
Le Sueur County, MN

Tuesday, January 27, 2015

Board Meeting

Item 5

9:30 a.m. - 11:00 a.m. County Ditches

RE: John Kolb, Ron Ringquist, Chuck Brandel

CD #16

CD #54

CD #58

Staff Contact:

WARNEMUNDE LAW OFFICE, LLC

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June 30, 2014

Darrell Pettis
Le Sueur County Administrator
Le Sueur County Courthouse
88 South Park Avenue
Le Center, MN 56057

In re: City of Montgomery Petition for Redetermination of Benefits for Le Sueur County Ditch #54

Dear Darrell:

In August, 2013, you and I spoke about the city's possibly seeking a redetermination of benefits on County Ditch #54. You suggested the city may want to check into whether it believes it will be in a better position after the determination before actually filing the petition. I took your advice and turned the matter over to SEH Engineering. Their specialist in ditch law did a projected recalculation, based upon the existing legal standard, and determined the city's benefit would be reduced significantly by filing a petition.

The City Council reviewed this matter carefully and has now determined it wishes to proceed with the petition. I am therefore enclosing for your review and for filing the petition for redetermination of benefits for Le Sueur County Ditch #54 pursuant to Minn. Stat. Sec. 103e.351. If there is a filing fee which needs to be submitted, please let me know.

If you have any questions in this matter, please call me.

Sincerely,



Timothy L. Warnemunde

TLW:cs

Enclosure

**BEFORE THE LE SUEUR COUNTY BOARD OF COMMISSIONERS
ACTING AS THE DRAINAGE AUTHORITY FOR
LE SUEUR COUNTY DITCH #54**

**PETITION FOR REDETERMINATION OF
BENEFITS FOR LE SUEUR COUNTY DITCH
#54 PURSUANT TO MINN. STAT. SEC. 103e.351**

Petitioner represents and requests as follows:

1. Petitioner City of Montgomery, a Minnesota municipal corporation, believes that the original benefits or damages determined for Le Sueur County Ditch #54 do not reflect reasonable present date land values and/or that the benefit and damaged areas have changed. The following changes have occurred since the original benefits were determined in 1967:

- a) almost all of the land within the subject drainage system is agricultural, and there has been an exponential increase in tiling of the subject farmland since 1967, resulting in a significant increase in the amount of agricultural surface water delivered into the subject ditch; and,
- b) rural land values have increased significantly since 1967; and,
- c) there is a significant reduction in Petitioner City of Montgomery's use of the subject ditch since 1967.

The above changes, and other changes in the use of the ditch since 1967, Petitioner believes, renders the current benefit calculation method obsolete and unfair to all owners using the ditch and located within County Ditch #54's area of assessment.


2. Petitioner requests that Viewers be appointed to redetermine and report the benefits and damages of Le Sueur County Ditch #54.

3. Petitioner further requests that the Le Sueur County Board of Commissioners, acting as the drainage authority for Le Sueur County Ditch #54, hold the necessary hearings and conduct the proper procedures to redetermine benefits for Le Sueur County Ditch #54.

Dated this 26 day of JUNE, 2014.

LANDOWNER:

City of Montgomery, a Minnesota
Municipal corporation

BY: 
Jean M. Keogh, Its Mayor

BY: 
Brian Heck, its City Administrator

LEGAL DESCRIPTION:

All lands within the Montgomery city
limits located in the assessment area
For County Ditch #54