefits exist, that the original benefits and damages do not reflect reasonable present-day land values, and the benefitted areas have changed.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, acting as the drainage authority for Judicial Ditch 49, hereby orders as follows:

1. The Board shall follow the procedures of Minn. Stat. § 103E.351 to conduct a redetermination of benefits.

2. That Dan Ruby, Charles W. Anderson, Lance Roberts, Gary Ewert as alternate, and Ron Ringquist as alternate/consultant are hereby appointed as viewers to complete a redetermination and report the benefits and damages for Judicial Ditch 49.
3. That within 5 days of this Order, the Blue Earth County Taxpayer Services Department shall mail to the viewers a copy of the Order.

After discussion the motion passed and the Findings and Oder adopted.

Approved and filed this May 21, 2019.

Signed: Will Purvis, Chair
Joint Blue Earth County and Faribault County Drainage Authority

Attest: Robert W. Meyer, Blue Earth County Administrator