**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 <Name of Petitioner> to Remove Property from the <Name of Drainage System>** | **FINDINGS AND ORDER FOR REMOVAL OF PROPERTY** |

The <Drainage Authority’s Name>, sitting as the drainage authority for <Name of Drainage System>, having received a Petition for Removal of Property from a Drainage System pursuant to Minnesota Statutes section 103E.805 (“**Removal Petition**”) by <name of Petitioner>, having noticed and conducted a hearing on the Removal Petition, based on the record and proceedings, moved by Commissioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**FINDINGS**

1. A petition was received from <Name of Petitioner>, owner of benefited property on the <name of drainage system>, requesting to remove the following property from the drainage system:
2. <description of property/ies being petitioned for removal>
3. A map of the portion of the <name of petitioner>’s properties petitioned for removal is attached hereto as **EXHIBIT A.**
4. The Removal Petition is in proper form and is legally sufficient and adequate for purposes of these proceedings.
5. A public hearing was noticed on the Removal Petition in the manner required by law and held on ­­­­­\_\_\_\_\_\_\_ \_\_, \_\_\_\_ at \_\_\_\_:00 a.m./p.m.
6. 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 evidence presented by <name of petitioner> and confirmed by staff is that drainage from the above parcels either lays outside of or has been modified to drain away from the drainage area of <name of drainage system>. <Include further details to support this conclusion>.
2. The Board finds that the waters from Petitioner’s property has been diverted from the drainage system, that the property cannot significantly or regularly use the drainage system, and/or that the property is not benefited by the drainage system. <Include further details to support this conclusion>.
3. The Board further finds that removing the portions of the <Name of petitioner>’s properties requested for removal from the benefited area of the drainage system will not prejudice the property owners and property remaining in the system. <Include further details to support this conclusion>.

**ORDER**

Based on the foregoing Findings, the Board, acting as the drainage authority for <Drainage Authority’s name>, Orders as follows:

1. That the following property/ies be removed from the benefits roll of <name of drainage system> effective for all costs incurred by the drainage system after the date of this order:

<Description of property/ies>

1. That the property not be affected by the drainage system at any later proceeding for the repair or improvement of the drainage system and a drainage lien or assessment for repairs or improvements may not be made against the property on or after this date of this order.
2. That drainage from the property may be returned to the system only upon petition pursuant to statutes section 103E.401 or after future drainage proceeding determining that the property is benefited by <name of drainage system>
3. That this order does not release the property from any current assessments for the drainage system, from any drainage lien filed on account of the drainage system before the date of this order or 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 this order.
4. That its staff ensure that the benefits roll for <name of drainage system> is updated in accordance with this order and that its staff conduct the necessary coordination with the <name of County> County Auditor to update the benefits roll for <name of drainage system>.

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>