



July 23, 2021

Kdeter@RinkeNoonan.com

Jackson-Nobles Joint Board of Commissioners  
c/o Kelly Rasche  
Drainage Coordinator  
405 4<sup>th</sup> Street  
P.O. Box 226  
Jackson, MN 56143

**SENT VIA EMAIL: KELLY.RASCHE@CO.JACKSON.MN.US & U.S. MAIL**

**Re: Petition for Improvement to JD 13, Branches A, A1, B, B1 and S13  
Our File No. 26719-0009**

Dear Joint Board and Kelly:

I have reviewed the Petition for the Improvement of Jackson-Nobles JD #13, Branches A, A1, B, B1 and S13, along with the signature pages, etc., provided by petitioners' attorney. I have also reviewed the letter submitted by petitioners' attorney. I have reviewed the \$50,000 Bond in favor of Jackson-Nobles County, as Drainage Authority for JD #13. I would make the following comments:

1. The Petition contains the six items to be alleged under Minnesota Statutes 103E.215, Subd. 4(c). Specifically, the area to be improved has been properly described, the 40-acre tracts have been listed, names and addresses of tract owners have been provided and an acknowledgment has been made by the petitioners that they will pay all costs and expenses if the proceedings are dismissed.
2. There are four methods under Minnesota Statutes 103E.215, Subd. 4(a) in which a Petition can meet the statutory jurisdictional requirements for signatures. The statute requires that all owners sign the Petition in order to be counted as a signature toward the jurisdictional requirements. The petitioners have represented, and I have reviewed the signatures and make the following comments concerning the four methods of acquiring jurisdiction. It is only necessary to meet one of the jurisdictional requirements. They are as follows:

- a. **At least 26% of the owners of property affected by the proposed Improvement.**

According to the Petition and representations made by petitioners' attorney, there are a total of six owners affected by the proposed Improvement and the Petition has been signed by one of those owners. Therefore, 16.67% of the property affected by the proposed Improvement have signed the proposed Improvement Petition, which does not meet the 26% necessary under the statute.

**b. At least 26% of the owners of property that the proposed Improvement passes over.**

A review of the Petition and spreadsheet indicates there are three owners of property that is bordered, touched by, or is underneath the path of the proposed drainage project. The Petition has been signed by one of those owners, which is 33.33%, which meets the 26% requirement of the statute.

**c. The owners of at least 26% of the property area affected by the proposed Improvement.**

The proposed Improvement affects approximately 640.55 acres according to petitioners' attorney. The Petition has been signed by one owner, who owns a total of 504.45 acres of the property area, which is 78.75% and meets the 26% required under the statute.

**d. The owners of at least 26% of the property area that the Improvement passes over.**

Petitioners allege that the Improvement borders, touches, or is underneath the property area of approximately 608.19 acres. I assume this has been counted by 40s or government lots as required under the statute. Assuming that is the case, the Petition has been signed by one owner who owns approximately 504.45 acres or 82.94% of the property that the proposed Improvement passes over. This meets the 26% and a review of the map appears to indicate it does touch that many 40s or government lots.

Based on my review and the representation by petitioners' attorney, and review by an engineer, I believe the Petition satisfies the requirements of Minnesota Statutes 103E.215, Subd. 4(a) by three of the four methods of acquiring jurisdiction under the 26% requirement. Although it is not necessary to meet all four jurisdictional requirements, it appears that this Petition meets three of the four jurisdictional methods of being a valid Petition.

I have also reviewed the Bond and under the statute it requires at least a \$10,000 Bond to be posted. The petitioners have posted a \$50,000 Bond in favor of the Jackson-Nobles Joint Board, as Drainage Authority for Judicial Ditch #13, which meets and exceeds the requirements of the statute.

July 23, 2021

Page 3

I have not made an independent review of all deeds, trust agreements, etc., but petitioners and petitioners' attorney have represented that the correct owners have signed for the parcels. Based on my review of the Petition and Bond, it is my opinion that the Petition and Bond meet the requirements for an Improvement Petition under Minnesota Statutes 103E.215. The Petition should be referred to the Joint Board, as Drainage Authority, at which time they should accept the Petition and appoint the engineer. It is my understanding that petitioners are requesting that ISG be appointed the engineer.

If you have any questions, please contact me.

Very Truly Yours,



---

Kurt A. Deter

KAD/cmt

cc: Bruce Sellers (via email)