

STATE OF MINNESOTA
Before the
REDWOOD COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
County Ditch #52-Lateral 87

In The Matter of Petition for Authority
to Use County Ditch #52-Lateral 87 as an Outlet

AMENDED PETITION FOR OUTLET

Pursuant to Minn. Stat. § 103E.411, Petitioners seek authority to use Redwood County Ditch #52-Lateral 87 as an outlet for drainage. For their Petition, the undersigned Petitioners state and allege the following:

1. Petitioners own property which includes that part of the SW ¼ of Section 8 lying north and east of the Minnesota Valley Railroad right-of-way Township 112N Range 35W and also The NW ¼ of Section 8, except the right-of-way of the Minnesota Valley Railway Township 112N, Range 35W, Redwood County, Minnesota.
2. Petitioners request express authority from the Redwood County Board of Commissioners, acting as the drainage authority for County Ditch #52-Lateral 87, to use the County Ditch #52-Lateral 87 as an outlet for a drainage system installed to benefit the following properties:
 - a. Approximately 20.8 additional acres within that part of the SW ¼ of Section 8 lying north and east of the Minnesota Valley Railroad right-of-way Township 112N Range 35W and also The NW ¼ of Section 8, except the right-of-way of the Minnesota Valley Railway Township 112N, Range 35W, that currently drain to CD 22A (the "Property"). By way of clarification, the proposed municipal storm water system and drainage area that is proposed to outlet into County Ditch #52-Lateral 87 is depicted on **Exhibit B**, attached hereto, and includes approximately 138.7 total acres, of which 117.9 acres is already assessed as benefited by County Ditch #52. That part of the above-described real estate which currently drains into CD 22A other than the 20.8 acres changing watershed will remain outletting into CD 22A.
3. The use of County Ditch #52-Lateral 87 as an outlet for drainage is necessary because it is an efficient outlet for the conveyance of water from the Property. Minn. Stat. § 103E.411, Subd. 1(1).
4. The use of County Ditch #52-Lateral 87 will be of public benefit and utility because it will (1) enable new residential, commercial, and industrial construction and development (2) protect property and roads from overflow and flooding. Minn. Stat. §§ 103E.411, Subd. 1(2); 103E.005, Subd. 27. Particularly, the use of County

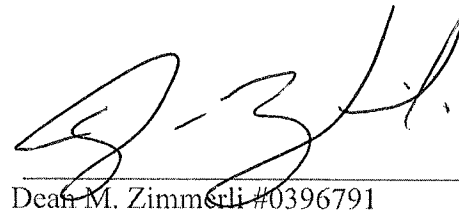
Ditch #52-Lateral 87 will both (1) enable the construction of the Redwood Falls Southeast Development Project and (2) protect the property and roads established by the Redwood Falls Southeast Development Project. Further, the use of County Ditch #52-Lateral 87 will promote the public health because it will (1) improve the general sanitary condition of the Property by drainage and (2) prevent overflow of the Property that produces or tends to produce unhealthful conditions. Minn. Stat. §§ 103E.411, Subd. 1(2); 103E.005, Subd. 25.

5. The Findings of Fact, Comment Responses, and Record of Decision for the Redwood Falls Southeast Development Project is attached hereto as **Exhibit A**. Exhibit A further describes the Redwood Falls Southeast Development Project, and determines that no environmental impact statement is required because the project does not have the potential for significant environmental effects.
6. The attached **Exhibit B** includes a plat which shows the location of County Ditch #52-Lateral 87 and the location of the municipal drainage system. Minn. Stat. § 103E.411, Subd. 1(3).
7. The attached **Exhibit C** shows the plan of connection from the municipal drainage system to County Ditch #52-Lateral 87. Minn. Stat. § 103E.411, Subd. 1(4).
8. The plan for connecting the municipal drainage system to County Ditch #52-Lateral 87 has been approved by the Minnesota Pollution Control Agency (“MPCA”). Minn. Stat. § 103E.411, Subd. 2. The City of Redwood Falls maintains a municipal separate storm sewer system permit (“MS4 permit”) issued by the MPCA, and this plan is in full compliance with the MS4 permit conditions. The attached **Exhibit D** evidences the MS4 permit. Therefore, the all necessary approval from the MPCA for connecting the municipal drainage system to County Ditch #52-Lateral 87 has been obtained, as required by Minn. Stat. § 103E.411, Subd. 2.
9. This Petition may be signed in counterparts.

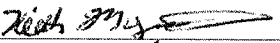
Therefore, Petitioners respectfully request the following:

- a. That the drainage authority set a time and location for a hearing on this Petition and provide notice of the hearing pursuant to Minn. Stat. § 103E.411, Subd. 3(b).
- b. That the drainage authority conduct a hearing on the above Petition pursuant to Minn. Stat. § 103E.411, Subd. 4, and that the drainage authority, by order, authorize Petitioners to use County Ditch #52-Lateral 87 as an outlet.
- c. That the drainage authority, concurrent with this petition, appoint a viewer to view the Property and make a recommendation to the drainage authority on an appropriate outlet fee for the beneficial use received through the County Ditch #52-Lateral 87 outlet and to determine a benefit amount for future assessments.

Dated: March 28, 2022.



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Owner Signature	Property Owned	Mailing Address	Dated
Redwood Falls Port Authority By: <u></u> Its <u>Executive Director</u>	That part of the SW ¼ of Section 8 lying north and east of the Minnesota Valley Railroad right-of-way Township 112N Range 35W and also The NW ¼ of Section 8, except the right-of- way of the Minnesota Valley Railway Township 112N, Range 35W	333 S Washington St PO Box 526 Redwood Falls MN 56283	<u>03-28-22</u>