

Joint Drainage Authority for Le Sueur – Rice County

Meeting Agenda

Le Sueur County Government Center

88 S Park Ave, Le Center, MN 56057

Thursday, March 2, 2023 at 9:00 a.m.

1. WebEx Meeting Information - March 2, 2023

Documents:

[LE SUEUR COUNTY BOARD ROOM INVITES YOU TO JOIN THIS WEBEX MEETING 3-2-23.PDF](#)

2. Agenda

1. Call to Order & Opening of Public Hearing, Chair Gliszinski
2. Purpose of Hearing and Procedural Requirements, John Kolb (Rinke Noonan)
3. Record of Notice Requirements, Dani Ongie
4. Engineer's Report, Bailey Griffin (ISG)
 1. [HTTPS://WWW.CO.LE-SUEUR.MN.US/DOCUMENTCENTER/VIEW/5198/JOINT-DITCH-38-RE-ROUTE-REPORT?BIDID=](https://www.co.le-sueur.mn.us/documentcenter/view/5198/joint-ditch-38-re-route-report?BIDID=)
5. Public Comment
 1. Written comments (if any), Dani Ongie
6. Board Deliberation/Action
7. Recess/Continuance

Documents:

[JD38_LSR_LEGAL-HOUSER_20221118.PDF](#)
[JD38_LSR_LEGAL-PITTMAN_20221118.PDF](#)
[JD38_LSR_P-RA_20220926.PDF](#)



Le Sueur County Board Room invites you to join this Webex meeting.

Thursday, March 2, 2023

9:00 a.m. | (UTC-06:00) Central Time (US & Canada)

Please copy and paste this link into a web browser to connect to the meeting:

Join from the meeting link: https://lesueurcounty.webex.com/lesueurcounty/j.php?MTID=m35e88a65d56bf5c0eef1d0f5d3b200ff
Join by meeting number: Meeting number (access code): 2487 533 7426 Meeting password: 030223JD38 (03022353 from video systems)
Tap to join from a mobile device (attendees only) +1-408-418-9388, 24875337426## United States Toll
Join by phone +1-408-418-9388 United States Toll
Join by video system Dial 24875337426@lesueurcounty.webex.com You can also dial 173.243.2.68 and enter your meeting number.

Need help? Got to: <https://help.webex.com>

DRAINAGE SYSTEM EASEMENT

Terry W. Houser and Beverly E. Houser (Grantors) are the owners of real property located in Kilkenny Township, Le Sueur County, Minnesota, legally described as set forth on the attached **Exhibit "A"** (Burdened Parcel).

Grantors, for good and valuable consideration as set forth below, do convey and deed to the Drainage Authority for Le Sueur and Rice Counties Judicial Ditch 38 ("JD 38"), for the benefit of said drainage system, an easement over that portion of the Burdened Parcel described as follows:

A 60.00 foot easement for drainage purposes over and across that part of the Southeast Quarter of the Southwest Quarter of Section 25, Township 110 North, Range 23 West, Le Sueur County, Minnesota, the centerline of said easement is described as follows:

Commencing at the South Quarter Corner of said Section 25; thence North 89 degrees 40 minutes 21 seconds West (assumed bearing) on the south line of the Southeast Quarter of the Southwest Quarter, 1328.07 feet to the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 38 minutes 35 seconds East on the west line of said Southeast Quarter of the Southwest Quarter, 43.38 feet; thence North 41 degrees 39 minutes 42 seconds East, 74.01 feet; thence northerly 53.11 feet on a tangential curve concave to the west having a radius of 55.00 feet and a central angle of 55 degrees 19 minutes 48 seconds; thence North 13 degrees 40 minutes 06 seconds West, 11.41 feet; thence northeasterly 115.07 feet on a tangential curve concave to the east having a radius of 120.00 feet and a central angle of 54 degrees 56 minutes 29 seconds; thence North 41 degrees 16 minutes 22 seconds East, 10.74 feet; thence northeasterly 58.22 feet on a tangential curve concave to the west having a radius of 80.00 feet and a central angle of 41 degrees 42 minutes 02 seconds to a point on the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter, said point being the point of beginning of the centerline to be described; thence northwesterly 28.69 feet on a tangential curve concave to the west having a radius of 80.00 feet and a central angle of 20 degrees 32 minutes 55 seconds; thence North 20 degrees 58 minutes 35 seconds West, 4.76 feet; thence easterly 110.57 feet on a tangential curve concave to the southeast having a radius of 60.00 feet and a central angle of 105 degrees 35 minutes 28 seconds; thence North 84 degrees 36 minutes 53 seconds East, 34.65 feet, and said centerline there terminating.

The sides of said easement are to be prolonged or shortened to terminate at the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter.

(Easement Area) Said easement area containing 0.25 acres, more or less.

The basis of need for the easement is as follows:

There is a pending petition to realign portions of JD 38 from its current alignment to a new alignment on the Burdened Parcel to facilitate protection of public roadways.

Grantors acknowledge and accept as consideration for the Easement the sum of \$1,250.00.

The Easement shall be assignable, in whole or in part, to any unit of government for any purpose related to the maintenance, repair, improvement, or operation of JD 38.

In addition to the Easement granted above, Grantors grant a temporary construction easement as described below.

TEMPORARY CONSTRUCTION EASEMENT

Grantors, for good and valuable consideration as set forth below do convey and deed to the Drainage Authority for JD 38, for the benefit of said drainage system, a Temporary Construction Easement over that portion of the Burdened Parcel described as follows:

A 96.00 foot temporary construction easement over and across that part of the Southeast Quarter of the Southwest Quarter of Section 25, Township 110 North, Range 23 West, Le Sueur County, Minnesota, the centerline of said easement is described as follows:

Commencing at the South Quarter Corner of said Section 25; thence North 89 degrees 40 minutes 21 seconds West (assumed bearing) on the south line of the Southeast Quarter of the Southwest Quarter, 1328.07 feet to the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 38 minutes 35 seconds East on the west line of said Southeast Quarter of the Southwest Quarter, 43.38 feet; thence North 41 degrees 39 minutes 42 seconds East, 74.01 feet; thence northerly 53.11 feet on a tangential curve concave to the west having a radius of 55.00 feet and a central angle of 55 degrees 19 minutes 48 seconds; thence North 13 degrees 40 minutes 06 seconds West, 11.41 feet; thence northeasterly 115.07 feet on a tangential curve concave to the east having a radius of 120.00 feet and a central angle of 54 degrees 56 minutes 29 seconds; thence North 41 degrees 16 minutes 22 seconds East, 10.74 feet; thence northeasterly 58.22 feet on a tangential curve concave to the west having a radius of 80.00 feet and a central angle of 41 degrees 42 minutes 02 seconds to a point on the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter, said point being the point of beginning of the centerline to be described; thence northwesterly 28.69 feet on a tangential curve concave to the west having a radius of 80.00 feet and a central angle of 20 degrees 32 minutes 55 seconds; thence North 20 degrees 58 minutes 35 seconds West, 4.76 feet; thence easterly 110.57 feet on a tangential curve concave to the

southeast having a radius of 60.00 feet and a central angle of 105 degrees 35 minutes 28 seconds; thence North 84 degrees 36 minutes 53 seconds East, 52.65 feet, and said centerline there terminating.

The sides of said easement are to be prolonged or shortened to terminate at the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter.

(Temporary Easement Area) Said Easement Area outside of drainage system easement contains 0.19 acres, more or less.

The Temporary Easement granted herein is for the purpose of temporary construction access and interference during the realignment of JD 38.

The Temporary Easement is granted for a term of 2 consecutive years, beginning October 1, 2022 and extending through October 1, 2024, or upon notice of project completion by the Drainage Authority, whichever is sooner.

Grantors acknowledge and accept as consideration for the Temporary Easement the sum of \$123.50.

A depiction of the Easement Area and Temporary Easement Area is attached hereto as **Exhibit "B"**. Grantor's easements are listed under Proposed Easement A in Exhibit B.

Further, along with the permanent and temporary easements conveyed herein, Grantors convey a permanent right of entry over the Burdened Parcel, to be executed reasonably, for the purpose of allowing the Drainage Authority for JD 38, or its agents, to access JD 38 for the purpose of statutorily required maintenance and inspection of JD 38. Said entry and future occupation of the Burdened Property or Easement Area for said purposes may require the payment of crop or other temporary damages but shall not include any payment of damages for removal of trees within the easement area.

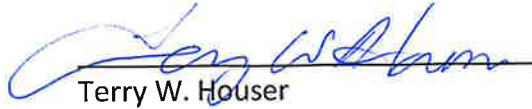
Grantors retain all rights to surface use of the Easement Area for agricultural purposes consistent with the function and operation of JD 38 and any future maintenance thereof.

IN WITNESS WHEREOF, Grantors have executed this instrument on this 16 day of September 2022

{Signature Pages to Follow}

**SIGNATURE PAGE TO
DRAINAGE SYSTEM EASEMENT**

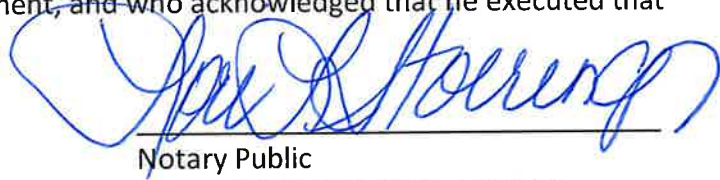
GRANTORS


Terry W. Houser

Beverly E. Houser

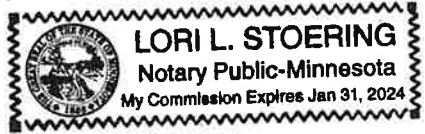
STATE OF MINNESOTA)
) SS
COUNTY OF Isle)

On this 26 day of September, 2022, before me, a Notary Public for this County, personally appeared Terry W. Houser, husband to Beverly E. Houser, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.



Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF _____)



On this ____ day of _____, 2022, before me, a Notary Public for this County, personally appeared Beverly E. Houser, wife to Terry W. Houser, who I know to be the person described in the foregoing instrument, and who acknowledged that she executed that instrument as her free act and deed.

Notary Public

THIS INSTRUMENT DRAFTED BY:
Rinke Noonan (JCK)
1015 W. St. Germain St., Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
File No. 24252-0002

**SIGNATURE PAGE TO
DRAINAGE SYSTEM EASEMENT**

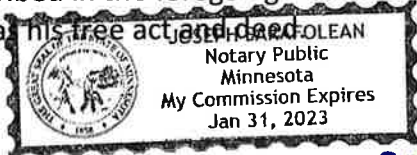
GRANTORS

Terry W. Houser

Beverly E. Houser
Beverly E. Houser

STATE OF MINNESOTA)
) SS
COUNTY OF Ramsey)

On this 31 day of October, 2022, before me, a Notary Public for this County, personally appeared ~~Terry W. Houser, husband to~~ Beverly E. Houser, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.

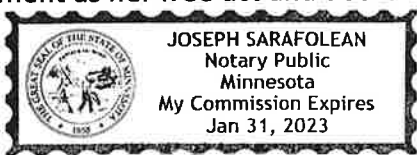


[Signature] for Beverly E. Houser
Notary Public

*Signed in incorrect section.
See below [Signature] notary public*

STATE OF MINNESOTA)
) SS
COUNTY OF Ramsey)

On this 31 day of October, 2022, before me, a Notary Public for this County, personally appeared Beverly E. Houser, wife to Terry W. Houser, who I know to be the person described in the foregoing instrument, and who acknowledged that she executed that instrument as her free act and deed.



[Signature]
Notary Public

THIS INSTRUMENT DRAFTED BY:
Rinke Noonan (JCK)
1015 W. St. Germain St., Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
File No. 24252-0002

EXHIBIT A (Description of Burdened Parcel)

Parcel 1: South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter, Section 25, Township 110, Range 23, Le Sueur County, Minnesota.

PID 06.025.7900

**EXHIBIT B (Easement Area Depictions)
(See Attached)**

DRAINAGE SYSTEM EASEMENT

Mark D. Pittman, a widower (Grantor), is the owner of real property located in Kilkenny Township, Le Sueur County, Minnesota, legally described as set forth on the attached **Exhibit "A"** (Burdened Parcel).

Grantor, for good and valuable consideration as set forth below, does convey and deed to the Drainage Authority for Le Sueur and Rice Counties Judicial Ditch 38 ("JD 38"), for the benefit of said drainage system, an easement over that portion of the Burdened Parcel described as follows:

A 60.00 foot easement for drainage purposes over and across that part of the Southeast Quarter of the Southwest Quarter of Section 25, Township 110 North, Range 23 West, Le Sueur County, Minnesota, the centerline of said easement is described as follows:

Commencing at the South Quarter Corner of said Section 25; thence North 89 degrees 40 minutes 21 seconds West (assumed bearing) on the south line of the Southeast Quarter of the Southwest Quarter, 1328.07 feet to the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 38 minutes 35 seconds East on the west line of said Southeast Quarter of the Southwest Quarter, 43.38 feet; thence North 41 degrees 39 minutes 42 seconds East, 15.79 feet to the point of beginning of the centerline to be described; thence North 41 degrees 39 minutes 42 seconds East, 58.22 feet; thence northerly 53.11 feet on a tangential curve concave to the west having a radius of 55.00 feet and a central angle of 55 degrees 19 minutes 48 seconds; thence North 13 degrees 40 minutes 06 seconds West, 11.41 feet; thence northeasterly 115.07 feet on a tangential curve concave to the east having a radius of 120.00 feet and a central angle of 54 degrees 56 minutes 29 seconds; thence North 41 degrees 16 minutes 22 seconds East, 10.74 feet; thence northerly 58.22 feet on a tangential curve concave to the west having a radius of 80.00 feet and a central angle of 41 degrees 42 minutes 02 seconds to the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter, and said centerline there terminating.

The sides of said easement are to be prolonged or shortened to terminate at the west line of said Southeast Quarter of the Southwest Quarter and at the south line

of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter.

(Easement Area) Said easement area containing 0.42 acres, more or less.

The basis of need for the easement is as follows:

There is a pending petition to realign portions of JD 38 from its current alignment to a new alignment on the Burdened Parcel to facilitate protection of public roadways.

Grantor acknowledges and accepts as consideration for the Easement the sum of \$2,100.

The Easement shall be assignable, in whole or in part, to any unit of government for any purpose related to the maintenance, repair, improvement, or operation of JD 38.

In addition to the Easement granted above, Grantor grants a temporary construction easement as described below.

TEMPORARY CONSTRUCTION EASEMENT

Grantor, for good and valuable consideration as set forth below does convey and deed to the Drainage Authority for JD 38, for the benefit of said drainage system, a Temporary Construction Easement over that portion of the Burdened Parcel described as follows:

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Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter, and said centerline there terminating.

The sides of said easement are to be prolonged or shortened to terminate at the west line of said Southeast Quarter of the Southwest Quarter and at the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter.

(Temporary Easement Area) Said Easement Area outside of drainage system easement contains 0.24 acres, more or less.

The Temporary Easement granted herein is for the purpose of temporary construction access and interference during the realignment of JD 38.

The Temporary Easement is granted for a term of 2 consecutive years, beginning October 1, 2022 and extending through October 1, 2024, or upon notice of project completion by the Drainage Authority, whichever is sooner.

Grantor acknowledges and accepts as consideration for the Temporary Easement the sum of \$165.00.

A depiction of the Easement Area and Temporary Easement Area is attached hereto as **Exhibit "B"**. Grantor's easements are listed under Proposed Easement B in Exhibit B.

Further, along with the permanent and temporary easements conveyed herein, Grantor conveys a permanent right of entry over the Burdened Parcel, to be executed reasonably, for the purpose of allowing the Drainage Authority for JD 38, or its agents, to access JD 38 for the purpose of statutorily required maintenance and inspection of JD 38. Said entry and future occupation of the Burdened Property or Easement Area for said purposes may require the payment of crop or other temporary damages but shall not include any payment of damages for removal of trees within the easement area.

Grantor retains all rights to surface use of the Easement Area for agricultural purposes consistent with the function and operation of JD 38 and any future maintenance thereof.

IN WITNESS WHEREOF, Grantor has executed this instrument on this 16 day of November 2022.

{Signature Page to Follow}

**SIGNATURE PAGE TO
DRAINAGE SYSTEM EASEMENT**

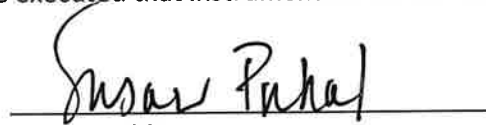
GRANTOR



Mark D. Pittman

STATE OF MINNESOTA)
) SS
COUNTY OF LeSueur)

On this 16 day of November, 2022, before me, a Notary Public for this County, personally appeared Mark D. Pittman, a widower, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.



Notary Public

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Rinke Noonan (JCK)
1015 W. St. Germain St., Suite 300
P.O. Box 1497
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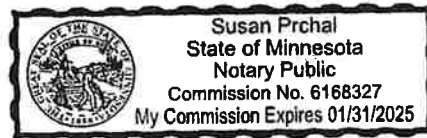


EXHIBIT A (Description of Burdened Parcel)

Part of the Southeast Quarter of the Southwest Quarter of Section 25, Township 110, Range 23, Le Sueur County, Minnesota, described as follows: Commencing at the southeast corner of said Southwest Quarter of Section 25, thence on an assumed bearing of South 89 degrees 26 minutes 04 seconds West along the South line of said Southwest Quarter 660.00 feet to the point of beginning of the tract to be described; thence continuing South 89 degrees 26 minutes 04 seconds West along said South line 670.42 feet to the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 13 minutes 24 seconds West along the West line of said Southeast Quarter of the Southwest Quarter 330.00 feet; thence North 89 degrees 26 minutes 02 seconds East 667.73 feet; thence South 00 degrees 41 minutes 21 seconds East, parallel with the East line of said Southwest Quarter, 330.00 feet to the point of beginning.

PID 06.025.7500

**EXHIBIT B (Easement Area Depictions)
(See Attached)**

PROPOSED EASEMENT A.

A 60.00 foot easement for drainage purposes over and across that part of the Southeast Quarter of the Southwest Quarter of Section 25, Township 110 North, Range 23 West, Le Sueur County, Minnesota, the centerline of said easement is described as follows:

Commencing at the South Quarter Corner of said Section 25; thence North 88 degrees 40 minutes 21 seconds West (assumed bearing) on the south line of the Southeast Quarter of the Southwest Quarter, 1328.07 feet to the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 38 minutes 35 seconds East on the west line of said Southeast Quarter of the Southwest Quarter, 43.38 feet; thence North 41 degrees 39 minutes 42 seconds East, 74.01 feet; thence northerly 53.11 feet on a tangential curve concave to the west having a radius of 55.00 feet and a central angle of 55 degrees 19 minutes 48 seconds; thence North 13 degrees 40 minutes 06 seconds West, 11.41 feet; thence northeasterly 115.07 feet on a tangential curve concave to the east having a radius of 120.00 feet and a central angle of 54 degrees 56 minutes 29 seconds; thence North 41 degrees 16 minutes 22 seconds East, 10.74 feet; thence northeasterly 55.22 feet on a tangential curve concave to the west having a radius of 80.00 feet and a central angle of 41 degrees 42 minutes 02 seconds to a point on the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter, said point being the point of beginning of the centerline to be described; thence northeasterly 28.69 feet on a tangential curve concave to the west having a radius of 60.00 feet and a central angle of 20 degrees 32 minutes 55 seconds; thence North 20 degrees 58 minutes 35 seconds West, 4.76 feet; thence easterly 110.57 feet on a tangential curve concave to the southeast having a radius of 60.00 feet and a central angle of 105 degrees 35 minutes 28 seconds; thence North 84 degrees 36 minutes 53 seconds East, 34.65 feet; and said centerline there terminating.

The sides of said easement are to be prolonged or shortened to terminate at the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter.

PROPOSED EASEMENT B.

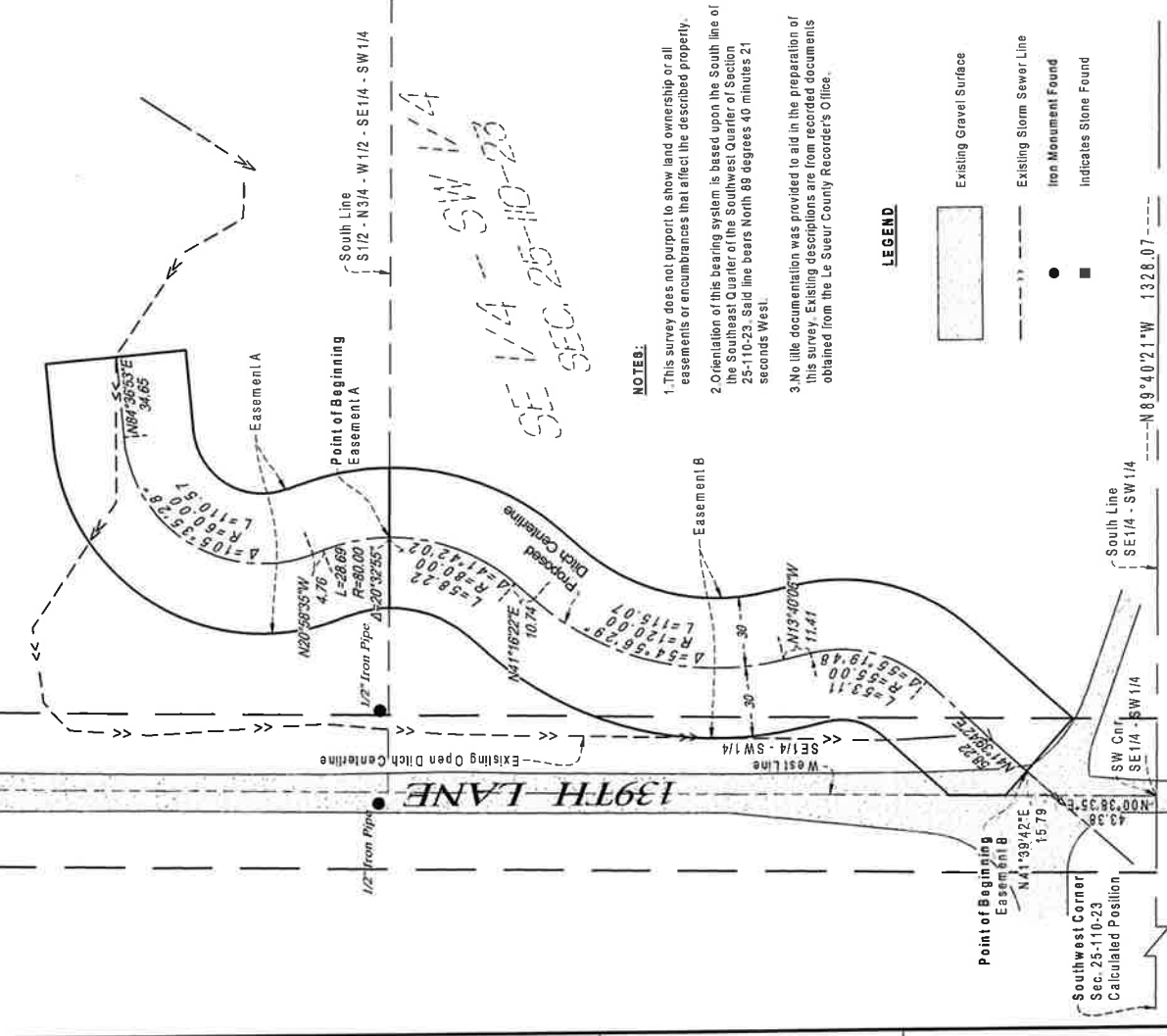
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The sides of said easement are to be prolonged or shortened to terminate at the west line of said Southeast Quarter of the Southwest Quarter and at the south line of the South One-Half of the North Three-Fourths of the West One-Half of the Southeast Quarter of the Southwest Quarter.

AREA TABLE:

Easement A = 10,721 sq. ft.
 Easement B = 10,255 sq. ft.
 Total Area = 20,976 sq. ft.



NOTES:

- This survey does not purport to show land ownership or all easements or encumbrances that affect the described property.
- Orientation of this bearing system is based upon the South line of the Southeast Quarter of the Southwest Quarter of Section 25-110-23. Said line bears North 89 degrees 40 minutes 21 seconds West.
- No title documentation was provided to aid in the preparation of this survey. Existing descriptions are from recorded documents obtained from the Le Sueur County Recorder's Office.

LEGEND:

- Existing Gravel Surface
- Existing Storm Sewer Line
- Iron Monument Found
- Indicates Stone Found

South 1/4 Corner
 Sec. 25-110-23
 Found Stone

SCALE IN FEET

0 15 30

1 of 1

KEY PLAN

THIS PLAN WAS PREPARED BY THE SURVEYOR OR HIS ASSISTANT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE SURVEYOR'S CONSENT.

DATE: 11/11/18

BY: DANIEL L. STEEBER

PROJECT: LE SUEUR & RICE COUNTIES JOINT COUNTY DITCH No. 38

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
1	11/11/18	Final Plan

PROJECT NO: 11-2063
 CHARTER NAME: 2063 DRAINAGE
 DRAWN BY: JLS
 CHECKED BY: JLS
 SPECIAL RELEASE DATE: 02/22
 CLIENT PROJECT NO: 11-2063

DRAINAGE SYSTEM EASEMENT

STATE OF MINNESOTA
 LE SUEUR AND RICE COUNTY BOARDS OF COMMISSIONERS
 SEATED AS JOINT DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
 FOR LE SUEUR/RICE JUDICIAL DITCH 38

In the matter of the Petition of Kilkenny Township to Reroute a portion of Judicial Ditch 38 pursuant to Minn. Stat. § 103E.227

PETITION

Pursuant to Minn. Stat. § 103E.227, Petitioner, Kilkenny Township, Le Sueur County, MN, seeks approval to reroute the alignment of a portion of Le Sueur and Rice Counties Judicial Ditch 38 ("JD 38"). For its Petition, the undersigned Petitioner states and alleges the following:

1. JD 38 is a drainage system located in Le Sueur and Rice Counties, Minnesota.
2. Petitioner seeks approval to reroute the alignment of a portion of JD 38 located in Section 25, Kilkenny Township, Le Sueur County, Minnesota.
3. The portion of drainage system proposed to be rerouted runs parallel to a public/Township road, 139th Lane, in Kilkenny Township.
4. Historic function of the drainage system has caused erosion and bank instability adjacent to the road and requires substantial, ongoing maintenance in order to protect the integrity of the road and the safety of the traveling public. Avoidance or elimination of the maintenance and safety concerns is the beneficial public purpose sought to be achieved through this petitioned action.
5. Petitioner's project involves re-routing a portion of JD 38 away from a road about 25 feet and filling in a portion of the existing ditch.
6. The re-alignment will occur on and affect the following properties:

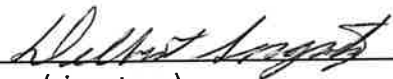
Property Description	Property Owners	Address	P.I.D
S¼ of W½ of SE¼ of SW¼ of Section 25, Twp. 110, Rge 23, Le Sueur County	Mark D. & Teresa R. Pittman	44999 139 th LN Kilkenny, MN 56052	06-025-7500
S ½ of N ¾ of W ½ of SE ¼ of SW ¼ of Section 25, Twp. 110, Rge 23, Le Sueur County	Terry W. & Beverly E. Houser	44869 139 th LN Kilkenny, MN 56052	06-025-7900

7. Charles Brandel, P.E., of ISG, Inc., a licensed engineer, has investigated the potential and feasibility of rerouting portions of JD 38 and has found that the rerouting of a portion of JD 38 to achieve the intended purpose is feasible and will be possible without reducing drainage efficiency to properties benefited by the drainage system.
8. Attached to this Petition and labeled as **EXHIBIT A** are plans for the proposed impoundment, reroute, and diversion developed by ISG, Inc., showing the areas likely to be affected by the impoundment, reroute, and diversion of drainage system waters.
9. The Petitioner acknowledges, pursuant to Minn. Stat. § 103E.227 that it is solely responsible for the costs of the drainage system modification proposed herein, including the costs to secure necessary land rights and all costs associated with the construction of the proposed modification. However, Petitioner believes that the proposed modification will also be beneficial to the JD 38 drainage system and asks the Drainage Authority to consider the use of drainage system funds as part of the work or in assuming future maintenance authority over the modifications as allowed by Minn. Stat. § 103E.227, subd. 5.
10. Petitioner agrees to be responsible for all costs incurred by the Drainage Authority in the proceedings, including but not limited to engineering, administrative, and legal costs, and the costs to negotiate, draft, and execute a right-of-way easement and agreement to the joint drainage authority for inspection, repair, and maintenance of the rerouted portion of the drainage system. Petitioner believes that the proposed modification will also be beneficial to the JD 38 drainage system and asks the Drainage Authority to consider the use of drainage system funds as part of the work or in assuming future maintenance authority over the modifications as allowed by Minn. Stat. § 103E.227, subd. 5.
11. Petitioner is working with the Department of Natural Resources to obtain a public waters work permit for this impoundment, reroute, and diversion. The permit may be needed since a short stretch of public water that drains into JD 38 will need to be filled. Petitioner shall be solely responsible for all permits required for Petitioner's project.
12. Petitioner acknowledges the preparation of this Petition by the Drainage Authority's attorney at the Drainage Authority's direction and upon request of the Petitioner. Petitioner further acknowledges that the Drainage Authority's attorney does not represent Petitioner and waives any claim of conflict of interest in the attorney's continued representation of the Drainage Authority in these proceedings.
13. Pursuant to Minn. Stat. § 103E.227, subd. 2, a bond for the project will not be required as the Petitioner is a unit of local government.

14. Petitioner shall acquire, in writing, all property rights, rights-of-way, or flowage easements necessary before construction.
15. This Petition has been adopted and authorized for execution by a duly adopted resolution of the Kilkenny Township Board of Supervisors at its meeting on July 10, 2022. Authorization for the execution of this Petition is reflected in the minutes of the Township Board's meeting.

Respectfully submitted this 26 day of SEPT., 2022 by:


KILKENNY TOWNSHIP

By 
(signature)

DELBERT SORGENT
(print name)

CHAIRMAN (T.W.S.P.)
(title)

ATTEST:

By 
(signature)

Nik Kadel
(print name)

Ditch Specialist
(title)