

STATE OF MINNESOTA
NOBLES COUNTY BOARD OF COMMISSIONERS
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR NOBLES COUNTY DITCH 12

The Matter of the Reconsideration of Grass
Buffer Damages for Nobles County Ditch
12

**Findings and Order Adopting Amended
Damages and Directing Payment**

At a public hearing conducted by the Nobles County Board of Commissioners, Drainage Authority for Nobles County Ditch 12 (CD 12), on June 20, 2023, Commissioner Ahlers moved, seconded by Commissioner Paplow for adoption of the following Findings and Order:

Findings:

1. By order dated January 24, 2023, the Drainage Authority for Nobles County CD 12 adopted redetermined benefits and damages for the drainage system.
2. The damages awarded in the proceedings included damages for grass buffer along the constructed channel of the drainage system.
3. Damages determined to properties traversed by the drainage system within the City of Worthington were based upon Geographic Information Systems (GIS) mapping of the drainage system alignment and parcel data.
4. Following entry of the January 24, 2023 order, the Board discovered an error in the damage awards recommended by the viewers for grass strip establishment within the City of Worthington.
5. The error resulted from assumptions made regarding the alignment of CD 12 within the City of Worthington as indicated by GIS mapping versus actual location.
6. The error resulted in some owners being awarded damages in error, some owners being awarded too much or too little damages and some owners not being awarded damages in error.
7. By order dated May 23, 2023, the Board reopened the proceedings for the limited purpose of reconsidering the grass buffer damage payments within the City of Worthington. Specifically, the Board ordered:
 - A. The portion of damages awarded in error be vacated.

- B. The proceedings be reopened for the limited purpose of considering corrected grass buffer damages as reflected in the viewers' report addendum.
 - C. Notice shall be by mail to all owners of property affected by the reopened proceedings as identified in the viewers' report addendum. The notice shall include an explanation of corrected damages and invite affected owners to appear and provide comment in the proceedings.
8. The viewers filed a corrected viewers' report addendum correcting the recommended damage awards based on actual location of CD 12 within the City and actual encroachment on private property by the grass buffer establishment. The corrected viewers' report addendum is attached hereto as **Exhibit A** and incorporated into these findings by reference.
 9. Notices were provided to affected landowners as directed in the Board's order.
 10. Evidence of all actions in this matter, including preliminary orders, appointments, oaths, affidavits of mailing, publication and posting as well as hearing agendas and presentation materials are present in the record of proceedings and are incorporated herein by reference.
 11. The viewers appeared at the hearing, presented their corrected viewers' report addendum, explained the nature of the original error in damage awards and explained the process followed to ensure correct assignment of grass buffer damages to properties within the City of Worthington traversed by the channel of CD 12.
 12. Comments were offered and addressed during the public comment portion of the hearing.
 13. Based on the record before it, and the comments of those present at the hearing, the Drainage Authority determines that the corrected damages, as reflected in the corrected viewers' report addendum at **Exhibit A** are proper, reasonable and conform to the drainage code.

Order:

- D. The corrected grass buffer damages to properties within the City of Worthington on CD 12 as reflected in the corrected viewers' report addendum, prepared by the viewers and attached hereto as **Exhibit A** are hereby adopted by the Drainage Authority.
- E. Nothing in this order shall change to previously adopted benefits determined in the redetermination proceedings, nor damages previously awarded to properties not affected by these proceedings.

- F. The Nobles County Auditor-Treasurer shall ensure that the corrected damages are made part of the drainage system record.
- G. Pending resolution of any appeals, the corrected damages for the acquisition of the grass buffer area shall be paid and the grass buffer areas established and seeded as required by statute.
- H. The Drainage Authority staff is directed to work with the County Recorder's office to ensure that the drainage system and the grass buffer area acquisition is reflected on the property record of affected landowners.

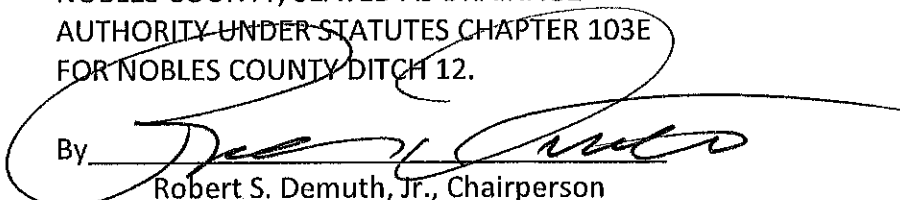
After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order. Upon roll call there were 5 yeas, 0 nays as follows:

	Yea	Nay	Absent	Abstain
AHLERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
METZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PAPLOW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEMUTH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DYBEVICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Board Chair declared the Resolution passed and the findings and order adopted.

Dated this 20th day of June, 2023.

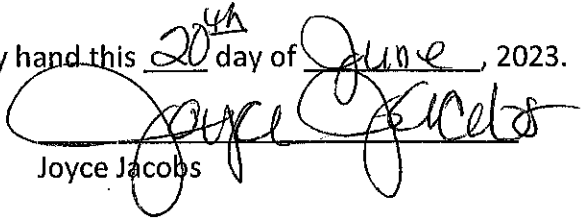
NOBLES COUNTY, SEATED AS DRAINAGE
 AUTHORITY UNDER STATUTES CHAPTER 103E
 FOR NOBLES COUNTY DITCH 12.

By 
 Robert S. Demuth, Jr., Chairperson

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I, Joyce Jacobs, Nobles County Auditor-Treasurer, do hereby certify that I have compared the above motion; Findings and Order with the original thereof as the same appears of record and on file with the Nobles County Board of Commissioners and find the same to be a true and correct transcript thereof. The above Order was filed with me, Nobles County Auditor-Treasurer on June 20, 2023.

IN TESTIMONY WHEREOF, I hereunto set my hand this 20th day of June, 2023.


Joyce Jacobs