

**HEARING FOR PETITION FOR PARTIAL ABANDONMENT
JUDICIAL DITCH 48
March 2, 2021**

AGENDA

1. Welcome and Introductions – Kevin Paap, Joint County Board Chair
2. Jurisdictional Documents and Notices – Ryan Hiniker, Drainage Management
 - Hearing Notice – Mailed to Landowners on February 17, 2021
 - Hearing Notice – Affidavit of Publication, Mankato Free Press was run February 9, 16 and 23, 2021
 - Reading of Memo
3. Report of Area for Partial Abandonment – Ryan Hiniker – Drainage Management
4. Public Comments and Questions
5. Board Action Options:
 - If the Findings and Order is accepted as presented or amended, motion should be made to:
“Accept the Findings and Order as such or subsequently amended, and order that the Petition for Partial Abandonment for Judicial Ditch 48 be approved.” (Draft Findings and Order attached)
 - If more information is needed: continue hearing to a date and time certain.
 - Reject presented Findings and Order if problems are not resolvable.
6. Adjournment, if not continued

In an effort to comply with social distancing guidelines, public in-person attendance at County Board Meetings is currently suspended. There are numerous ways to participate/view the meeting.

Virtually via Computer	By Telephone
https://zoom.us/j/95131634831?pwd=TEsrUWI5VWtNM0tDRjcxUml2L0xyQT09	Toll-free at 877-853-5247
Meeting ID: 951 3163 4831	Passcode: 242682

MEMORANDUM



To: Joint Blue Earth, Brown and Watonwan County Board of Commissioners, sitting as the Joint Drainage Authority
Robert Meyer, County Administrator

From: Ryan Hiniker
Drainage Management Specialist, Property and Environmental Resources

Date: March 2, 2021

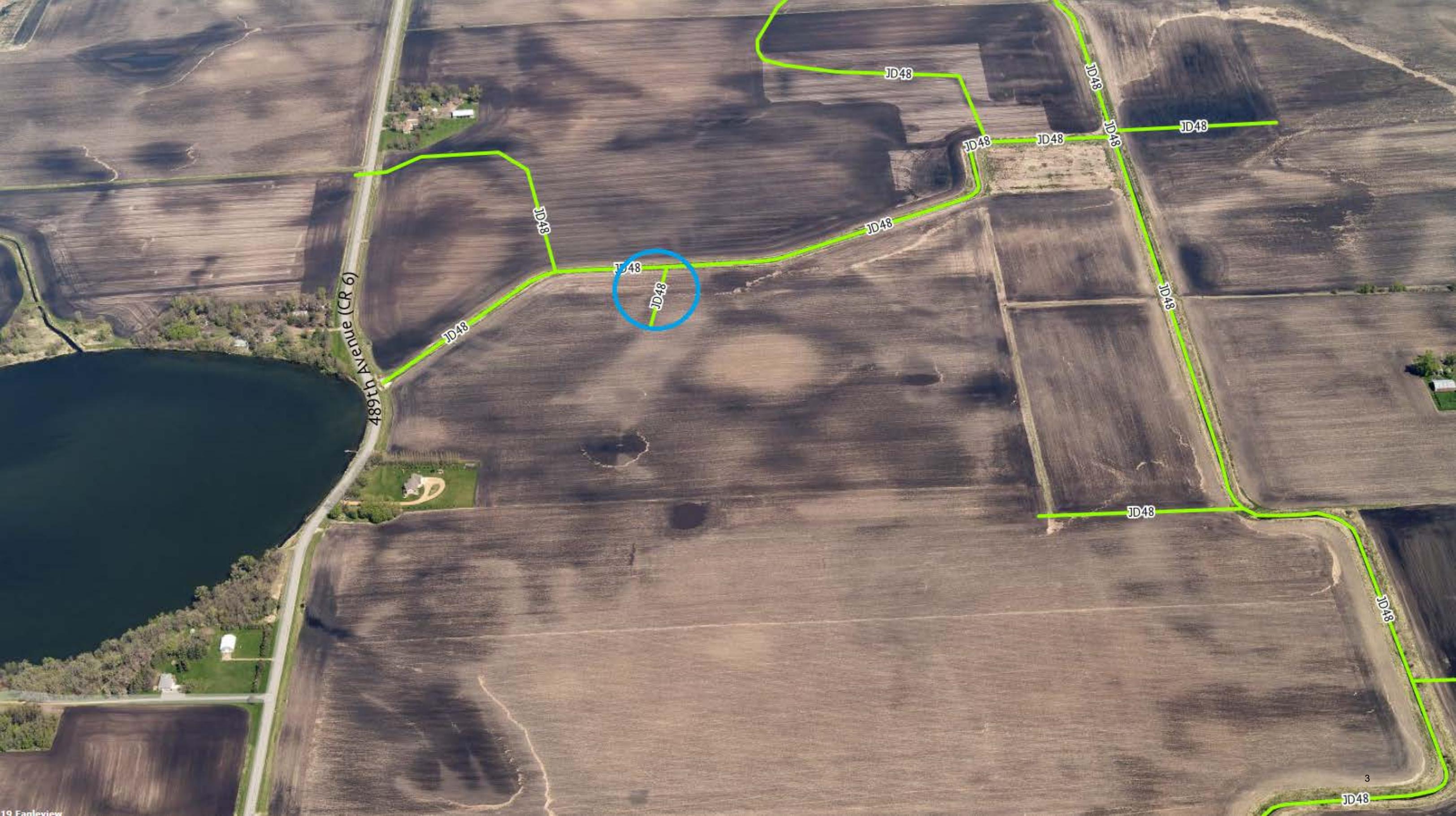
Subject: Hearing for Partial Abandonment for Judicial Ditch 48

Purpose

A Petition for Partial Abandonment for a portion to the Judicial Ditch 48 Public Drainage System has been received by Blue Earth County Property and Environmental Resources Department staff. This petition affects only one landowner. The need for the abandonment is in the best interest of the Judicial Ditch 48 drainage system and the area of abandonment no longer serves as a benefit.

Requested Action

The Joint Drainage Authority hereby approve the Findings and Order, approving the petition for Partial Abandonment for described portions of Judicial Ditch 48.



489th Avenue (CR 6)

JD48

**BEFORE THE BLUE EARTH COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR JD #48**

**Petition for Partial Abandonment of Blue Earth
County JD #48, Pursuant to Minnesota Statutes
103E.806**

WHEREAS, petitioners are owners of benefitted property within the Blue Earth County Ditch #JD 48 system; and

WHEREAS, petitioners request a partial abandonment of the Blue Earth JD #48 system as described as follows:

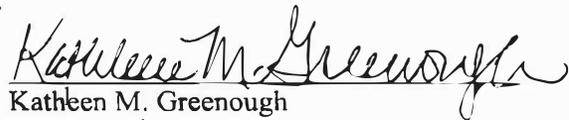
Partial abandonment of all of Branch 6, Lateral D, Sub Lateral 1A, including 435 linear feet of 6-inch tile based on historical record. Said Branch is hereby described as a public drainage system tile lying on the south side of current JD #48 open ditch, lying in the north half of the southwest quarter of section 15, range 29, all lying in Butternut Valley township, Blue Earth County, Minnesota;

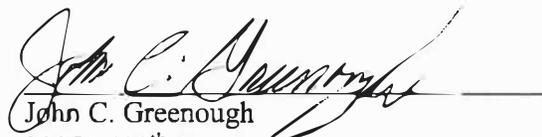
and

WHEREAS, that portion of Blue Earth County JD #48 requested to be abandoned does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of substantial public benefit and utility; and

WHEREAS, petitioners request that a public hearing, pursuant to Minnesota Statutes 103E.806, Subd. 3(b), be held for the partial abandonment of the above-described portion of Blue Earth County JD #48.

Dated this 1 day of 14, 2021.


Kathleen M. Greenough
20851 499th Avenue
Lake Crystal, MN 56055


John C. Greenough
20851 499th Avenue
Lake Crystal, MN 56055

STATE OF MINNESOTA
Before the
JOINT BLUE EARTH, BROWN AND WATONWAN COUNTY BOARD
SITTING AS THE DRAINAGE AUTHORITY FOR
JUDICIAL DITCH 48

In the Matter of:

**Petition for Partial Abandonment of
Portions of Judicial Ditch 48, Pursuant to
Minnesota Statute 103E.806**

**FINDINGS AND ORDER GRANTING
PETITION TO PARTIALLY ABANDON
JUDICIAL DITCH 48**

The Joint Blue Earth, Brown and Watonwan County Board of Commissioners, sitting as the drainage authority for Judicial Ditch 48, having received a Petition for Partial Abandonment of Judicial Ditch 48 pursuant to Minnesota Statutes, section 103E.806, by John & Kathleen Greenough, having noticed and conducted a public hearing on the Petition, and based on the record and proceedings, it was moved and seconded for the adoption of the following Findings and Order:

Findings:

1. A Petition dated January 14, 2021, was received by the Blue Earth County Property and Environmental Resources Department staff, requesting to abandon a portion of Judicial Ditch 48 pursuant to Minn. Stat. § 103E.806. The portion of the drainage system sought to be abandoned is described as follows:

Petitioned area for partial abandonment to include all of Branch 6, Lateral D, Sub Lateral 1A, including 435 linear feet of 6-inch tile, of historical record. Said branch is hereby described; a public drainage system tile lying on the south side of current JD48 open ditch, lying in the north half of the southwest quarter of Section 15, Range 29, all lying in Butternut Valley Township, Blue Earth County, Minnesota. *See Attachment*

2. Petitioners, John & Kathleen Greenough, 20851 499th Avenue, Lake Crystal, MN 56055, are the owner of benefited property on Judicial Ditch 48.
3. The Petition asserts that the part of the drainage system proposed to be abandoned does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of substantial public benefit and utility.

4. The Petition for Partial Abandonment is in proper form and is legally sufficient and adequate for the purposes of these proceedings.
5. The Joint Blue Earth, Brown and Watonwan County Board, sitting as the drainage authority for Judicial Ditch 48, set a public hearing for the petition to take place on Tuesday, March 2, 2021. Due to current COVID restrictions, the hearing was held virtually. Blue Earth County Property and Environmental Resources staff, Brown County staff and Watonwan County staff, have provided notice of the hearing by mail to the owners of all property benefited by the drainage system and have provided notice by publication either once a week for three successive weeks in a newspaper of general circulation within the affected drainage area or by publication on a website of the drainage authority.
6. Notice of the public hearing was properly provided as required by law. Evidence of all notice provided for the hearing is on file with the drainage authority.
7. The area for partial abandonment was presented and explained by Blue Earth County Property and Environmental Resources staff member, Ryan Hiniker.
8. Public comment was heard during the hearing.
9. The portion of Judicial Ditch 48 drainage system as described, including “original” concrete tile, does not serve any useful purpose to any affected property and is not of public benefit and utility. The open ditch serves as the primary drainage outlet for this proposed property for partial abandonment. Private tile is the primary means for drainage for said proposed area for partial abandonment.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Joint Board, the Board, acting as the drainage authority for Judicial Ditch 48, hereby orders as follows:

1. The petition for partial abandonment for portions of Judicial Ditch 48, as described, is approved. No further repair petition for the abandoned portion of the drainage system may be accepted and the drainage authority’s responsibility to maintain the abandoned portion of drainage system is terminated by this order. This order shall not release any property from a drainage lien filed on account of the drainage system before the date of this order, nor shall this order release any property from any assessment or drainage lien filed on or after the date of this order for costs incurred on account of the drainage system before the date of the order.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Findings and Order, and upon vote, the Chair declared the motion passed and the Findings and Order adopted.

Approved and Filed this day, March 2, 2021.

Signed: Kevin Paap, Chairperson
Joint Blue Earth, Brown, and Watonwan County Drainage Authority

Attest: Robert W. Meyer, County Administrator