

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

In the Matter of
County Ditches 15 and 28

**ORDER FOR REDETERMINATION
OF BENEFITS AND CONSOLIDATION**

The Otter Tail County Board of Commissioners, Drainage Authority for Ditches 15 and 28, having ordered Redetermination of Benefits on Ditch 15 and Ditch 28 and to consider consolidation of the two drainage systems, a public hearing was held on October 20, 2014 at the Otter Tail County Government Services Center in Fergus Falls, Minnesota. The Board having asked the viewers to reconsider some of the issues raised by the public continued the public hearing until November 29, 2014 at the Government Service Center in Fergus Falls, Minnesota; at which hearing the public hearing was again continued until December 9, 2014 at the Government Service Center in Fergus Falls. The Board, having reviewed the viewer's reports, considered the comments at the public hearings, and being fully advised of the premises makes the following Findings and Order:

FINDINGS

1. By an order dated July 9, 2013 the Otter Tail County Board of Commissioners, Drainage Authority for Ditch 28 issued an order directing a redetermination of benefits for the ditches and appointed Tiny Holm, Kevin Brennan, and Mike Johnson as ditch viewers for the Redetermination of Benefits.
2. By an order dated April 8, 2014 the Otter Tail County Board of Commissioners, Drainage Authority for Ditches 15 and 28 issued an order directing a redetermination of benefits for Ditch 15 and appointed Tiny Holm, Kevin Brennan, and Mike Johnson as ditch viewers for the Redetermination of Benefits, and further ordered consideration of the consolidation of Ditches 15 and 28.

3. Ditches 15 and 28 are in the same minor water basin, drain into and out of Dead Lake respectively, and there are common lands benefitted by both ditches.

4. It would be more efficient for the County to administer the two ditches as a single drainage system.

5. There are no funds currently in either ditches maintenance fund, and there are no outstanding assessments against either ditch, other than the current costs of the redetermination.

6. Future assessments would be shared over a larger area, minimizing and more evenly distributing costs of particular projects.

7. It will be fair and equitable to consolidate the two ditches.

8. Ditch viewers submitted their report to the Drainage Authority, and on September 29, 2014 the Otter Tail County Auditor mailed out the Property Owner's Report as required by Minn. Stat. §103E.303.

9. A public hearing was held on October 20, 2014 to consider the viewer's report, at which time it appeared some corrections to the report may be appropriate. The Drainage Authority directed the viewers to examine some of the parcels contained in the report and the public hearing was continued to November 29, 2014.

10. On November 29, 2014 the viewers confirmed their report. They further reported that the property owners who had raised questions now accepted the report.

11. The viewers submitted the Viewer's Report on October 20, 2014, a copy of which is marked exhibit A and attached to the original copy of this order. A full copy of the Viewer's Report is on file with the Office of the Otter Tail County Auditor, and is available for viewing on the Otter Tail County website www.co.ottertail.mn.us

12. That the December 9, 2014 Viewers Report accurately reflects the benefits to the land served by Ditches 15 and 28, as consolidated, in conformity with the provisions of Minnesota

Statutes Chapter 103E.

13. The redetermination of benefits for Ditches 15 and 28 was done at the same time, by the same viewers, using the same standards.

14. That consolidating the two drainage system is consistent with the redetermination of benefited areas of the drainage system; would provide for the efficient administration of the drainage system and is fair and equitable.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Ditches 15 and 28 be, and hereby are consolidated into a single drainage system, hereinafter to be known as County Ditch 15/28.

IT IS FURTHER ORDERED that the benefits for Ditch 15/28 are hereby re-determined so as to conform to the Amended Viewers Report, a copy of which is attached to the original order and on file with the Office of the Otter Tail County Auditor.

Dated: 12-16-14

By 

Wayne Johnson, Chair

Otter Tail County Board of Commissioners

ATTEST:



Larry Krohn, Clerk