

**BEFORE THE JACKSON-NOBLES JOINT BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR JACKSON-NOBLES JD #13**

**Findings of Fact and Order Establishing
Improvement, Pursuant to Minnesota Statutes
103E.341**

WHEREAS, a Petition for the Improvement of Jackson-Nobles Judicial Ditch #13 was submitted to the Joint Board; and

WHEREAS, several Amended Final Engineers' Reports and several Amended Viewers' Reports, were submitted to the Jackson and Nobles County Auditors; and

WHEREAS, several final hearings were held with the last Final Hearing being held on December 9, 2020, at 9:30 a.m., at the Worthington Event Center, located in Worthington, Minnesota; and

WHEREAS, Chuck Brandel and Jacob Rischmiller of ISG presented an Amended Engineer's Report, known as Amendment #3 (Alternate Project), which presented amendments that were a result of landowners' meetings involving ISG, Attorney Bruce Sellers, Attorney Matt Benda, and landowners; and

WHEREAS, the Amended Engineer's Report, known as Amendment #3 (Alternate Project), is incorporated in this Order by reference; and

WHEREAS, the Improvement involves multiple facets, including, but not limited to, the following:

1. Open Ditch Cleaning;
2. Basin #2 construction;
3. Main and Branch S Open Ditch Construction, Including 2-Stage Ditch;
4. Main Line and Northwest Branches and Basin #3;
5. Branch S and Southwest Branches and Basin #4; and
6. Eastern Branches;

and

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WHEREAS, the engineers indicated this was a large project and final acceptance of the contract is not anticipated until winter of 2023 or spring of 2024; and

WHEREAS, the hearing was open for public comment and questionings concerning the Amended Engineer's Report and there were extensive questions concerning different parts of the system as better reflected in the approved Minutes of the December 9th meeting that are incorporated by reference into these Findings of Fact and Order; and

WHEREAS, as a result of the changes made by Amendment #3, the cost of the project has been reduced by about \$4,000,000.00 to an estimated cost for Amendment #3 of \$9,883,112.00; and

WHEREAS, the engineers indicated at the conclusion of their report that the project, as presented, is cost-effective, practical and feasible and there is a necessity for the project. They also indicated the project will be of public benefit and contribute to the public health of the area and recommended final approval of the Amended Final Engineer's Report as presented; and

WHEREAS, Dan Ruby, one of the duly appointed viewers, gave an Amended Viewers' Report that indicated that the total Improvement benefit was \$5,302,785.25, and that the Amended Viewers' Report is reflected on **Exhibit A** attached to these Findings of Fact and Order; and

WHEREAS, there were extensive comments and questions concerning the Viewers' Report as to the Improvement, including written comments, all of which are incorporated into these Findings of Fact by reference, as reflected in the approved Minutes.

NOW, THEREFORE, based on all the evidence presented, the Amended Engineers' Report and Amended Viewers' Report and all comments and written comments submitted by the public, the Jackson-Nobles Joint Board of Commissioners, acting as Drainage Authority for Judicial Ditch #13, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. That Minnesota Statutes 103E.241, Subd. 5, allows for the payment for a consulting engineer fee and a request was made that the consulting engineer from Barr

Engineering have their fees paid in the amount of \$14,502.52, and that request is approved.

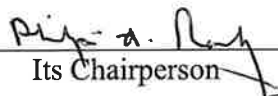
2. The Amended Final Engineer's Report and Amended Viewers' Report, attached as **Exhibit A**, have been made and other proceedings have been completed under Minnesota Statutes 103E.
3. The reports made or amended are complete and correct.
4. The damages and benefits have been properly determined.
5. The estimated benefits are greater than the total estimated costs, including damages.
6. The proposed drainage project will be of public utility and benefit and will promote the public health.
7. The proposed drainage project is practicable.
8. Separable maintenance under 103E.215, Subd. 6 is approved and that the repair portion is allocated as repairs is recommended by the engineer and the balance of the cost of the Improvement is assessed as an Improvement cost is recommended by the engineers.

ORDER

NOW, THEREFORE, it is hereby ordered that the Improvement for Jackson-Nobles Judicial Ditch #13 is hereby established and that the engineers are to proceed toward plans and specifications toward the awarding of the contract.

Dated this 4 day of January, 2021.

JACKSON-NOBLES JOINT BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR JUDICIAL DITCH #13

By 
Its Chairperson