

ST. LOUIS COUNTY DRAINAGE AUTHORITY

AGENDA

June 28, 2022

Immediately following the County Board meeting.

1. Call to order/roll call
2. Minutes for June 22, 2021
3. Drainage Authority Letter No. 22-01 and Proposed Resolution
4. Other business
5. Adjourn

**ST. LOUIS COUNTY DRAINAGE AUTHORITY
PROCEEDINGS**

Tuesday, June 22, 2021

The St. Louis County Drainage Authority meeting was called to order at 9:45 a.m., by Chair Mike Jugovich in the Toivola Town Hall, Meadowlands, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Paul McDonald, Keith Musolf and Chair Mike Jugovich - 5. Absent: Commissioners Ashley Grimm and Keith Nelson - 2.

Commissioner Boyle, supported by Commissioner Musolf, moved to approve the minutes of the August 4, 2020, St. Louis County Drainage Authority meeting. The motion passed; five yeas, zero nays, two absent (Grimm, Nelson).

Commissioner McDonald, supported by Commissioner Boyle, moved that the St. Louis County Board of Commissioners, acting as Drainage Authority for St. Louis County Ditch #4, orders the St. Louis County Public Works Department to perform a reestablishment of records for St. Louis County Ditch #4 and pursue the hiring of consultants and engineers with the appropriate qualifications to perform the work in a timely manner; that the St. Louis County Public Works Department shall pursue partial abandonment of appropriate sections of County Ditch #4 and shall pursue the hiring of consultants and engineers with the appropriate qualifications to study and recommend such sections; and further, that all costs associated with reestablishment of records and evaluation of the system for potential partial abandonment of sections be assessed against those lands benefitted by County Ditch #4 in the manner prescribed in Minnesota Statutes Chapter 103E. Based on input and evidence provided at the hearing, the Drainage Authority makes the following Findings of Fact and Order as to the repair petition: Findings of Fact - 1. The Drainage Authority finds the 1916-1917 benefits and damages of record for County Ditch #4 do not reflect reasonable present-day land values; and further, the St. Louis County Board of Commissioners, acting as Drainage Authority for County Ditch #4, orders that the St. Louis Public Works Department shall perform a redetermination of benefits for County Ditch #4 and shall pursue the hiring of Ditch Viewers and an Engineer with the appropriate qualifications to perform the work in a timely manner. St. Louis County Assistant Attorney Chris Pinkert said that consultants have determined that existing records are not adequate for accurately determining benefits or for reconstruction purposes of County Ditch #4. In order to move forward with redetermination of benefits or for repair of County Ditch #4, records must be reestablished. St. Louis County Public Works Director Jim Foldesi commented that the Public Works Department conducted an extensive search; however, they have been unsuccessful in locating records relating to County Ditch #4. After further discussion, the motion passed; five yeas, zero nays, two absent (Grimm, Nelson). Resolution No. 21-01

COUNTY DRAINAGE AUTHORITY RESOLUTION NO. 21-01

BY COMMISSIONER McDONALD:

WHEREAS, Pursuant to Minn. Stat. Chapter 103E, the St. Louis County Board is required to convene as the County Drainage Authority to discuss and approve pending matters related to county ditches; and

WHEREAS, The County Drainage Authority received a petition for the repair of County Ditch #4; and

WHEREAS, Minn. Stat. Chapter 103E allows for reestablishment of records where, after thorough investigation, the records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of the drainage system as originally constructed or subsequently improved are found to be lost, destroyed, or otherwise incomplete; and

WHEREAS, The St. Louis County Public Works Department completed a thorough investigation into the records related to County Ditch #4 and found the records to be incomplete; and

WHEREAS, The Drainage Authority requires accurate and complete records in order to proceed with any repair of County Ditch #4; and

WHEREAS, St. Louis County Ditch #4 may contain sections of ditch that are no longer of public benefit and utility and do not serve a substantial useful purpose to property remaining in the system; and

WHEREAS, Minn. Stat. Chapter 103E provides all costs associated with establishment, maintenance, and repair of a ditch system are borne by the owners of land benefitted by the ditch system.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners, acting as the County Drainage Authority, hereby makes the following Findings of Fact and Order as to County Ditch #4:

FINDINGS OF FACT

1. The records for St. Louis County Ditch #4 are inadequate as they have been lost, destroyed, or are otherwise incomplete.

ORDER

IT IS THEREFORE ORDERED by the St. Louis County Board of Commissioners, acting as Drainage Authority for St. Louis County Ditch #4, that the St. Louis County Public Works Department shall perform a reestablishment of records for St. Louis County Ditch #4 and pursue the hiring of consultants and engineers with the appropriate qualifications to perform the work in a timely manner.

IT IS FURTHER ORDERED that the St. Louis County Public Works Department shall pursue partial abandonment of appropriate sections of County Ditch #4 and shall pursue the hiring of consultants and engineers with the appropriate qualifications to study and recommend such sections.

IT IS FURTHER ORDERED that all costs associated with reestablishment of records and evaluation of the system for potential partial abandonment of sections be assessed against those lands benefitted by County Ditch #4 in the manner prescribed in Minnesota Statutes Chapter 103E.

Unanimously adopted June 22, 2021.

At 9:52 a.m., June 6, 2021, Commissioner Boyle, supported by Commissioner Musolf, moved to adjourn the meeting. The motion passed; five yeas, zero nays, two absent (Grimm, Nelson).

Keith Nelson, Chair of the Drainage Authority

Phil Chapman, Deputy Auditor/Clerk of the County Board

COUNTY DRAINAGE AUTHORITY NO. 22 – 01

DATE: June 28, 2022

RE: Establishment of Hearing on
County Ditch #4
Reestablishment of Records,
Partial Abandonment Petition,
and Petitioners Request for
Attorney Fees

FROM: Kevin Gray
County Administrator

James T. Foldesi
County Engineer/Public Works Director

RELATED DEPARTMENT GOAL:

To provide a safe, well maintained ditch system as required by Minn. Stat. § 103E.

ACTION REQUESTED:

It is requested that the County Drainage Authority set a public hearing regarding Reestablishment of Records, a Petition for Partial Abandonment, and Petitioner's request for attorney fees related to Petition to Repair County Ditch #4.

BACKGROUND INFORMATION:

On January 7, 2020, attorney John Kolb, on behalf of Petitioners Tom Horvath and Ed Nelson, submitted a Petition to Repair St. Louis County Ditch #4, a copy of which is attached to this letter.

St. Louis County Ditch #4 was constructed more than 100 years ago and likely needs repair. However, prior to any determinations and recommendations for repair it was determined by the Drainage Authority in June 2021, that current drainage records were inadequate as they have been lost, destroyed, or are otherwise incomplete and required reestablishment. Public Works was tasked with securing engineering services to provide the reestablishment of Records and review segments for possible abandonment.

In July 2021, Houston Engineering Inc. was awarded an all-inclusive four (4) phased and progressive contract to complete a review of the system for reestablishment of records, potential partial abandonment, repair, and produce reports associated with each. Houston Engineering with oversight from Public Works has submitted an Engineer's Report regarding the Reestablishment of Records along with the identifying multiple segments within the County Ditch #4 system that are not providing public benefit and fit the criteria for abandonment.

Based on the recommendations from Houston Engineering, St. Louis County filed a Petition for Partial Abandonment (attached) in June 2022, identifying multiple segments of the system to be considered for abandonment pursuant to Minn. Stat. § 103E.806.

Petitioner Tom Horvath has requested repayment of attorney fees pursuant to Minn. Stat. § 103E.645, Subd. 5. Per statute, attorney's fees related to the Petition to Repair County Ditch #4 can be assessed to the entire County Ditch #4 system.

Minn. Stat. § 103E requires that the County Board, acting as the County Drainage Authority, establish a public hearing to consider approval of the Reestablishment of Records, Petition for Partial Abandonment, and Petitioner's request for attorney's fees related to the Petition to Repair County Ditch #4. It is desired that the hearing be set to occur on August 2, 2022, immediately following the regular meeting of the St. Louis County Board of Commissioners at the Duluth Government Services Center.

RECOMMENDATION:

It is recommended that the County Drainage Authority establish a hearing to consider approval of the Reestablishment of Records, Petition for Partial Abandonment, and Petitioner's request for repayment of attorney fees related to the Petition to Repair County Ditch #4 on August 2, 2022, immediately following the regular meeting of the St. Louis County Board of Commissioners at the Duluth Government Services Center.

Hearing on County Ditch #4 Repair Petition

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. § 103E, the St. Louis County Board is required to convene as the County Drainage Authority to discuss and approve pending matters related to county ditches; and

WHEREAS, The County Drainage Authority received a petition for the repair of County Ditch #4; and

WHEREAS, The County Drainage Authority subsequently ordered the Reestablishment of Records for County Ditch #4; and

WHEREAS, The County Drainage Authority has received an Engineer's Report regarding Reestablishment of Records for County Ditch #4; and

WHEREAS, The County Drainage Authority received a petition for Partial Abandonment of County Ditch #4; and

WHEREAS, Petitioner Tom Horvath has requested reimbursement of attorney's fees related to the Petition to Repair County Ditch #4; and

WHEREAS, Minn. Stat. § 103E.645, Subd. 5 provides for repayment of attorney's fees in these circumstances; and

WHEREAS, Minn. Stat. § 103E requires that the County Drainage Authority hold a hearing on these matters; and

WHEREAS, It is desired that the County Drainage Authority establish a public hearing regarding Reestablishment of Records, Petition for Partial Abandonment, and Petitioner's request for repayment of attorney fees related to the Petition to Repair County Ditch #4 to occur on August 2, 2022, immediately following the regular meeting of the St. Louis County Board of Commissioners at the Duluth Government Services Center.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners, acting in the capacity of the County Drainage Authority, hereby sets the public hearing regarding Records Reestablishment, Petition for Partial Abandonment, and Petitioner's request for repayment of attorney fees related to the Petition to Repair County Ditch #4 to occur on August 2, 2022, immediately following the regular meeting of the St. Louis County Board of Commissioners at the Duluth Government Services Center.

STATE OF MINNESOTA

**SAINT LOUIS COUNTY BOARD OF COMMISSIONERS, DRAINAGE AUTHORITY FOR SAINT LOUIS
COUNTY DITCH 4**

**In the matter of the Repair of Saint Louis
County Ditch 4**

Petition for Repair (Minn. Stat. §103E.715)

For their petition for the repair of St. Louis County Ditch 4 (hereinafter "CD 4"), the undersigned Petitioners state and allege the following:

1. Petitioners file this petition for the repair of portions of CD 4 pursuant to statutes section 103E.715.
2. CD 4 provides beneficial drainage to agricultural properties and Township and County roads in Sections 25, 26, 35 and 36 of W. Toivola Township (Township 54 N, Range 20 W); Sections 31 and 32 of E. Toivola Township (Township 54 N, Range 19 W); Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36 of Elmer Township (Township 53 N, Range 20 W); Sections 5, 6, 7, 8, 17, 18, 19, 20, 21, 30 and 31 of Meadowlands Township (Township 53 N, Range 19 W); Sections 6 and 7 of Ness Township (Township 52 N, Range 19 W); and Sections 1, 2, 3, 10, 11, 12, 13, 14 15, 22, 23, 24, 26 and 27 of Van Buren Township (Township 52 N, Range 20 W) of St. Louis County, Minnesota.
3. Portions of CD 4 are in need of repair.
4. CD 4 has remained in service since its original construction in 1915-1916.
5. CD 4 consists of a main open ditch with numerous branch and lateral ditches running through and adjacent to the sections of land described in paragraph 2, above.

6. A diagram of the ditch alignment and approximate benefitted area is attached as **Exhibit A**.
7. Following the establishment of CD 4, benefitted lands were assessed for the costs of construction of the ditch. The assessments and liens therefore are reflected in the property abstracts of the affected properties.
8. Additional expenditures on CD 4 were paid from subsequent assessments to benefitted properties. These subsequent assessments are reflected in liens recorded against the benefitted properties.
9. In about 2003, St. Louis County commissioned an inspection of CD 4. The inspection report, styled as a ditch study dated May 28, 2003, noted extensive deterioration of CD 4 along with specific locations of ditch obstruction and bank and slope deterioration.
10. The petitioners herein confirm the extensive deterioration of the ditch and add their observations that (1) the majority of the channel alignment in Sections 6, 18 and 19 of Meadowlands Township (Township 53 N, Range 19 W), and Sections 1, 2, 11, 12, 13, 14, 23 and 24 of Elmer Township (Township 53 N, Range 20 W), is obstructed with vegetation; and (2) numerous private public crossings on CD 4 have been installed either with insufficient hydraulic capacity or at elevations above the originally constructed ditch grade.
11. Notwithstanding the 2003 inspection and numerous landowner requests that CD 4 be repaired, the County, in its role as drainage authority, has not taken action to restore CD 4, as nearly as practicable, to the same hydraulic capacity as originally constructed.

12. Minnesota Statutes, section 103E.705 places an affirmative obligation on St. Louis County to inspect and maintain CD 4, stating:

After the construction of a drainage system has been completed, the drainage authority shall maintain the drainage system that is located in its jurisdiction . . . and provide the repairs necessary to make the drainage system efficient. The drainage authority shall have the drainage system inspected on a regular basis by an inspection committee of the drainage authority or a drainage inspector appointed by the drainage authority. Open drainage ditches shall be inspected at a minimum of every five years . . .

13. Upon information and belief, the petitioners allege that St. Louis County has not fulfilled its statutory obligations, to wit: The County has not regularly inspected CD 4 as required, nor has the County maintained CD 4 and provided the repairs necessary to make the drainage system efficient.

14. Minnesota Courts have recognized that the establishment of a drainage system, and the assessment of the costs therefore, establish in the affected lands, a property interest in the drainage system:

A landowner assessed for benefits in a public drainage system has a vested property right in the maintenance of the ditch in the same condition as it was then originally established. The landowner is entitled to have all of the conditions upon which a drainage system is based, as well as the ditch itself, maintained so that the system will function substantially as established. Fischer v. Town of Albin, 104 N.W.2d 32, 33-35 (Minn. 1960).

15. Minnesota Courts have recognized that a failure of a drainage authority to fulfill its statutory obligations might result in liability to the drainage authority for damages resulting from such failure. Blaine v. City of Sartell, 865 N.W.2d 723 (Minn. Ct. App. 2015).

16. Any individual or an entity interested in or affected by a drainage system may file a petition to repair the drainage system. The petition must state that the drainage system needs repair.
17. The petitioners herein are all owners of property interested in or affected by CD 4 in the vicinity of the proposed repairs.
18. The petitioners request that the St. Louis County Board of Commissioners, drainage authority for CD 4, follow the procedures outlined in statutes section 103E.715 for the repair of the deteriorated and obstructed portions of CD 4 in Sections 6, 7, 18 and 19 of Meadowlands Township (Township 53 N, Range 19 W), and Sections 1, 2, 11, 12, 13, 14, 23 and 24 of Elmer Township (Township 53 N, Range 20 W).
19. Petitioners have hired Rinke Noonan to represent them in the improvement proceedings and request the legal costs of Petitioners' attorney be paid as provided in statutes section 103E.645.
20. This Petition may be signed in counterparts.

Respectfully submitted by:

(Signature Pages to Follow)

Signature page(s) for the Petition to repair St. Louis County Ditch 4

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<u>James Nemec</u> <u>Patricia Nemec</u>	NW1/4 OF SW1/4	10	53	19	8125 North Dart Rd. Meadowlands, MN 55765	
<u>Thomas Lee Horvath</u> Thomas Lee Horvath Cynthia Horvath	LOT 5	6	53	19	7984 Highway 5 Meadowlands, MN 55765	<u>12-17-19</u>
<u>Frank Horvath</u> Frank Horvath Darlene Horvath	W1/2 OF SE1/4	6	53	19	10522 Bailey Road Meadowlands, MN 55765	<u>12-17-19</u>
<u>Richard Ringhofer</u>	SE1/4 OF SE1/4	6	53	19	c/o Peter & Betsy Ringhofer 7879 Elmer Road Meadowlands, MN 55765	
<u>Peter Ringhofer</u> <u>Betsy Ringhofer</u> Betsy Ringhofer	S1/2 OF N1/2 OF SW1/4	8	53	19	7879 Elmer Road Meadowlands, MN 55765	<u>12-17-19</u>
<u>Michael Walzak</u> Michael Walzak Rebecca Walzak	SW1/4 OF SW1/4 EX2 ACAT SW CORNER	13	53	20	10853 Hwy. 133 Meadowlands, MN 55765	<u>12-21-19</u>

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<u>Chadwick White</u> <u>Brenda White</u>	N1/2 OF S1/2 OF NW1/4 EX W1/2 OF W1/2	8	53	19	7990 Elmer Road Meadowlands, MN 55765	
<u>Darren Turnboom</u> <u>Melonie Turnboom</u>	SW1/4 OF NW1/4	13	53	20	7820 N. Kingfisher Rd Meadowlands, MN 55765	
<u>Steven Horvath</u> <u>Jane Horvath</u>	SE1/4 OF NE1/4	11	53	20	8001 Condor Rd. Meadowlands, MN 55765	Dec 17/19
<u>James Walzak</u> <u>Kathleen Walzak</u>	SE1/4 OF SE1/4	11	53	20	7925 N. Kingfisher Rd Meadowlands, MN 55765	
<u>Joseph Anthony Kopic</u> <u>Joseph A. Kopic, Jr.</u> <u>Joseph A. Kopic Jr.</u>	S1/2 OF LOT 2 & N1/2 OF SE1/4 OF SW1/4 SW1/4 OF SW1/4	18 17	53 53	19 19	10494 Highway 133 Meadowlands, MN 55765	12/17/19 12/17/19
<u>Anthony Kozumplik</u> <u>Lynette Kozumplik</u>	S1/2 OF NE1/4 S1/2 OF SW1/4 OF NE1/4 SE1/4 OF NE1/4	13 18 18	53 53 53	20 19 19	7791 Highway 5 Meadowlands, MN 55765	12-17-19

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
_____ Brian Alberg	S1/2 OF N1/2 OF SE1/4	11	53	19	P.O. Box 51 Meadowlands, MN 55765	_____
_____ Anthony J. Kozumplik	NE1/4 of NW1/4	18	53	19	7807 Hwy. 5 Meadowlands, MN 55765	_____
_____ Anthony Kozumplik Jr.	PART OF LOT 6 BEG AT NW CORNER OF S1/2 THENCE S 300 FT THENCE E 300 FT THENCE N 300 FT THENCE W 300 FT TO POINT OF BEG	17	53	19	7764 Elmer Road Meadowlands, MN 55765	_____
_____ Scott Horvath	SW1/4 OF SW1/4	5	53	19	10477 Bailey Road Meadowlands, MN 55765	_____
_____ Richard Makela _____ Patricia Makela _____ Wilfred Makela	NE/4 of NW/1/4	12	53	20	8051 Condor Rd. Meadowlands, MN 55765	_____ _____
_____ Dustin Peterson _____ Rebecca Peterson	NW1/4 OF SE1/4 OF SE1/4	7	53	19	7938 Highway 5 Meadowlands, MN 55765	_____ _____

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<div>_____</div> <div>Frank Kozumplik</div>	SE1/4 OF SW1/4	24	53	20	7603 Condor Road Meadowlands, MN 55765	<div>_____</div> <div>_____</div>
<div>_____</div> <div>Melissa Kozumplik</div>						

EXHIBIT A

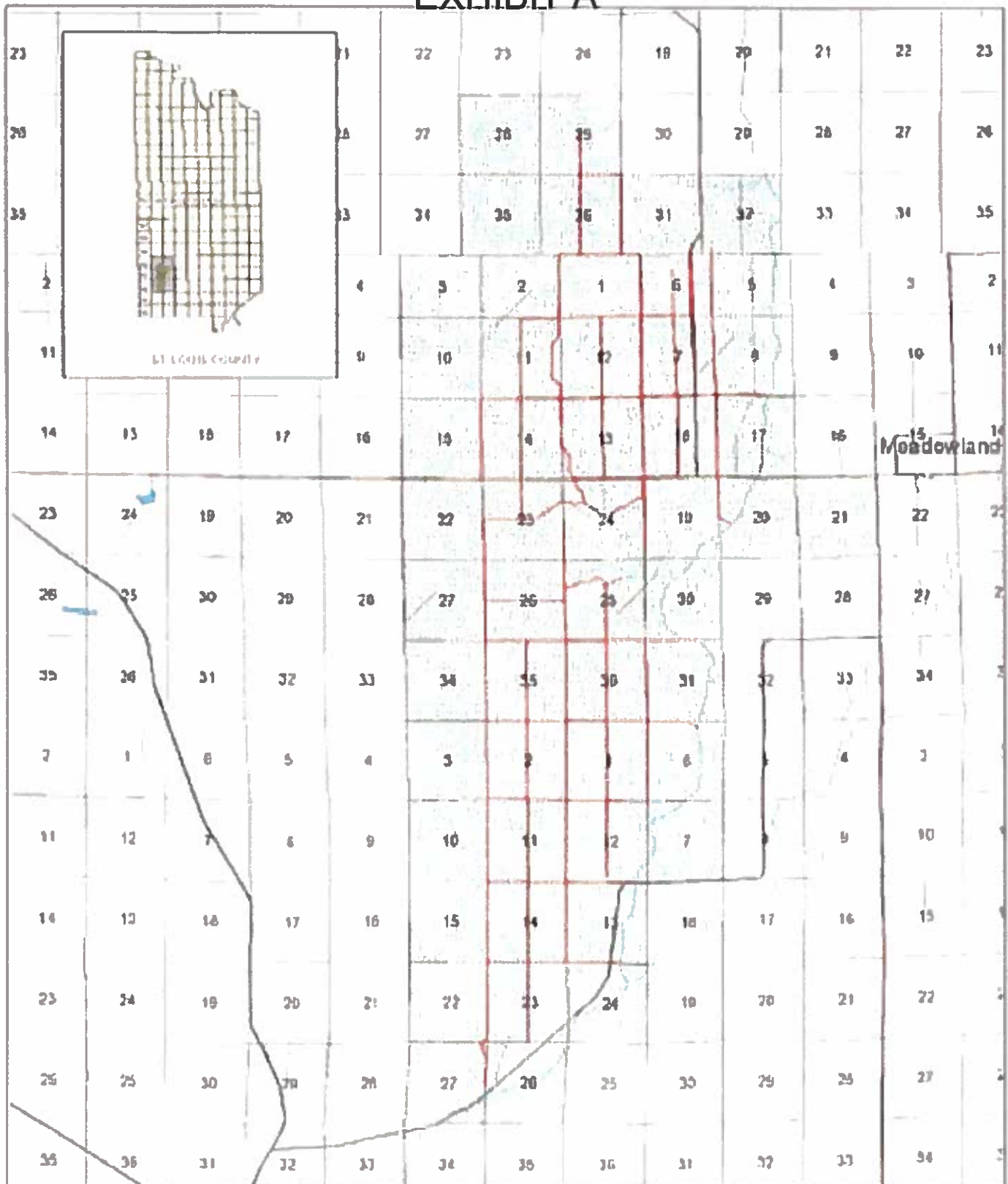


Figure 19: County Ditch No. 4

[illegible]

PANISHA ENGINEERING, INC.

**BEFORE THE ST. LOUIS COUNTY BOARD OF COMMISSIONERS ACTING
AS DRAINAGE AUTHORITY FOR ST. LOUIS COUNTY DITCH #4**

**Petition for Partial Abandonment of Portions
of County Ditch #4, Pursuant to Minnesota
Statutes 103E.806**

WHEREAS, Petitioner, St. Louis County, Minnesota, is the owner of and road authority for benefitted properties within the St. Louis County Ditch #4 drainage system; and,

WHEREAS, Petitioner, St. Louis County, Minnesota, desires to partially abandon portions of St. Louis County Ditch #4 described as follows:

Ditch System No.	Segment ID	MILES	St. Louis County Transverse Mercator (ft)			
			Start North	Start East	End North	End East
CD #4	M1C	1.00	221592.85	400834.52	226826.36	400879.79
CD #4	M1D	1.00	226826.36	400879.79	232141.52	400891.45
CD #4	M1G	0.50	245068.03	400801.76	247765.12	400767.43
CD #4	M1H	0.75	247765.12	400767.43	251800.51	400712.66
CD #4	M1I	1.00	253051.34	400682.12	258264.67	400683.45
CD #4	M2B	0.25	220231.99	403466.28	221567.66	403477.38
CD #4	M2C	1.00	221567.66	403477.38	226780.10	403533.96
CD #4	M2D	1.00	226780.10	403533.96	232079.27	403549.67
CD #4	M2E	1.00	232079.27	403549.67	237193.74	403559.86
CD #4	M2F	1.00	237193.74	403559.86	242421.61	403491.37
CD #4	M2J	1.00	258290.60	403308.66	263488.37	403261.50
CD #4	M3C	0.25	225430.42	406081.88	226752.84	406078.92
CD #4	M3D	1.00	232039.86	406149.41	226752.84	406078.92
CD #4	M3E	1.00	232039.86	406149.41	237198.56	406158.93
CD #4	M3F	1.00	249068.77	406033.53	237198.56	406158.93
CD #4	M3G	0.65	242409.08	406142.40	242409.08	406142.40
CD #4	M3H	0.60	245885.12	406085.95	245885.12	406085.95
CD #4	M3J	0.75	259605.22	405315.75	263500.27	405875.04
CD #4	M3K	0.80	263500.27	405875.04	267656.55	405881.07
CD #4	M4D	0.80	227699.39	408768.11	231973.80	408781.54
CD #4	M4E	1.00	231973.80	408781.54	237196.65	408792.23
CD #4	M4F	1.00	237196.65	408792.23	242464.62	408785.41
CD #4	M4G	0.35	242464.62	408785.41	244368.52	408742.58
CD #4	M4L	1.00	267655.24	407340.31	272915.57	407382.81
CD #4	M4M	0.60	272915.57	407382.81	275897.25	407424.06
CD #4	M5F	1.00	237198.33	411435.67	242465.49	411319.82
CD #4	M5L	1.00	267639.96	409979.36	272893.25	410044.02
CD #4	M6K	0.60	263639.15	413302.43	266692.19	413252.83

Ditch System No.	Segment ID	MILES	St. Louis County Transverse Mercator (ft)			
			Start North	Start East	End North	End East
CD #4	L2A	0.75	221592.85	400834.52	221544.21	404791.32
CD #4	L3A	1.00	226826.36	400879.79	226752.84	406078.92
CD #4	L3B	0.25	226752.84	406078.92	226725.88	407439.34
CD #4	L4A	1.00	232141.52	400891.45	232039.86	406149.41
CD #4	L4B	0.75	232039.86	406149.41	231942.37	410003.25
CD #4	L5A	1.00	237184.48	400882.25	237198.56	406158.93
CD #4	L5B	1.00	237198.56	406158.93	237198.33	411435.67
CD #4	L6A	0.75	242438.56	402132.61	242409.08	406142.40
CD #4	L6B	1.00	242409.08	406142.40	242465.49	411319.82
CD #4	L7A	1.00	245068.03	400801.76	245044.89	406097.96
CD #4	L7B	0.25	245885.12	406085.95	246238.69	407454.09
CD #4	L9A	0.30	253020.20	403313.48	252995.70	404900.74
CD #4	L10A	0.50	258264.67	400683.45	258290.60	403308.66
CD #4	L11A	0.50	263488.37	403261.50	263500.27	405875.04
CD #4	L11B	0.25	263534.47	407230.04	263567.25	408531.03
CD #4	L12B	1.00	267656.55	405881.07	267635.47	411166.16
CD #4	L13B	0.50	272915.57	407382.81	272893.25	410044.02

and,

WHEREAS, the areas to be partially abandoned are further identified on the attached Exhibits A and B; and,

WHEREAS, on July 13, 2021, Petitioner hired Houston Engineering, Inc. to conduct a Re-establishment of Records for Ditch #4 and simultaneously evaluate the system for partial abandonment; and,

WHEREAS, Houston Engineering, Inc., provided information and engineering data to St. Louis County regarding Ditch #4;

WHEREAS, Petitioner, through this Petition and additional information, allege that those parts of St. Louis County Ditch #4 to be abandoned do not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of substantial public benefit and utility.

NOW, THEREFORE, Petitioner respectfully requests that the St. Louis County Board of Commissioners, acting as Drainage Authority for St. Louis County Ditch #4, accept this Petition and schedule the public hearing as outlined under Minnesota Statutes 103E.806, Subd. 3.

Dated this 17 day of June, 2022

ST. LOUIS COUNTY, MINNESOTA

By 
Kevin Gray, County Administrator

Exhibit A

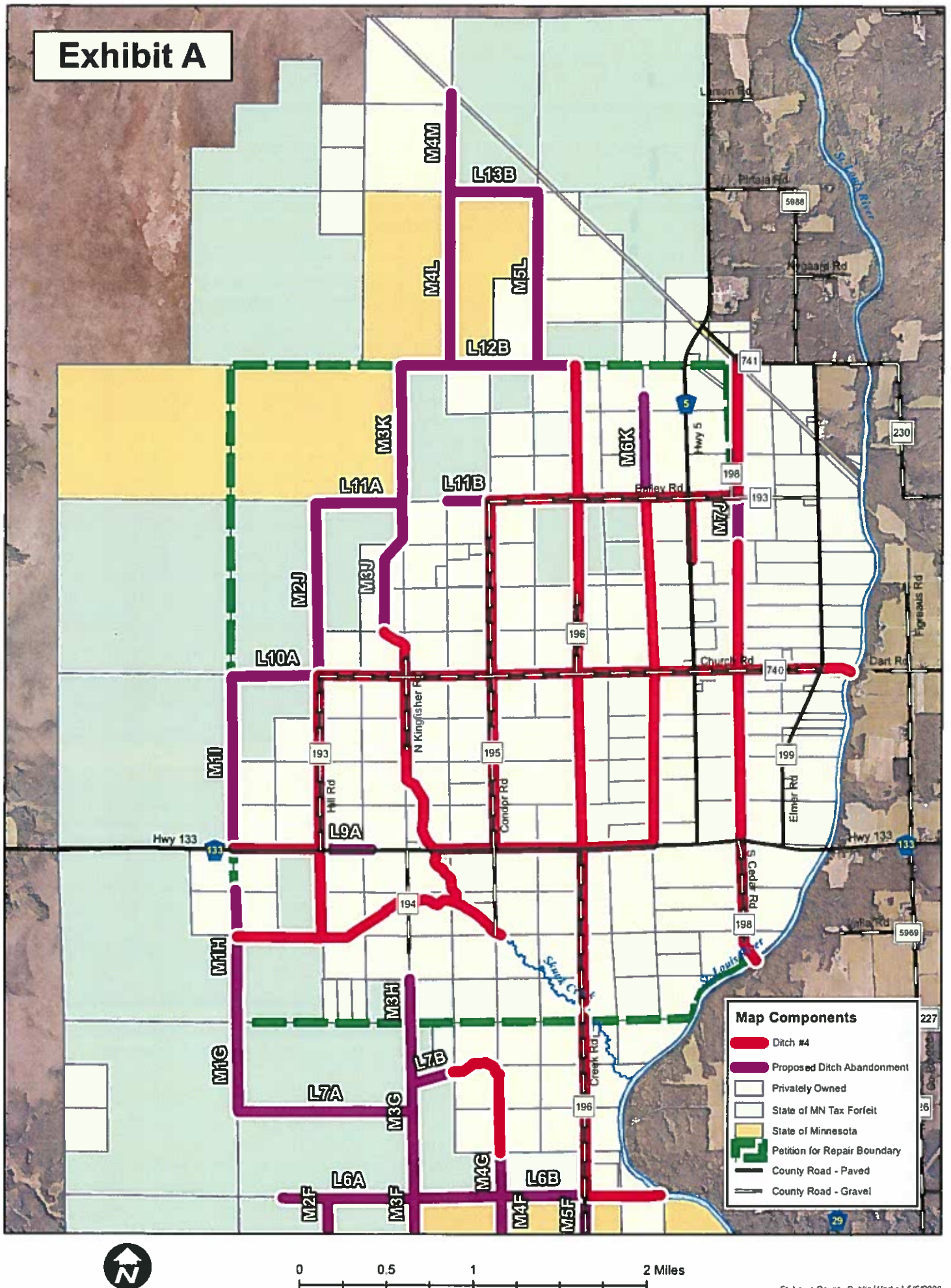
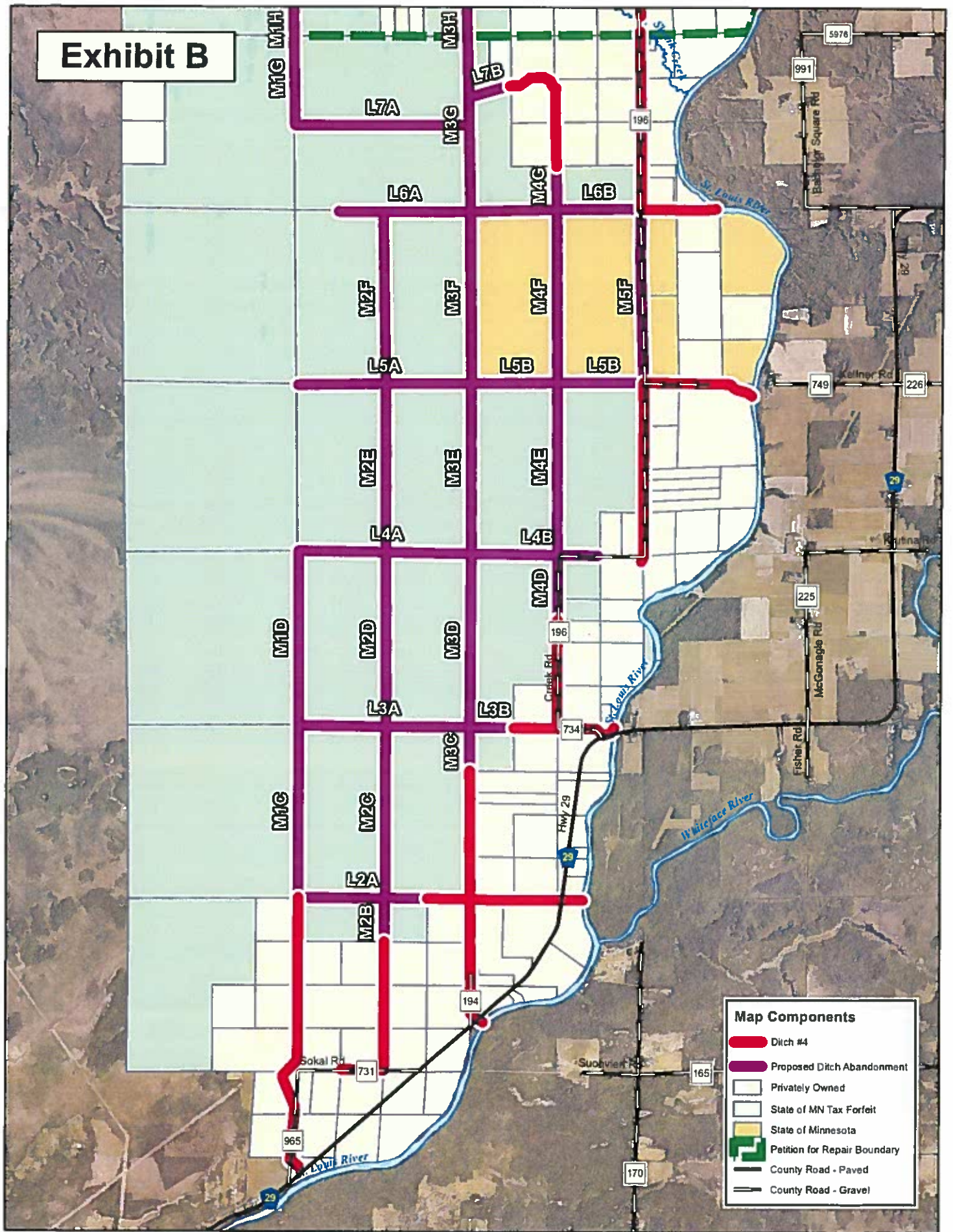


Exhibit B



0 0.5 1 2 Miles