



Le Sueur County, MN

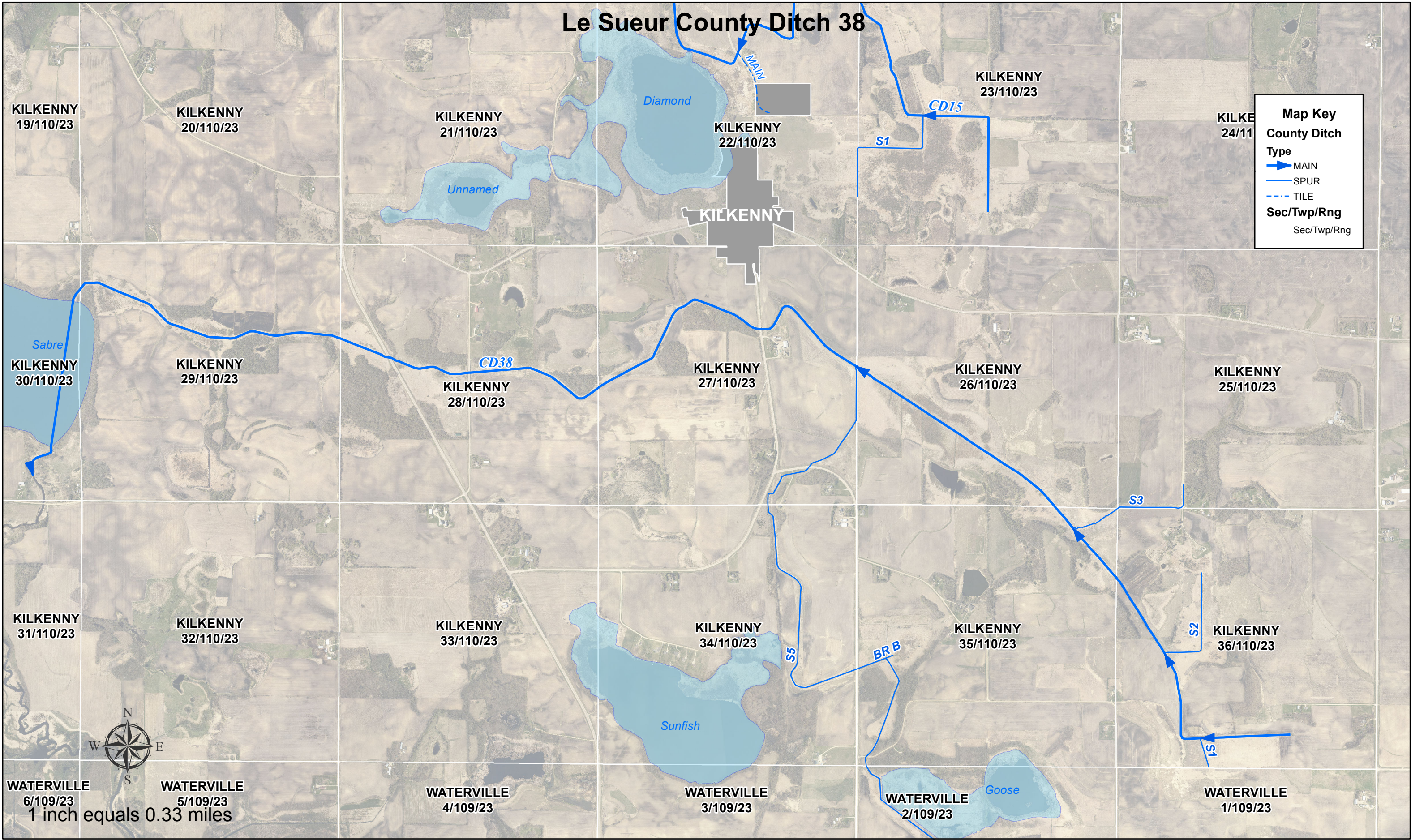
Tuesday, December 1, 2015

Board Meeting

Item 7

10:00 a.m. CD #38 Public Hearing

Staff Contact:



STATE OF MINNESOTA
LE SUEUR COUNTY BOARD OF COMMISSIONERS
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR LE SUEUR COUNTY DITCH 38

The matter of the petition of Stangler and others for the Redetermination of Benefits for Le Sueur County Ditch 38

Order initiating Redetermination of Benefits and Appointing Viewers

Commissioner _____ made a motion to adopt the following Findings and Order:

WHEREAS, the Le Sueur County Board of Commissioners, Drainage Authority for Le Sueur County Ditch (LCD) 38, upon the petition of landowners within the benefitted area of LCD 38, investigated whether conditions exist to warrant the redetermination of benefits of LCD 38; and

WHEREAS, upon investigation, the Board has determined the following:

1. Benefits for LCD 38 were last determined in 1983, prior to the enactment of various laws, regulations and programs protecting wetlands.
2. The current benefits roll reflects the benefitted properties, benefitted areas and benefit values as determined by viewers based on assumptions regarding the ability of landowners to convert wetlands for agricultural purposes.
3. Additionally, since the most recent determination of benefits and damages land uses and drainage practices have changed to accelerate and increase to flow of water to the drainage system changing the nature and value of benefits accruing to lands from construction of LCD 38.
4. Since the most recent determination of benefits and damages additional lands, not previously determined to be benefitted have improved drainage to take advantage of LCD 38 as an outlet for drainage.

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5. Since the most recent determination of benefits and damages land values have changed within the benefitted area of LCD 38.

THEREFORE, the Le Sueur County Board of Commissioners, Drainage Authority for LCD 38, 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

IT IS HEREBY ORDERED that a Redetermination of Benefits, pursuant to Minnesota Statutes 103E.351 is ordered to be completed and that _____,

_____ and _____

are appointed viewers to redetermine and report the benefits and damages for LCD 38.

The motion was seconded by Commissioner _____, and after discussion, the motion _____ and the Findings and Order were _____ by a vote of ____ yes and ____ no.

Dated this ____ day of _____, 2015.

LE SUEUR COUNTY BOARD OF COMMISSIONERS
SEATED AS DRAINAGE AUTHORITY UNDER
STATUTES CHAPTER 103E FOR LE SUEUR COUNTY
DITCH 38

By _____
Chairperson

[15741-0011/2144020/1]