**STATE OF MINNESOTA**

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

|  |  |
| --- | --- |
| **In the Matter of:****the Petition of <Petitioner Name> to Partially Abandon <Name of Drainage System>** | **FINDINGS AND ORDER <GRANTING/DENYING> PETITION TO PARTIALLY ABANDON <NAME OF DRAINAGE SYSTEM>** |

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, having received a Petition for Partial Abandonment of <name of drainage system> pursuant to Minnesota Statutes, section 103E.806 by <Petitioners>, having noticed and conducted a public hearing on the Petition, 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> was received by the <Auditor/Secretary> of the <drainage authority> requesting to abandon a portion of <name of drainage system> pursuant to Minn. Stat. § 103E.806. The portion of the drainage system sought to be abandoned is described as follows:

<Description of the portion of the
drainage system sought to be abandoned>.

1. Petitioner<s> <are/is> the owner of benefited property on <name of drainage system>.
2. The Petition asserts that the part of the drainage system proposed to be abandoned does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of substantial public benefit and utility.
3. The Petition for Partial Abandonment is in proper form and is legally sufficient and adequate for the purposes of these proceedings.
4. The drainage authority, in consultation with the <auditor/secretary> set a public hearing for the petition to take place on <date> at <time> at <location> and directed the <auditor/secretary> to give notice of the hearing by mail to the owners of all property benefited by the drainage system and to give notice by publication either once a week for three successive weeks in a newspaper of general circulation within the affected drainage area or by publication on a Web site of the drainage authority.
5. Notice of the public hearing was properly provided as required by law. Evidence of all notice provided for the hearing is on file with the drainage authority.
6. A presentation was made at the public hearing by petitioners. <Summarize presentation by petitioners>.
7. 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. [Note: If the petition is going to be denied, use this finding.] The drainage system serves a substantial useful purpose as part of the drainage system to property remaining in the system and is of a substantial public benefit and utility. <Include additional information to support this conclusion>.
2. [Note: If the petition is going to be approved, use this finding.] The drainage system does not serve any useful purpose to any affected property and is not of public benefit and utility. <Include additional information to support this conclusion>.

**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:

[Note: If the petition is denied.] The petition for partial abandonment of <name of drainage system> is denied.

[Note: If the petition is granted.] The petition for partial abandonment of <name of drainage system> is approved. No further repair petition for the abandoned portion of the drainage system may be accepted and the drainage authority’s responsibility to maintain the abandoned portion of drainage system is terminated by this order. This order shall not release any property from a drainage lien field on account of the drainage system before the date of this order, nor shall this order release any property from any assessment or a drainage lien filed on or after the date of this order for costs incurred on account of the drainage system before the date of the order.

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>