**STATE OF MINNESOTA**

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

|  |  |
| --- | --- |
| **In the Matter of:****the Petition to <Name of Project> to <Name of Drainage System>** | **FINDINGS AND ORDER DISMISSING PETITION** |

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, having received a Petition to <name of project> to <name of drainage system> pursuant to Minnesota Statutes, section <section> by <Petitioners>, having noticed and conducted a public hearing on the preliminary survey report, 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> <and bond> was received by the <Auditor/Secretary> of the <drainage authority> requesting to <name of drainage project> to <name of drainage system>, located in Sections <#>, Township <#>, Range <#>, <Township Name>, <County>, Minnesota pursuant to Minn. Stat. § <citation>.
2. The drainage authority met on <date> and accepted the Petition. The drainage authority also appointed <name of engineer> of <name of engineering firm> to make a preliminary survey pursuant to Minn. Stat. § 103E.245.
3. Engineer <name> filed a preliminary survey report with the drainage authority on <date>. A copy of the preliminary survey report was mailed to the Director of the Division of Ecological and Water Resources in the Department of Natural Resources on <date>.
4. The drainage authority, by order, set a public hearing for review of the engineer’s preliminary survey report on <date of order setting hearing> and directed the <Auditor/Secretary> to provide at least 10 days advance notice, by mail, of the time and location of the hearing to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
5. Notice of the public hearing was properly provided as required by law.
6. At the public hearing, the engineer presented the preliminary survey report. <Provide further details about the engineer’s presentation of the preliminary survey report>.
7. <The commissioner’s advisory report on the preliminary plan was publicly read and included in the record of proceedings/The commissioner did not provide an advisory report on the preliminary plan within the timeframes required under Minn. Stat. ch. 103E>.
8. 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*>

[Note: Any one of the following findings alone is basis for dismissing a petition. Not all of the following findings are required in order to dismiss the petition.]

1. The proposed project drainage project is not feasible. <Include further details to support this conclusion>.
2. The adverse environmental impact of the proposed project is greater than the public benefit and utility after considering the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subd. 1, and the engineer has not reported a plan to make the proposed drainage project feasible and acceptable. <Include further details to support this conclusion>.
3. The proposed drainage project is not of public benefit or utility. <Include further details to support this conclusion>.
4. The outlet for the proposed drainage project is not adequate. <Include further details 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:

1. That the Petition of <name of petitioners> to <name of project> to <name of drainage system> is hereby dismissed.
2. The auditor shall proceed to collect on the petitioners’ bond in the amount of the total expenses and costs incurred in these proceedings as allowed by law.

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> | 🞏 | 🞏 | 🞏 | 🞏 |
| <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>