



COUNTY OF STEARNS

PROPERTY SERVICES DIVISION

Land Services

Service Center Rm 2310 • 3301 County Road 138 • Waite Park, MN 56387
320-654-4703 • <https://www.stearnscountymn.gov>

Name
Address
Address

RE: Stearns County Ditch 28 Petition for Redetermination of Benefits and Damages

Dear Property Owner,

This letter is a notification of upcoming activity related to Stearns County Ditch 28 (CD28). The Stearns County Board of Commissioners is the Drainage Authority responsible for CD 28.

A petition by property owners benefited by CD 28 requesting a redetermination of benefits and damages of the CD 28 drainage system was received by Stearns County on January 7, 2022. This petition has been validated by Stearns County staff and legal counsel who confirmed the signatures on the petition account for at least 26 percent of the benefited acreage of record for CD 28. Based on Minnesota law, the County Board must appoint three independent and qualified viewers to redetermine and report the benefited and damaged areas to the Board.

The Stearns County Board of Commissioners, sitting in its capacity as the CD 28 Drainage Authority, will be holding a meeting on Tuesday, March 22, 2022, to review the petition. By statute, the Drainage Authority must facilitate the redetermination of benefits and damages requested by the petitioners unless it can be proven that the benefits or damages of record established in 1906 reflect reasonable present day land values, or the benefited or damaged areas have not changed since that time. **These strict statutory requirements mean the Drainage Authority has no discretion in the decision to facilitate a redetermination of benefits and damages proceeding.** A valid petition presented to the Drainage Authority must be honored in order to be compliant with the requirements of the drainage code in Statutes, chapter 103E.

You are being informed of this matter because as a property owner in or near the CD 28 drainage system natural watershed, you **MAY** possibly be affected by a redetermination of benefits. Receipt of this notification does not mean there will be or will not be an impact to your property. This process has not started, and there is no information available at this time to indicate which properties will be affected by this proceeding. The sole purpose of this communication is to provide you with information. Stearns County Drainage Authority staff aim to keep you updated of any developments regarding this matter now and in the future.

The viewers will prepare a viewers' report of all property that, in the viewers' opinion, is benefited or damaged by CD 28. By statute, a redetermination and damages proceeding requires that a permanent strip of perennial vegetation must be established on each side of the ditch. The approved perennial vegetation must be 16-1/2 feet in width. The viewers appointed by the Drainage Authority, will make a recommendation in their viewers' report to the Drainage Authority on damages to be paid to owners of property over which a

permanent strip of perennial vegetation will be established. The damages payment is reimbursement for the taking of the 16-1/2 foot vegetation buffer from a land owner.

For property owners who are affected by the viewers' report, there will be one or more informational meetings held to give everyone the opportunity to review the viewers' report and ask the viewers questions about their recommendation to the Drainage Authority. Once the informational meetings are completed, there will also be a formal hearing before the Stearns County Board of Commissioners where affected property owners can submit comments about the viewers' report. Once a final decision on the viewers' report is made, benefits and damages determined by the Board of Commissioners may, if necessary, be appealed to Stearns County District Court. All of these meetings will take place at a later date, time, and location yet to be determined. Notice about these meetings will be communicated by mail and posted on the CD 28 Redetermination Project page on the County's website.

There are costs incurred by the Drainage Authority in appointing viewers and completing a redetermination of benefits and damages proceeding. Specific details about the costs billed to the drainage system are unavailable at this time. Many variables are used in the billing calculation, namely the number of benefited and damaged acres within the drainage system, professional service fees, noticing a public hearing, and county staff time. Redetermination costs vary across the state because drainage systems and real estate markets are different. These costs are ultimately determined after the final acreage is reported by the viewers when the proceeding ends. It is not uncommon for these costs to be in excess of \$100,000. Once this information becomes available, it will be shared with property owners.

In summary, a valid property owner petition has been received by the Drainage Authority. It must be acted upon and a redetermination of benefits and damages proceeding facilitated by Stearns County will be discussed at the meeting in March. Staff will explain the petition and the process by which it was validated to the Board. Staff will also explain the County's legal obligation and ask the Drainage Authority to direct staff to facilitate the selection of disinterested and qualified drainage system viewers. Viewers will independently review the property in the CD 28 drainage system watershed and make a recommendation to the County on the determination of benefits and damages for the drainage system.

To provide more information about the redetermination of benefits and damages proceedings, a special webpage was created. It will be your best source of current information and resources connected to CD 28. If you have any questions, you are encouraged to read this material and watch the CD 28 Redetermination of Benefits and Damages Video Presentation available online at:

https://gis.co.stearns.mn.us/Ditches/CD28/CD28_redetermination.html

To submit a comment or question, please follow the link below.

<https://arcg.is/1rS8yr>

You may also contact us by email County.Drainage@co.stearns.mn.us or by phone at 320-654-4703. Please note that due to volume, email will be the fastest way to receive a response, but staff will return all phone calls in the order they are received.

Thank you,

Chad Martini
Land Services Manager

Enclosures: (1)

|

Minnesota Drainage Statutes Reference

The list below is a partial list of the legal statutes that relate to drainage system redetermination of benefits and damages. This list does not represent the entire Minnesota drainage code but can serve as a reference specifically related to redetermination of benefits and damages.

103E - <https://www.revisor.mn.gov/statutes/cite/103E/full>

Refers to the full set of laws in Minnesota that govern drainage systems.

103E.021 Planting Ditches with Perennial Vegetation

Vegetative buffer strips that measure 16.5 ft on both sides of the ditch are required. The statute also outlines damages that must be paid to property owners for the vegetative buffer.

103E.091 Appeals

Property owners may appeal drainage authority determinations to district court. This statute details the appeals process and what may be appealed.

103E.311 Viewer Duties

Short explanation of duties for drainage viewers.

103E.0315 Assessing Drainage Benefits and Damages

Statute related to assessment and viewer responsibilities.

103E.325 Final Hearing Notice

Details related to the final hearing notice related to the viewers report.

103E.351 Redetermination of Benefits and Damages

State law details the conditions to redetermine the benefits and damages of a drainage system and how viewers are appointed.