

**RESOLUTON NO. \_\_\_\_\_**

**WRIGHT COUNTY BOARD OF COMMISSINERS  
DRAINAGE AUTHORITY FOR WRIGHT COUNTY DITCH 14**

**FINDINGS AND ORDER GRANTING THE PETITION FOR A PARTIAL ABANDONMENT  
OF WRIGHT COUNTY DITCH 14**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption, seconded by Commissioner \_\_\_\_\_:

**FINDINGS**

1. The Wright County Board of Commissioners is the Drainage Authority for Wright County Ditch 14.
2. The Board has reviewed the historical record for the drainage system which is maintained by the Wright County Finance and Taxpayer Services Department as well as all of the relevant documents provided by the Wright County Agricultural/Drainage Supervisor. Said historical record is incorporated by reference into this Resolution.
3. On February 6, 2020 a petition for a Partial Abandonment was filed with the Office of the Wright County Auditor/Treasurer to abandon a part of County Ditch 14.
4. On March 13, 2020 Governor Timothy Walz declared a peacetime emergency due to the SARS-CoV-2 (COVID-19) pandemic. As a result of this peacetime emergency declaration the Wright County Auditor/Treasurer placed this proceeding in abeyance.
5. On May 21, 2021 the peacetime emergency was lifted and the in the Summer of 2021 Wright County Drainage staff contacted the petitioner to schedule the petition for a public hearing.
6. The Board noticed and held a public hearing on the abandonment of the drainage system record on September 21, 2021, at 9:30 a.m. in the Commissioner's Boardroom of the Wright County Courthouse in Buffalo, Minnesota.

7. Notice of the hearing was mailed to all benefited property owners on August 25, 2021 and notice of the hearing was published for three consecutive weeks. Evidence of all notices is on file in the Wright County Finance and Taxpayer Services Department.
8. During the public hearing portion of the proceedings the County's Agriculture and Drainage Supervisor provided an overview of the historical records and the system. After analysis of the records and the system the evidence on record clearly and convincingly indicates the portion of CD 14 sought to be abandoned does not serve a substantial public purpose. The opinion of staff was the area sought to be abandoned is not of a public benefit and utility.
9. The Petitioner also made a presentation to the board and stated that the area to be abandoned no longer serves a public purpose or utility. The Petitioner also provided the historical purpose of the ditch was the drain Lake Mary. The portion of the ditch that would remain on this system will continue to serve that purpose if the petition is approved.
10. Taking together all the historical records, the evidence on file in this matter indicates that Petition for a Partial Abandonment for CD 14, dated February 6, 2020 clearly and convincing states that the area to be abandoned is no longer of a public benefit or utility. The area to be abandoned no longer serves a substantial useful purpose.
11. The area of the ditch to be abandoned north of the 10<sup>th</sup> Street S.E. right-of-way is entirely within a public body of water. The ditch area south of the 10<sup>th</sup> Street S.E. right-of-way is mostly comprised of protected wetlands which have existed in their current state for over 25 years. These wetlands cannot be impacted. Any maintenance work on the area south of the right-of-way would result in an impermissible wetland impact. As a result of these environmental features the portions of CD 14 sought to be abandoned no longer serve a public purpose or utility for efficient public drainage.

Therefore, the Wright County Board of Commissioners makes the following:

**ORDER**

- A. The Petition for a Partial Abandonment of Wright County Ditch 14 dated February 6, 2020 is hereby, and the same shall be, **GRANTED**.

[THIS SPACE WAS INTENTIONALLY LEFT BLANK]

- B. The drainage system records for Wright County Ditch 14 shall be amended to reflect the abandonment of the following portions of Wright County Ditch 14:

*All that portion of County Ditch 14 which is north of the 10<sup>th</sup> Street Southeast road right-of-way and all that portion of County Ditch 14 which is south of the 10<sup>th</sup> Street Southeast road right-of-way all in Rockford Township, Wright County, Minnesota.*

- C. The Drainage Authority further directs the Wright County Surveyor to update the Geographic Information Systems maintained by Wright County to reflect that CD 14 has been abandoned as stated herein.
- D. Pursuant to Minn. Stat. § 103E.806 no repair petition shall be accepted for the abandoned portions of the drainage system and the responsibility of the Drainage Authority for the abandoned portions of the drainage system shall terminate immediately.

The question was on the adoption of the Resolution and, the motion passed and the findings and order were adopted by a vote of \_\_\_ yes and \_\_\_ no.

Dated this 28th day of September, 2021

WRIGHT COUNTY BOARD OF COMMISSIONERS,  
SEATED AS DRAINAGE AUTHORITY FOR WRIGHT  
COUNTY DITCH 14

By \_\_\_\_\_  
Chairman, Board of Commissioners