

LE SUEUR COUNTY HIGHWAY DEPARTMENT

Permit to Tile Into County Road Ditch

Pursuant to MN Status 160.20, permission is hereby granted to:

Name: _____

Address: _____

Telephone No: _____

To enter into Le Sueur County Highway Right of Way at:

County Highway: _____

Township: _____

Section: _____

Parcel ID Number: _____

This permit is granted for the sole purpose of connecting a drain tile with the County Highway Ditch and is issued subject to the following restrictions.

1. Only that land whose natural surface drainage runs to the highway may be drained to the highway.
2. No easement is created by this permit and the right to drain lands into the highway ditch whose natural surface drainage is not to said ditch can not be granted.
3. Written permission from the downstream landowner is required prior to Le Sueur County's granting of this permit.

Landowner Signature: _____ Date: _____

4. The size, length, and type of the drain tile installation shall be: _____, which is the minimum amount necessary to achieve the desired agricultural benefit.
5. No additional tile may be added without first obtaining an additional permit from the Le Sueur County Highway Department.
6. All maintenance of the tile shall be the responsibility of the land owner.
7. It shall be the owner's responsibility to make any necessary changes or alterations to the drain tile if Le Sueur County makes improvements or changes on any part of the Right of Way which affect the drain tile. Such drain tile work will be done at no cost to Le Sueur County.
8. It is the applicant's responsibility to obtain any permits or authorizations required by the Wetland Conservation Act or of any other agency.
9. The roadway ditch shall not be adversely altered.

REGULATIONS

- The governing specifications are the Minnesota State Highway Specifications and the Le Sueur County Highway Department Regulations.
- All necessary and reasonable precautions shall be maintained during installation of drain tile to protect the safety of the public.
- If a low area exists within a reasonable distance from a proposed outlet, then the drain tile shall be installed outside of and adjacent to the limits of the road right of way to outlet at a lower elevation.
- If the roadbed is damaged by excessive water conditions the drain tile outlet location shall be changed and further use of the road ditch discontinued.
- The Le Sueur County road and ditch right of way shall be restored to, at least, their original condition.
- It is unlawful to drain any noisome materials into any County Highway road ditch.
- No work shall be done which will create a nuisance.
- The Le Sueur County Highway Engineer will inspect the completed work for compliance to the governing specifications prior to filing the permit.
- The Le Sueur County Highway Department shall not be held liable for any lawsuits that may result from the diversion of waters from one property to another.
- A minimum of 10 feet of corrugated metal pipe shall be installed at the end of the drain outlet when draining into the road ditch.

I accept the terms and conditions of this permit and the Regulations of Le Sueur County Highway Department and agree to fully comply with them to the satisfaction of the Le Sueur County Highway Engineer.

Date

Applicant Signature

Date

Le Sueur County Highway Engineer

Permit Number: _____

160.20 MS 1953 [Repealed, 1957 c 943 s 72]

160.20 DRAINAGE.

Subdivision 1. **Connecting drains to highway drains.** When the course of natural drainage of any land runs to a highway, the owner of the land shall have the right to enter upon the highway for the purpose of connecting a drain or ditch with any drain or ditch constructed along or across the highway, but before making the connections, shall first obtain a written permit for the connections from the road authority having jurisdiction. The connections shall be made in accordance with specifications set forth in the permits. The road authority shall have power to prescribe and enforce reasonable rules and regulations with reference to the connections. The highway shall be left in as good condition in every way as it was before the connection was made.

Subd. 2. **Constructing tile drain across highway.** If any person desires during construction or reconstruction of a highway to install a tile drain for agricultural benefits in a natural drainage line in lands adjacent to any highway, and if a satisfactory outlet cannot be secured on the upper side of the right-of-way and the tile line must be projected across the right-of-way to a suitable outlet, the expense of both material and labor used in installing the tile drain across the roadbed shall be paid from funds available for the roads affected provided the road authority is notified of the necessity of the tile drain in advance of the construction of the roadbed so that the drain may be placed and the roadbed constructed in the same operation.

Subd. 3. **Installing drain tile along or across highway.** When the course of natural drainage of any land runs to a highway, the owner of the land who has been granted a permit as provided in subdivision 4 may install drain tile along or across the highway right-of-way along the general course of the natural drainageway, provided further that there will be no diversion of drainage waters away from the natural receiving drainageway immediately downstream from the highway. Any installation shall be made in accordance with specifications set forth in the permit and any rules that apply to the installations. When any installation is made pursuant to this subdivision the highway shall be left in as good condition in every respect as it was before the installation was made.

Subd. 4. **Conditions.** (a) A road authority may accept applications for permits for installation of drain tile along or across the right-of-way under its jurisdiction. The road authority may adopt reasonable rules for the installations and may require a bond before granting a permit. Permits for installation along a highway right-of-way must ensure that the length of the installation is restricted to the minimum necessary to achieve the desired agricultural benefits. A permit must not allow open trenches to be left on the right-of-way after installation of the drain tile is completed. A road authority that grants a permit for tile drain installation is not responsible for damage to that installation resulting from the action of the authority or any other permittee utilizing the right-of-way.

(b) A person who installs drain tile along or across a highway right-of-way without obtaining a permit as provided in this section is guilty of a misdemeanor.

(c) The commissioner shall take no action under this section which will result in the loss of federal aid for highway construction in the state.

(d) For the purpose of subdivisions 2 to 4, "highway" means any highway as defined in section 160.02 which is located outside the corporate limits of a home rule charter or statutory city.

History: 1959 c 500 art 1 s 20; 1979 c 294 s 1; 1984 c 417 s 2,3; 1986 c 444; 2015 c 75 art 2 s 5