

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:

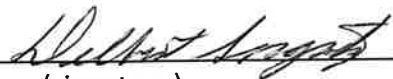
Property Description	Property Owners	Address	P.I.D
S¼ of W½ of SE¼ of SW¼ of Section 25, Twp. 110, Rge 23, Le Sueur County	Mark D. & Teresa R. Pittman	44999 139 th LN Kilkenny, MN 56052	06-025-7500
S ½ of N ¾ of W ½ of SE ¼ of SW ¼ of Section 25, Twp. 110, Rge 23, Le Sueur County	Terry W. & Beverly E.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