

**PETITION FOR
IMPROVEMENT OF DRAINAGE SYSTEM
RENVILLE COUNTY DITCH NO. 59**

TO: THE RENVILLE COUNTY BOARD OF COMMISSIONERS, ACTING AS THE
DRAINAGE AUTHORITY FOR RENVILLE COUNTY DITCH NO. 59

Petitioners respectfully represent, state and request the following:

1. Designation of Drainage System.

This Petition requests the completion of a drainage project consisting of improvements to the drainage system designated as County Ditch No. 59 ("CD 59") located in Renville County, Minnesota.

2. Necessity for Drainage Project.

The existing drainage system has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet. Minn. Stat. § 103E.215, Subd. 4(c)(2). The proposed improvements are necessary to prevent flooding, erosion, and adverse effects on agricultural land.

The drainage system is out of repair and the drainage project petitioned for herein is for a separable portion of the drainage system. Therefore, a portion of the cost may be assessed as a repair. Minn. Stat. § 103E.215, Subd. 6.

3. Description of Proposed Improvement.

The proposed drainage project would consist of improving and enlarging CD 59 Branch B along its entire length, together with lateral branches Branch B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, and B11. The location of the proposed improvements, subject to any alterations deemed prudent or necessary by the project engineer, are depicted on the map attached hereto as **Exhibit A** and are located in Troy and Winfield Townships in Renville County CD 59 Branch B together with the lateral branches B1–B11 consist of buried tile. CD 59 Branch B and lateral branches B1–B11 would be enlarged and their capacity increased to meet the NRCS recommended standard ½ inch per day drainage coefficient. The improvement to the Branch B Main and lateral branches B1–B11 would be improved along the entirety of their length where necessary to meet a ½ inch per day drainage coefficient.

If deemed prudent and practical by the Engineer, a water storage pond or other features may be included in the project design to improve water quality, reduce erosion, or increase capacity.

4. **Jurisdiction.**

The undersigned Petitioners constitute: (1) at least 26% of the owners of the property affected by the proposed improvements; (2) at least 26% of the owners of property that the proposed improvements pass over; (3) the owners of at least 26% of the property area affected by the proposed improvements; or (4) the owners of at least 26% of the property area that the proposed improvements pass over. Minn. Stat. § 103E.215, Subd. 4(a).

Pursuant to Minn. Stat. § 103E.215, Subd. 4(c)(4), set forth below is a list of the 40-acre tracts or government lots that the proposed improvements would pass over, together with the names and addresses of the owners of those tracts; to-wit:

	Owner	Address	PID	Description	Sec	Twp	Rge	County
1	Lee & Katherine Potzler Trust	2017 Northshore Dr. Bellingham, WA 98226	27-01651-00	NE ¼ SW ¼	25	116N	35W	Renville
2	Lee & Katherine Potzler Trust	2017 Northshore Dr. Bellingham, WA 98226	27-01651-00	SE ¼ SW ¼	25	116N	35W	Renville
3	Mahlum Family Trust	805 Main St. S. Chatfield, MN 55923	27-01640-00	NW ¼ SE ¼	25	116N	35W	Renville
4	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01790-00	NE ¼ NE ¼	35	116N	35W	Renville
5	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01791-00	SE ¼ NE ¼	35	116N	35W	Renville
6	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01791-00	NE ¼ SE ¼	35	116N	35W	Renville
7	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01870-00	SW ¼ NW ¼	36	116N	35W	Renville
8	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01870-00	NW ¼ SW ¼	36	116N	35W	Renville
9	Hartung Partnership c/o Don Hartung	14941 State Hwy 4 Cosmos, MN 56228	27-01850-00	NW ¼ NW ¼	36	116 N	35W	Renville
10	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01860-00	NE ¼ NW ¼	36	116N	35W	Renville
11	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01840-00	NW ¼ NE ¼	36	116N	35W	Renville
12	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01840-00	NE ¼ NE ¼	36	116 N	35W	Renville
13	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-18040-00	SE ¼ NE ¼	36	116N	35W	Renville

	Owner	Address	PID	Description	Sec	Twp	Rge	County
14	James & Dianne Zenk	501 10 th St N Olivia, MN 56277	27-01800-00	SE ¼ NW ¼	35	116 N	35W	Renville
15	Kenneth Tellers Family Trust	504 Adams Circle Cologne, MN 55322	27-01801-00	SW ¼ NE ¼	35	116N	35W	Renville
16	Robb & Megan Zenk	84691 US Hwy 71 Danube, MN 56230	27-01770-00	NE ¼ SE ¼	34	116N	35W	Renville
17	Karen Steffel	34636 880 th Ave Olivia, MN 56277	27-01820-00	NW ¼ SW ¼	35	116N	35W	Renville
18	Karen Steffel	34636 880 th Ave Olivia, MN 56277	27-01820-00	NE ¼ SW ¼	35	116N	35W	Renville
19	Karen Steffel	34636 880 th Ave Olivia, MN 56277	27-01820-00	SW ¼ SW ¼	35	116N	35W	Renville
20	Karen Steffel	34636 880 th Ave Olivia, MN 56277	27-01820-00	SE ¼ SW ¼	35	116N	35W	Renville
21	Paul Erickson	82698 330 th Street Olivia, MN 56277	27-18010-00	NW ¼ SE ¼	35	116N	35W	Renville
22	Paul Erickson	82698 330 th Street Olivia, MN 56277	27-01810-00	SW ¼ SE ¼	35	116N	35W	Renville
23	Paul Erickson	82698 330 th Street Olivia, MN 56277	27-01810-00	SE ¼ SE ¼	35	116N	35W	Renville
24	Ruth & Naomi Heller	c/o Roger Heller PO Box 26 Olivia, MN 56277	24-01100-00	NE ¼ NE ¼	2	115 N	35W	Renville

5. Public Utility and Health.

The proposed improvements will be of public benefit and utility because they will (1) protect property and roads from overflow and flooding and (2) render property suitable for cultivation. Minn. Stat. § 103E.215, Subd. 4(c)(5); Minn. Stat. § 103E.005, Subd. 27. Further, the proposed improvements will promote the public health because they will (1) improve the general sanitary condition of property by drainage and (2) prevent overflow that produces or tends to produce unhealthful conditions on agricultural land. Minn. Stat. § 103E.215, Subd. 4(c)(5); Minn. Stat. § 103E.005, Subd. 25.

6. Agreement by Petitioners.

The undersigned Petitioners have been informed and understand that they may not withdraw as a petitioner at any time after this Petition is accepted by the drainage authority, except with the written consent of all other Petitioners on the filed Petition. Also, the undersigned

Petitioners acknowledge and agree that they will pay all costs and expenses that may be incurred if the proceedings for this drainage project are dismissed. Minn. Stat. § 103E.215, Subd. 4(c)(6).

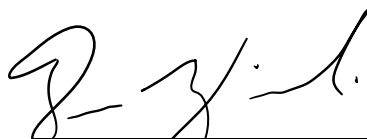
7. Cost Bond.

One or more petitioners shall cause a bond to be filed or a check to be delivered in the amount of at least \$10,000.00 payable to the drainage authority. Minn. Stat. § 103E.202, Subd. 5. The bond or payment will be conditioned to pay the costs incurred if the proceedings are dismissed or if a contract is not awarded to construct the proposed improvements described in the petition. *Id.*

WHEREFORE, the Petitioners respectfully request the following:

- a. That the drainage authority accepts this Petition, review it and determine that it is legally adequate;
- b. That the drainage authority appoints an engineer for purposes of evaluating the proposed drainage project and direct the engineer to prepare an engineer's preliminary report for the proposed drainage project, including allowing the engineer to analyze other potential routes for the proposed improvements and whether separable maintenance may be employed. Petitioners request Shaun Luker and Bolton & Menk be appointed as project engineer; and
- c. That the proposed improvements be established and constructed as part of the CD 59 drainage system.

Dated: January 15, 2024



Dean M. Zimmerli #0396791
dzimmerli@gislason.com
GISLASON & HUNTER LLP
Attorneys for Petitioners
2700 South Broadway
P. O. Box 458
New Ulm, MN 56073-0458
Phone: 507-354-3111

[Signature pages to follow]

SIGNATURE PAGES FOR
PETITION FOR NEW DRAINAGE PROJECT:
IMPROVEMENT OF DRAINAGE SYSTEM
RENVILLE COUNTY DITCH NO. 59

Name of Petitioner(s) (please print or type):

Roger Ringstrom

Ownership (check one):

☒ Individual
____ Co-Owners (# of co-owners: _____)
____ Partner (name of partnership: _____)
____ Corporation or limited liability company (name of corporation or LLC: _____)
____ Trust (complete name of trust: _____)
____ Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

<u>Tract Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>County</u>
<u>E 1/2 of NW 1/4</u>	<u>36</u>	<u>Winfield</u>	_____	<u>Renoville</u>
<u>NE 1/4</u>	<u>36</u>	<u>Winfield</u>	_____	<u>Renoville</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 1-8-24

Roger Ringstrom
(signature)

Dated: _____

(signature)

Dated: _____

(signature)

SIGNATURE PAGES FOR
PETITION FOR NEW DRAINAGE PROJECT:
IMPROVEMENT OF DRAINAGE SYSTEM
RENVILLE COUNTY DITCH NO. 59

Name of Petitioner(s) (please print or type):

Karen Steffel

Ownership (check one):

☒ Individual
☐ Co-Owners (# of co-owners: _____)
☐ Partner (name of partnership: _____)
☐ Corporation or limited liability company (name of corporation or LLC: _____)
☐ Trust (complete name of trust: _____)
☐ Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range	County
NW 1/4 SW 1/4	35	116N	35W	Renville
NE 1/4 SW 1/4	35	116N	35W	Renville
SW 1/4 SW 1/4	35	116N	35W	Renville
SE 1/4 SW 1/4	35	116N	35W	Renville

Dated: ~~Karen~~ 11/15/23

Karen Steffel
(signature)

Dated: _____

(signature)

Dated: _____

(signature)

SIGNATURE PAGES FOR
PETITION FOR NEW DRAINAGE PROJECT:
IMPROVEMENT OF DRAINAGE SYSTEM
RENVILLE COUNTY DITCH NO. 59

Name of Petitioner(s) (please print or type):

David & Elizabeth Kallec Trust

Ownership (check one):

☐ Individual

☐ Co-Owners (# of co-owners: _____)

☐ Partner (name of partnership: _____)

☐ Corporation or limited liability company (name of corporation or LLC: _____)

☒ Trust (complete name of trust: David J Kallec & Elizabeth M Kallec Revocable TRUST)

☐ Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range	County
<u>NE 1/4 NE 1/4</u>	<u>35</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>SE 1/4 NE 1/4</u>	<u>35</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>NE 1/4 SE 1/4</u>	<u>35</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>SW 1/4 NW 1/4</u>	<u>36</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>NW 1/4 SW 1/4</u>	<u>36</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>

Dated: 12-29-23

David J Kallec
(signature)

Dated: 12-29-23

Elizabeth M Kallec
(signature)

Dated: _____

(signature)

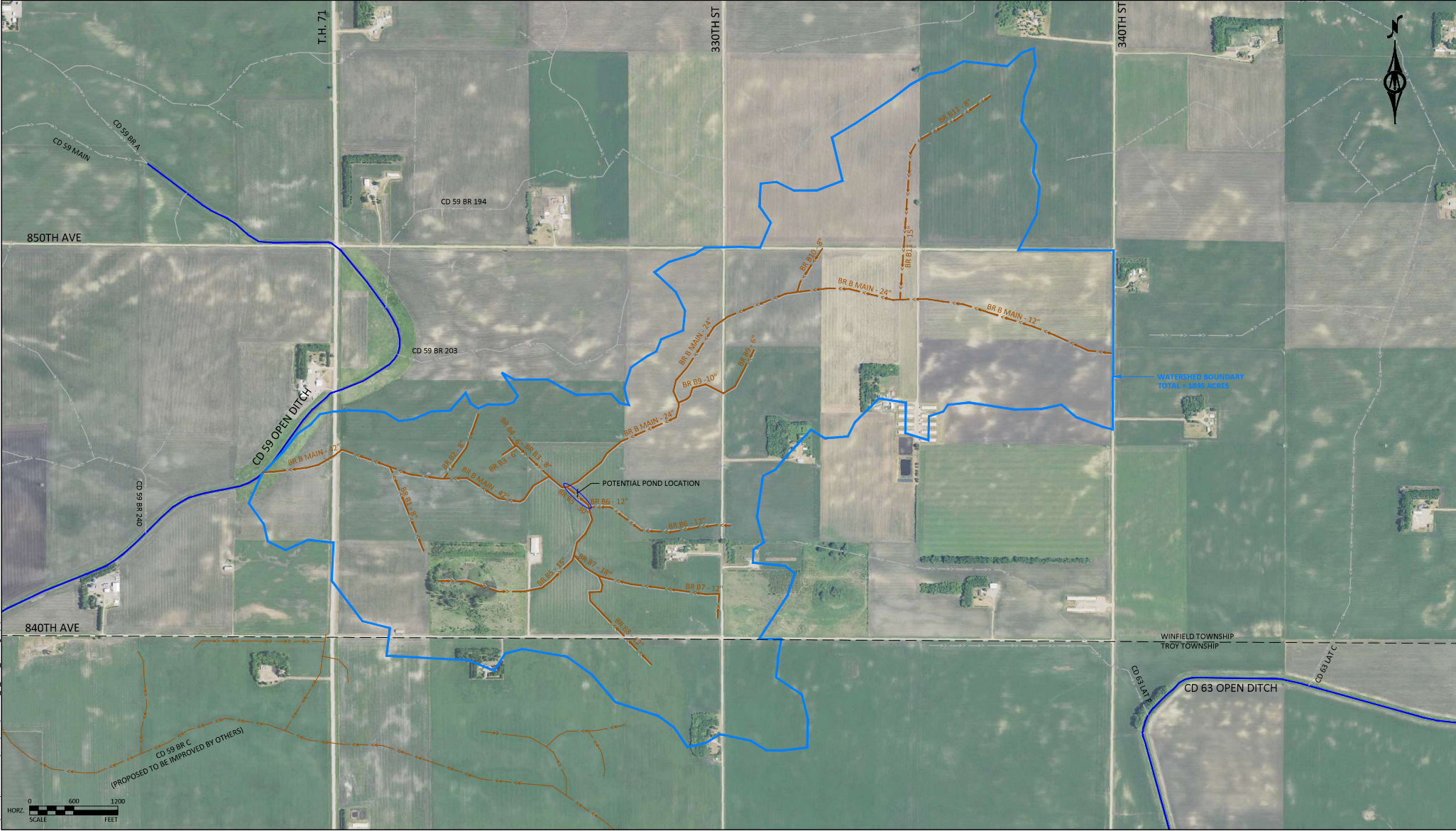


EXHIBIT A