**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 Petition to <Name of Project> to <Name of Drainage System>** | **FINDINGS AND ORDER FOR DETAILED SURVEY AND DETAILED SURVEY REPORT** |

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, having received a Petition to <name of project> to <name of drainage system> pursuant to Minnesota Statutes, section <section> by <Petitioners>, having noticed and conducted a public hearing on the preliminary survey report, and based on the record and proceedings, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**Findings:**

1. A Petition dated <date> <and bond> was received by the <Auditor/Secretary> of the <drainage authority> requesting to <name of drainage project> to <name of drainage system>, located in Sections <#>, Township <#>, Range <#>, <Township Name>, <County>, Minnesota pursuant to Minn. Stat. § <citation>.
2. The drainage authority met on <date> and accepted the Petition. The drainage authority also appointed <name of engineer> of <name of engineering firm> to make a preliminary survey pursuant to Minn. Stat. § 103E.245.
3. Engineer <name> filed a preliminary survey report with the drainage authority on <date>. A copy of the preliminary survey report was mailed to the Director of the Division of Ecological and Water Resources in the Department of Natural Resources on <date>.
4. The drainage authority, by order, set a public hearing for review of the engineer’s preliminary survey report on <date of order setting hearing> and directed the <Auditor/Secretary> to provide at least 10 days advance notice, by mail, of the time and location of the hearing to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
5. Notice of the public hearing was properly provided as required by law.
6. At the public hearing, the engineer presented the preliminary survey report. <Provide further details about the engineer’s presentation of the preliminary survey report>.
7. <The commissioner’s advisory report on the preliminary plan was publicly read and included in the record of proceedings/The commissioner did not provide an advisory report on the preliminary plan within the timeframes required under Minn. Stat. ch. 103E>.
8. 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. <If any changes are to be made in the proposed drainage project from those outlined in the petition, including changes necessary to minimize or mitigate adverse impact on the environment, the basis for those changes should be discussed here>.
2. The proposed project drainage project <outlined in the petition/modified and recommended by the engineer> is feasible. <Include further details to support this conclusion>.
3. There is necessity for the proposed drainage project. <Include further details to support this conclusion>.
4. The engineer has considered the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subd. 1. <Include further details to support this conclusion.>
5. After consideration of the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subd. 1, the drainage authority finds that the proposed drainage project is of public benefit and promote the public health. <Include further details to support this conclusion>.
6. The outlet for the proposed drainage project is adequate. <Include further details to support this conclusion>.
7. [Note: If the outlet is an existing drainage system and the proposed project will drain lands not assessed benefits in the existing drainage system, include the following finding.] The outlet of the proposed drainage project is <name of drainage system>. The petitioned project proposes to drain lands not assessed for benefits in the <name of existing drainage system>; thus, the proposed drainage project must petition for an outlet to the existing drainage system under Minn. Stat. § 103E.401.

**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. That the preliminary survey report is approved.
2. The project engineer shall proceed to make a detailed survey with plans and specifications for the proposed project consistent with the findings herein and submit a detailed survey report to the drainage authority as soon as possible.
3. After the detailed survey report is complete, the engineer shall file the detailed survey report with the <auditor/secretary> and the <auditor/secretary> shall deliver a copy of the detailed survey report to the commissioner of natural resources.
4. <Name of viewer>, <name of viewer>, and <name of viewer> shall be appointed as viewers to determine the benefits and damages to all property affected by the proposed drainage project and make a viewers’ report.
5. Within five days of this order, the <auditor/secretary> shall, by order, designate the time and location for the first meeting of the viewers and issue a copy to the viewers of the <auditor’s/secretary’s> order and a certified copy of the this order appointing the viewers.
6. At the first meeting and before beginning their duties, the viewers shall subscribe to an oath to faithfully perform their duties. If an appointed viewer does not qualify for any reason, the auditor shall designate another qualified person to take the disqualified viewers’ place.

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:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Yea | Nay | Absent | Abstain |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
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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>