

Stearns County Ditch 28 Petition for Drainage System Redetermination

Defined in MN Statute 103E.351

Petition dated Dec. 31, 2021 was received on Jan. 7, 2022 by the Stearns County Auditor's Office

The petition included:

- A cover letter from Gislason & Hunter
- A spreadsheet showing legal description, Parcel ID, Owner Name, CD28 Benefited acreage of property, and a field indicating a signature was received supporting the petition.
- Signature Pages for Petition for Redetermination of Benefits of Stearns County Ditch 28

Validation of the petition requires checking:

- Is property associated with signature within the benefited area of record for the CD28 system?
- Is the acreage associated with a signature in the petition accurate according to the ditch records?
- Do attached signatures match Stearns County tax records for ownership?
- Does the total of acreage signed for in the petition equal at least 26% of the property that is benefited or damaged by the drainage system, or 26% of the owners of property within the benefited or damaged area of the drainage system?

Per MN103E.351, a successful petition for redetermination of benefits must include signatures that represent **26%** of the CD28 system acres, or **26%** of the owners of CD 28 system acres. CD28 consists of **3,071.26** benefited acres meaning signatures representing **798.52** of CD28 benefited acres must be included in the petition. Alternatively, CD 28 consists of **202** owners of property meaning signatures representing **53** owners must be included in the petition. The petition contains **51** affirmative signatures. Petitioners must satisfy one of the two thresholds. If one threshold is met, the other threshold is not required.

Verification began by gathering the most current Stearns County tax records showing property ownership within the CD28 Drainage System. That data was then merged with the petition spreadsheet to compare owners and acreage. The data merge also removes portions of a single parcel that may have area both inside the ditch system and outside. This ensures the data being reviewed only accounts for acreage that is included in the CD28 drainage system. This step reviewed property splits and ownership changes that may impact the affirmative signatures. At this point, Stearns County was able to validate the property owner's names and their associated benefited acreages for the petition.

County staff then compared the petition signature sheets with the petition spreadsheet to validate that each spreadsheet affirmative matched a signature page. Staff was then able to verify the acreage total of all the affirmative petition signatures. The submitted petition acreage was **1000.96** acres, but staff found two properties that contained petition signatures that were not listed as affirmative in the petition spreadsheet. This increased the final petition acreage total to **1,086.28** acres.

Stearns County staff then reviewed property owned as a LLC or trust. This is relevant because those type of properties may have multiple owners whose signatures would be required to be valid in the

petition. The total acreage of these properties is 117.06 acres meaning no further verification of those signatures was required because the affirmative signatures resulted in a total acreage of greater than 26% of the benefited CD28 acreage even if the LLC or trust properties were removed due to incomplete signatures.

Final result: The petition dated Dec. 31, 2021 is **VALID**.

103E.351 REDETERMINING BENEFITS AND DAMAGES.

Subdivision 1. Conditions to redetermine benefits and damages; appointing viewers.

(a) If the drainage authority determines that the benefits or damages of record determined in a drainage proceeding do not reflect reasonable present-day land values or that the benefited or damaged areas have changed, the drainage authority may appoint three viewers to redetermine and report the benefits and damages and the benefited and damaged areas.

(b) If more than 26 percent of the owners of property or owners of 26 percent of the property that is benefited or damaged by a drainage system petition to redetermine benefits and damages, the drainage authority must make a determination on the petition according to paragraph (a).

Subd. 2. Hearing and procedure.

(a) The redetermination of benefits and damages must proceed as provided for viewers and the viewers' report in sections [103E.311](#) to [103E.321](#).

(b) The auditor or secretary must prepare a property owners' report from the viewers' report. A copy of the property owners' report must be mailed to each owner of property affected by the drainage system.

(c) The drainage authority must hold a final hearing on the report and confirm the benefits and damages and benefited and damaged areas. The final hearing must proceed as provided under sections [103E.325](#), [103E.335](#), and [103E.341](#).

Subd. 3. Using redetermined benefits and damages.

The redetermined benefits and damages and the redetermined benefited and damaged areas must be used in place of the benefits and damages of record and the benefited and damaged areas of record in all subsequent proceedings relating to the drainage system.

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Subd. 4. Appeal.

A person aggrieved by the redetermination of benefits and damages and benefited and damaged areas may appeal from the order confirming the benefits and damages and benefited and damaged areas under section [103E.091](#).

History:

[1990 c 391 art 5 s 59](#); [2019 c 24 s 4-6](#)