

**STATE OF MINNESOTA
COUNTY OF RENVILLE**

In Re:

Renville County Judicial Ditch No. 15, Lateral V, Branch C
Renville County, Minnesota.

PETITION FOR IMPROVEMENT OF DRAINAGE SYSTEM

TO: THE BOARD OF MANAGERS OF THE BUFFALO CREEK WATERSHED DISTRICT
AS THE DRAINAGE AUTHORITY FOR JUDICIAL DITCH NO. 15 (RENVILLE
COUNTY, MINNESOTA)

Petitioners respectfully represent, state and request the following:

1. **Jurisdiction.**

The undersigned Petitioners constitute (1) at least 26% of the owners of the property affected by the proposed improvement; (2) at least 26% of the owners of property that the proposed improvement passes over; (3) the owners of at least 26% of the property area affected by the proposed improvement; or (4) the owners of at least 26% of the property area that the proposed improvement passes over.

2. **Designation of Drainage System.**

This Petition requests the improvement of the drainage system known by and designated as Judicial Ditch No. 15, Lateral V, Branch C, located in Preston Lake Township, Renville County, Minnesota.

3. **Need for Improvement.**

The drainage system has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet. Judicial Ditch No. 15, Lateral V, Branch C provides beneficial drainage to agricultural properties, public roadways and other lands located in Sections 25 and 36, Township 115, Range 31, Renville County, Minnesota. Judicial Ditch No. 15, Lateral V, Branch C is in need of repair. Judicial Ditch No. 15, Lateral V, Branch C has remained in service since its original construction. Other than minor repairs, no major repairs have been made to Judicial Ditch No. 15, Lateral V, Branch C since it was constructed. Even in a repaired state, Judicial Ditch No. 15, Lateral V, Branch C is inadequate to support beneficial drainage for current farming and drainage practices. Judicial Ditch No. 15, Lateral V, Branch C has insufficient capacity and needs enlarging to furnish sufficient capacity and better outlet.

4. **Description of Improvement.**

The proposed improvements include: Enlarging the existing tile to provide a 3/8 drainage coefficient in the manner to be determined by the engineer, Bolton & Menk, Inc.

The following is a description of a starting point, general course, and terminus of the proposed improvement: Commencing at a point in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), Section 36, Township 115, Range 31, Preston Lake Township, Renville County, Minnesota; thence northwesterly; terminating at a point located in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4), Section 25, Township 115, Range 31, Preston Lake Township, Renville County, Minnesota.

Set forth below is a list of the forty-acre tracts or Government Lots that the proposed improvement would pass over, together with the names and addresses of the owners of those tracts.

Tract	PIN	Owner	Address	Description	Sec.	Twp.	Rge.
1	22-00980-00	Kuttner Family Limited Partnership	57648 780 th Ave Stewart, MN 55385	SW¼NE¼	36	115	31
2	22-00960-00	Lawrence & Carol Maiers	1441 8 th Ave SW Hutchinson, MN 55350	NW¼NE¼	36	115	31
3	22-01001-00	Timothy & Lori Sullivan Trust and Denise Pichotta	78871 CO RD 20 Stewart, MN 55385	PT NE¼NW¼	36	115	31
3	22-01000-00	Timothy & Lori Sullivan Trust and Denise Pichotta	78871 CO RD 20 Stewart, MN 55385	PT NE¼NW¼	36	115	31
4	22-00711-00	Jonathan & Kate Maiers	57332 790 th Ave Stewart, MN 55385	PT SE¼SW¼	25	115	31
5	22-00730-00	Jonathan & Kate Maiers	57332 790 th Ave Stewart, MN 55385	SW¼SW¼	25	115	31
6	22-00700-00	Larry & Sheryl Baumgardt	310 Burnside SW Sleepy Eye, MN 56085	NW¼SW¼	25	115	31

5. **Public Utility and Health.**

The proposed improvement will be of public utility and will promote the public health.

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 improvement proceedings are dismissed. The undersigned Petitioners acknowledge and

agree that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed or if a contract is not awarded for construction of the improvement.

7. **Cost Bond.**

One or more petitioners shall cause a bond to be filed in the amount of at least \$10,000.00 payable to the drainage authority. The bond will be conditioned to pay the costs incurred if the proceedings are dismissed or if a contract is not awarded to construct the proposed improvement described in the petition. In lieu of a bond, one or more Petitioners may request permission to deposit \$10,000.00 cash with the drainage authority to secure payment of such costs.

8. **Separable Maintenance.**

Because Judicial Ditch No. 15, Lateral V, Branch C is in need of repair, Petitioners request, to the extent practicable, that the drainage authority consider, under Minn. Stat. § 103E.215, subd. 6, the separable maintenance portion of the work when determining benefits and assessing costs of the improvement.

WHEREFORE, the Petitioners respectfully request the following:

- a. That the drainage authority accept this Petition, review it and determine that it is legally adequate; and
- b. That the drainage authority appoint Shaun Luker of Bolton & Menk as engineer for purposes of the proposed improvement and direct the engineer to prepare an engineer's preliminary report for the proposed improvement, including allowing the engineer to analyze other potential routes for the proposed improvement and whether separable maintenance may be employed.

FLUEGEL, ANDERSON, MCLAUGHLIN
& BRUTLAG, CHARTERED

Dated: July 30, 2024

By s/ Jason G. Lina
Jason G. Lina, #347541
Attorneys for Petitioners
215 Atlantic Avenue, PO Box 527
Morris, MN 56267
(320) 589-4151/phone
(320) 589-4154/fax
jlina@fluegellaw.com

**SIGNATURE PAGES FOR
PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15, LATERAL V,
BRANCH C (RENVILLE COUNTY, MINNESOTA)**

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

Gregory Kuttner
Douglas Kuttner

Ownership (check one):

☐ Individual
☐ Co-Owners (# of co-owners: _____)
☒ Partner (name of Partnership: Kuttner Family Limited 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) own 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>SW 1/4 NE 1/4</u>	<u>36</u>	<u>115</u>	<u>31</u>	<u>Renville</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 8-22-2024

Gregory Kuttner
(Signature)

Dated: 8-22-2024

Douglas Kuttner
(Signature)

Dated: _____

(Signature)

**SIGNATURE PAGES FOR
PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15, LATERAL V,
BRANCH C (RENNVILLE COUNTY, MINNESOTA)**

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

Denise Pichotta

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:

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The above-named Petitioner(s) own 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 8-21-24

Denise Pichotta
(Signature)

Dated: _____

(Signature)

Dated: _____

(Signature)

**SIGNATURE PAGES FOR
PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15, LATERAL V,
BRANCH C (RENNVILLE COUNTY, MINNESOTA)**

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

Tim Sullivan
Lori Sullivan

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: Tim + Lori Sullivan)
☐ Other (explanation: _____)

Statement of Authority:

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The above-named Petitioner(s) own 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 8/21/24

Tim Sullivan
(Signature)

Dated: 8-21-24

Lori Sullivan
(Signature)

Dated: _____

(Signature)

**SIGNATURE PAGES FOR
PETITION FOR IMPROVEMENT TO JUDICIAL DITCH NO. 15, LATERAL V,
BRANCH C (RENVILLE COUNTY, MINNESOTA)**

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

Lawrence Maiers
Carol Maiers

Ownership (check one):

- ☐ Individual
☒ Co-Owners (# of co-owners: 2)
☐ 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) own the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement:

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<u>NW 1/4 NE 1/4</u>	<u>36</u>	<u>115</u>	<u>31</u>	<u>Renville</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 8/23/2024

Lawrence Maiers
(Signature)

Dated: 8/23/2024

Carol Maiers
(Signature)

Dated: _____

(Signature)