

STATE OF MINNESOTA
COUNTY OF MARSHALL

RECEIVED DEC 12 1984

PETITION FOR THE REDETERMINATION OF BENEFITS AND THE
IMPROVEMENT OF COUNTY DITCH #39
MARSHALL COUNTY, MINNESOTA

TO: THE HONORABLE BOARD OF MANAGERS OF THE MIDDLE
RIVER-SNAKE RIVER WATERSHED DISTRICT

The undersigned petitioners respectfully represent and state:

I.

That this petition is made pursuant to Minnesota Statutes Annotated, Chapter 106 and Chapter 112, as amended.

II.

That they are interested in and affected by the drainage system above designated; and that the undersigned are the owners of the following described land set opposite their respective names, which lands were affected by and assessed for, the original construction of the said drainage system.

III.

That the undersigned petitioners represent not less than 26% of the resident owners of the property affected by the improvement proposed herein or over which the proposed improvement passes or represent not less than 26% of the area of the property affected by the proposed improvement or of which the proposed improvement passes.

IV.

That lands not originally benefited by the establishment of said drainage system have been drained; that said lands are causing portions of the channel to carry more water than intended; that said lands are receiving benefits from said drainage system at the expense of the owners of the lands currently benefited by said system; and that the original benefits determined in the original proceeding no longer reflect reasonable present day land values and that the benefited areas of County Ditch #39 have changed therefore its benefits and benefited areas should be redetermined.

V.

That the existing outlet of Marshall County Ditch #39 is not adequate and that the construction of a new outlet hereinafter described will be conducive to the public health, convenience and welfare by reducing the flooding conditions and the danger to life and health which accompany such floods and by improving the drainage in the area thereby reducing damage to private property, increasing crop yields and increasing individual incomes with its subsequent public benefits.

VI.

That the following is a description of the proposed starting point, route and terminus of the improved outlet of said ditch;

Commencing at a point approximately 45 feet west and 45 feet south of the northeast corner of section 5 of Oak Park Township (T155N, R50W), thence south a distance of 1,320 feet to the northeast corner of the SE1/4 NE1/4 of said section 5, thence west along the south line of lot 1 and lot 2 of said section 5 a distance of about 1,800 feet to the Red River of the North.

VII.

That the proposed outlet improvement would alleviate flooding and provide better drainage for the affected area and thus reduce crop loss and property damage to private and public lands within the area affected. That less than the entire Watershed District will be affected. That the area likely to be affected includes all or parts of sections 3, 4, 5, 8 and 9 of Oak Park Township (T155N; R50), and all or parts of sections 32, 33 and 34 of Big Woods Township (T156N; R50W).

VIII.

That the following is a description, by forty acre tracts, of the land over which the proposed public drainage ditch is located:

Lot 1, Lot 2, Lot 3 and the SE1/4 NE1/4 of Section 5 of Oak Park Township (T155N, R50W).

IX.

That the petitioners will pay all costs and expenses, which may be incurred in case the improvement proceedings are dismissed, or for any reason no contract for the construction of said improvement is let, as provided by law. The petitioners shall not be liable for any amount greater than the amount provided for in bonds filed with the district in these proceedings.

WHEREFORE, your petitioners pray that the Board of Managers of the Middle River-Snake River Watershed District:

1. Authorize the Watershed District engineer employed by them to make all necessary surveys and plans for the construction of the proposed improvement and report the results thereof to the Managers;

2. Appoint three viewers for the purpose of redetermining the benefits and benefited areas and damages as provided by Minnesota Statute;

3. Fix a time and place within the District for a hearing upon the petition and reports of the engineers and viewers and conduct all of the necessary proceedings in accordance with Minnesota Statutes to cause said improvement to be constructed and to cause the benefits and benefited areas to be redetermined.

