

STATE OF MINNESOTA
RENVILLE COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
RENVILLE COUNTY DITCH 59

In the Matter of the Obstruction of Renville
County Ditch 59

FINDINGS & ORDER

The Renville County Board of Commissioners, sitting as the drainage authority for Renville County Ditch 59, convened on February 6, 2024, at a duly noticed and public meeting. Based on the record of proceedings, Commissioner Erickson moved, seconded by Commissioner Snow to adopt the following Findings and Order:

Findings:

1. The Renville County Board of Commissioners is the drainage authority (the "Drainage Authority") for Renville County Ditch 59 ("CD 59") pursuant to Minnesota Statutes, chapter 103E.
2. In January 2017, the Drainage Authority approved a Petition to improve the main open ditch, Branch 309 & Branch C of CD 59. The Drainage Authority appointed Bolton and Menk, Inc. as the drainage engineer for the project.
3. A Preliminary Hearing was held on February 27, 2018. At that time the Drainage Authority found that the proposed project meets the requirements for an Improvement and ordered the preparation of this Final Engineer's Report and appointed Viewers to determine the benefits and damages for the system.
4. The improvement will consist of widening and lowering the Main Open Ditch from the downstream side of County Road 59 to the downstream side of the southerly U.S. Highway 71 ("TH 71") crossing. The remaining open ditch upstream of the Southerly TH 71 crossing will be cleaned. The southerly TH 71 crossing is to be replaced with a salvaged 84-inch diameter reinforced concrete pipe culvert without an apron. For Branch C of CD 59, the improvement will consist of new tiles to replace the existing system, including the TH 71 crossing. The drainage engineer's proposed final plans and specifications include crossing TH 71 twice.
5. CD 59 was established via order in 1916.
6. TH 71 was established overtop of CD 59 in 1926. At the time of establishment, there is no record the State of Minnesota or its agents paid to usurp CD 59's priority.

- 7. As part of the lawfully petitioned for improvement, the Drainage Authority requires access to portions of CD 59 that are underneath TH 71.
- 8. Due to the location of TH 71 overtop of CD 59, the Drainage Authority and its agents cannot freely access portions of CD 59. TH 71 is an obstruction to CD 59.

Order:

- A. Renville County Drainage staff are directed to send an obstruction notice to the Minnesota Department of Transportation regarding TH 71's obstruction of CD 59.
- B. Pursuant to the notice to be sent to the Minnesota Department of Transportation, the Drainage Authority shall hold a hearing on the obstruction notice on March 5, 2024, at or as soon thereafter at 8:30 a.m. in the in the Renville County Government Services Center, 105 South 5th Street, Suite 313, Olivia, Minnesota 56277.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order and there were 4 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
ERIKSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBINSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAMRE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAMER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SNOW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution Passed.

 Vice-Chair

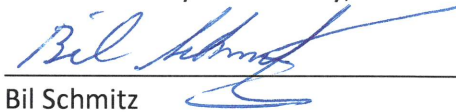
David Hamre, Vice-Chair
Renville County Drainage Authority

Dated: February 6, 2024

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I, Bil Schmitz, Chief Deputy Renville County Auditor-Treasurer, acting on behalf of the Auditor, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the County and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 6th day of February, 2024.



Bil Schmitz
Renville County Auditor-Treasurer

