

STATE OF MINNESOTA  
LE SUEUR AND RICE COUNTY BOARDS OF COMMISSIONERS  
SEATED AS JOINT DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E  
FOR LE SUEUR/RICE JUDICIAL DITCH 38

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In the matter of the Petition of Kilkenny  
Township to Reroute a portion of Judicial  
Ditch 38 pursuant to Minn. Stat. § 103E.227

**ORDER ACCEPTING DRAINAGE  
SYSTEM MODIFICATION**

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The Joint Board of Commissioners of Le Sueur and Rice Counties, seated as the Joint Drainage Authority for Le Sueur/Rice Judicial Ditch (JD) 38, at a duly noticed public hearing on Tuesday, August 27, 2024, at 2:00 p.m. at the Commissioners' Room at the Le Sueur County Government Center, 88 South Park Avenue, Le Center, Minnesota, considered the engineer's report of completion of construction contracts for the reroute of a portion of Judicial Ditch 38 as authorized upon the Petition of Kilkenny Township pursuant to Minn. Stat. § 103E.227. Having considered the engineer's report and evidence presented during the hearing, Commissioner \_\_\_\_\_ moved, seconded by Commissioner \_\_\_\_\_ for adoption of the following:

**Findings:**

1. Pursuant to Minn. Stat. § 103E.227, Petitioner, Kilkenny Township, Le Sueur County, MN, petitioned to reroute the alignment of a portion of Le Sueur and Rice Counties Judicial Ditch 38 ("JD 38").
2. Upon proceedings under the drainage code, findings and an order dated March 2, 2023, the Board authorized modification of the drainage system by the Township.
3. The order was conditioned as follows:
  - a) The Board authorized the modification of JD 38 as requested in the petition and as detailed in the plans and specifications for the project;
  - b) The Board authorized the payment of 68% of the costs of the modification, or \$61,975, whichever is less, from the JD 38 account to defray the expenses of the proposed modification;
  - c) As required by statutes section 103E.227, Kilkenny Township, as the petitioner, was responsible for all contracting and other obligations in the construction of the drainage system modification;
  - d) Following construction and completion of the construction contract, the engineer was directed to file a revised as-built drawing for the portion of JD 38 as modified; and

- e) Upon filing of the revised as-built drawing, the Board would assume all future maintenance and inspection obligations as though the modifications were part of the original construction of JD 38.
4. Kilkenny Township obtained easements from affected landowners, for the benefit of the drainage system for the realigned portion of the drainage system. Said easements have been recorded.
5. The engineer filed a project completion report dated July 24, 2024, indicating that the project was completed by the contractor according to plans and specifications, indicating a final project cost of \$78,319.30 and attaching revised, as-built drawings for the drainage system.
6. In the absence of specific guidance in the drainage code related to final acceptance of the modification, the Board followed the procedures in statutes section 103E.555, giving notice by mail to all owners of property affected by JD 38 of an acceptance hearing and offering inspection of the engineer's project completion report.
7. During the hearing the engineer provided its report of completion of the modifications and payment of work.
8. During the hearing the Auditor-Treasurer presented the costs incurred in modification proceedings, including engineering and other expenses totally \$107,018.20.
9. The Board opened the hearing for public comment. All comments received at the hearing were resolved to the satisfaction of the Board. No comments gave cause for further investigation of the system or its function.
10. The Board finds that the authorized modifications of the alignment of JD 38 have been completed according to the design plans and specifications authorized by the Board.
11. The Board finds the drainage system's obligation of costs in the proceedings to be \$61,975 (the lesser of (68% of \$107,018.20) or \$61,975).

Based on the foregoing findings, the Board of Commissioners adopts the following:

**Order:**

- a. The Board accepts the modification of JD 38 as authorized and as detailed in the plans and specifications for the project.
- b. The Board adopts the revised as-built plans for JD 38 and assumes future responsibility for inspection and maintenance of the drainage system modifications as though the modifications were part of the original construction of JD 38.

- c. The Board authorizes the Auditor-Treasurer to reimburse Kilkenny Township the amount of \$61,975 as a cost of the drainage system.

After discussion, the Chair called the question. The question was on the adoption of the Findings and Order and there were \_\_ yeas and \_\_ nays.

Upon vote, the Chair declared the Resolution \_\_\_\_\_.

\_\_\_\_\_  
Chair, Joint Drainage Authority Board

Dated: \_\_\_\_\_, 2024

\* \* \* \* \*

I, Danielle M. Ongie, Auditor-Treasurer of Le Sueur County, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the Joint Drainage Authority and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Danielle M. Ongie, Auditor-Treasurer

