**STATE OF MINNESOTA**

***Before the*
<DRAINAGE AUTHORITY NAME>
SITTING AS THE DRAINAGE AUTHORITY FOR
<NAME OF DRAINAGE SYSTEM>**

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| **In the Matter of:****the Reestablishment of <Name of Drainage System> Drainage System Records** | **FINDINGS AND ORDER REESTABLISHING DRAINAGE SYSTEM RECORDS** |

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, pursuant to Minn. Stat. § 103E.101, subd. 4a, based on the record and proceedings, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**Findings:**

1. <Name of drainage authority> is the drainage authority for <name of drainage systems>.
2. <Engineer/drainage inspector/staff> investigated the <name of drainage system> records and found that records establishing the alignment, cross-section, profile, or right-of-way of the drainage system were <lost, destroyed, or otherwise incomplete>. This information was reported to the drainage authority on <date>.
3. <A petition was filed on <date> by <name of petitioners>, parties affected by the drainage system, requesting that the drainage authority follow the procedures of Minn. Stat. § 103E.101, subd. 4a to reestablish and correct the drainage system record of <name of drainage system>>. (OR) <On <date> the drainage authority adopted a resolution to follow the procedures of Minn. Stat. § 103E.101, subd. 4a to reestablish and correct the drainage system record of <name of drainage system>.
4. <Name of engineer> was appointed to conduct an investigation and a report of findings supported by existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings, or test pits, culvert dimensions and invert elevations, and bridge design records.
5. As part of the analysis of the drainage system, the engineer has identified the existing functional alignment, dimension, and grade of the drainage system as it provides beneficial public drainage today. This functional alignment, dimension, and grade match the basic functional efficiency of the system as designed and established to provide beneficial public drainage.
6. The engineer has also identified the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage systems in their as constructed and subsequently improved state.
7. The engineer’s study included evaluation of existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, field investigation and bridge design records.
8. The intent of these proceedings was to reconcile the historical record of the drainage system with the functional alignment, dimension, and grade of the system to describe the equivalent of the as constructed and subsequently improved condition.
9. Future work on the drainage system will utilize the as constructed and subsequently improved condition, established in these proceedings, as a baseline for determining repair or improvement of the drainage system.
10. Engineer <name> filed a report of findings with the drainage authority on <date>.
11. The drainage authority, by order, set a public hearing for review of the engineer’s report of findings on <date of order setting hearing> and directed the <Auditor/Secretary> to provide notice, by mail, of the time and location of the hearing to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, the petitioners, and all property owners benefited or damaged by the drainage system and notice to other interested parties either in a newspaper of general circulation in the drainage system or by publication on the drainage authority’s website.
12. Notice of the public hearing was properly provided as required by law.
13. The drainage authority held a public hearing on the correction of the drainage system records on <date> at <time> at <location of meeting>. Evidence of all notices are on file with the drainage authority office.
14. At the public hearing, the engineer presented the engineer’s report of findings. <Further summary of the engineer’s report of findings on the drainage system>.
15. During the public hearing portion of the proceedings, the following persons appeared and provided comment (the Board’s response is indicated in italics following each comment):
	1. <Commenter Name>, <Property Description/Political Subdivision> <Street Address>, <City>, <State> <Zip>:

<summary of comment>

<*Board’s response to comment*>

* 1. <Commenter Name>, <Property Description/Political Subdivision> <Street Address>, <City>, <State> <Zip>:

<summary of comment>

<*Board’s response to comment*>

1. The proposed functional alignment and grade of the <name of drainage system> as described in the engineer’s report of findings reflects the level of performance similar in nature to the as constructed and subsequently improved condition of the drainage system considering the function required by the change in land use to reestablish the historic drainage function to benefited lands.
2. Correction of the drainage system records to adopt the proposed functional alignment and grade of the drainage system, as described in the engineer’s review memoranda, will provide for the efficient administration of the drainage system.
3. Adopting the proposed functional alignment and grade of the drainage system, as described in the engineer’s report of findings, will reconcile the historical record of the drainage system with the functional alignment, dimension, and grade of the system as it has historically provided public benefit.

**Order:**

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for <name of drainage system>, hereby orders as follows:

1. The Board hereby corrects the drainage system records of <name of drainage system> to reflect the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system as detailed in the engineer’s report of findings dated <date> (**Exhibit A**).
2. The Board further directs filing and recording of documents necessary to reflect the reestablishment and correction of the public drainage system records established herein.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ absent, and \_\_\_\_\_ abstentions as follows:

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| --- | --- | --- | --- | --- |
|  | Yea | Nay | Absent | Abstain |
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Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

<Full Name>, Chairperson

\* \* \* \* \* \* \* \* \* \* \*

I, <Full Name>, <Name of County or Watershed District> <Auditor/Secretary>, 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 <name of drainage authority> and find the same to be a true and correct transcript thereof. The above order was filed with me, <name of county of watershed district> <Auditor/Secretary>, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN TESTIMONY WHEREOF, I hereunto set my hand this
\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 <Full Name>