

State of Minnesota

County of Marshall ^{ss}

IN THE MATTER OF THE PETITION OF CARMEN DURAND AND
OTHERS, FOR THE ESTABLISHMENT AND CONSTRUCTION OF
COUNTY DITCH NO. 39 of MARSHALL COUNTY, MINNESOTA.

The above entitled matter came on duly to be heard by and before the Board of County Commissioners of Marshall County, State of Minnesota, on the 31st day of August, 1948, at ten o'clock A., of said day, pursuant to due adjournment of a special meeting duly called for the purpose of hearing and considering the petition for the establishment and construction of said proposed ditch on the 27th day of August, 1948, at 11 o'clock A, M, of said day; and it appearing by proper evidence that due notice had been given of the pendency of said petition and of said time of hearing thereon, and that H. T. Swanson, the Engineer appointed by the Board to make a detailed survey of said ditch, has completed his work and duly filed his report thereon in the office of the County Auditor of said County, and that the Viewers appointed by said Board have completed their work and duly filed their report in the office of the County Auditor, and said Engineer and said Viewers having reconsidered said matter, as requested by said Board, and having filed their respective amended reports in the office of the County Auditor, the said Board did at said adjourned meeting proceed to hear said petition and Engineer's and Viewers' reports thereon, as amended; and said Board having duly considered said petition and heard all parties interested for or against the establishment and construction of said proposed ditch and all other matters pertaining thereto, finds as follows, to-wit:

FIRST: That the Engineer has completed his work and filed his report and amended report thereon, as provided by law.

SECOND: That the Viewers appointed therein have completed their work and filed their report and amended report thereon as provided by law.

THIRD: That the construction of said ditch is practicable and that the estimated benefits to be derived from the construction of said ditch are greater than its total cost, including damages

awarded.

FOURTH: That the damages and benefits arising from the construction of said ditch have been duly awarded and assessed, and that said work will be of public utility and will promote the public health and that said reports of the Engineers and Viewers, as amended, are complete, just and correct.

FIFTH: That notice of this hearing of said petition and of said Engineer's and Viewers' reports has been duly given, published and posted and mailed as by law required, and that proofs of said service of said notice have been duly made and filed in the office of the County Auditor of said County, and that all other proceedings in the matter have been made and taken in accordance with the provisions of law relating thereto.

NOW, THEREFORE, As conclusions from the foregoing findings, being satisfied that the proposed ditch will be of public utility and will promote the public health and that the construction of the same is practicable, IT IS HEREBY ORDERED, That said petition be, and the same is hereby, granted and said ditch is hereby established according to the Engineer's report, as amended, made and filed herein, and that the report of the Viewers, as amended, made and file herein, be, and the same hereby is, confirmed.

IT IS FURTHER ORDERED, That the damages awarded to the persons and corporations named in the Viewers' report, as amended, filed herein, in excess of benefits, be paid by warrants of the County Auditor drawn on said ditch fund and delivered to the persons entitled thereto as provided by law.

IT IS FURTHER ORDERED, That the County Auditor and Chairman of County Board of said County, be, and hereby are, authorized and directed to proceed according to law and advertise for bids and to let contracts for the construction of said ditch according to the plans and specifications of the Engineer.

Dated this 31st day of August, 1948.

Attest: _____