

**BEFORE THE JACKSON-NOBLES JOINT BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR JUDICIAL DITCH #45**

**Findings of Fact and Order Granting Outlet,
Pursuant to Minnesota Statutes 103E.401**

WHEREAS, a Petition was received from landowners, Duane and Jan Voit, dated October 28, 2022, requesting an outlet for portions of the NE ¼ of Parcel 11.015.0200 in LaCrosse Township, Section 15 into Jackson-Nobles Judicial Ditch #45; and

WHEREAS, a Public Hearing was held on November 15, 2022, at 11:00 a.m., in the Jackson County Commissioners' Board Room; and

WHEREAS, the petitioners presented their request for an outlet for approximately 31.6 acres into the Jackson-Nobles Judicial Ditch #45 system; and

WHEREAS, representatives of ISG indicated that the Improvement Project recently completed contemplated and was sized for the area requesting an outlet; and

WHEREAS, a report was received from the viewers indicating the benefits to be used in the future for the 31.6 acres of additional property.

NOW, THEREFORE, after considering all the evidence presented and the past history on the property, the Jackson-Nobles Joint Board of Commissioners, acting as Drainage Authority for Judicial Ditch #45, makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. After considering the capacity, and based on the Engineer's Report, it is determined that Judicial Ditch #45 has the capacity for an outlet for this property.
2. That the property being petitioned into the system was originally in the JD #45 system and if so, would have paid their prorated share of the Improvement costs for the project recently completed. The Separable and Improvement costs for the recently completed project amounts to \$30,198.63.

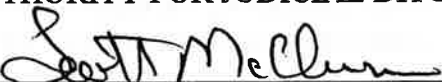
3. That the property being petitioned into the system would have paid their prorated share of the maintenance budget for the system in the years 2017-2022 at a rate of \$49.66 per year for a total of \$297.95.
4. The benefits to the additional property, as presented by the viewers, are reasonable and consistent with adjoining property.

ORDER

NOW, THEREFORE, it is hereby ordered that the property in the NE ¼ of Parcel 11.015.0200 in LaCrosse Township, Section 15, of approximately 31.6 acres is granted an outlet into Jackson-Nobles Judicial Ditch #45. That further, as an outlet fee, petitioners shall pay their pro rata share of the Improvement costs and the annual budget as if this property had correctly been included in the Watershed area at the time of the establishment of the recently completed Improvement in the amount of \$30,496.58. That further the petitioner shall pay a \$1,000 procedural fee for the legal requirements of the petition. Petitioners are to pay in a lump sum the amount of assessments that would have been owed had this property been included at the time of Improvement with the balance amortized over the remaining years of assessments similar to any other property in system. That further, the benefits to this property of approximately 31.6 acres as presented in the attached Viewers' Recommendation, attached as Exhibit A, is hereby approved and shall be included in the assessment role for Jackson-Nobles Judicial Ditch #45.

Dated this 29 day of November, 2022.

JACKSON-NOBLES JOINT BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR JUDICIAL DITCH #45

By 
Its Chairperson