**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**  |

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, having received the engineer’s report and notice that the contract for construction of <name of drainage project> is complete pursuant to Minn. Stat. § 103E.555, having noticed and conducted a hearing on the petition, and based on the record and proceedings, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**Findings:**

1. By order dated <date> the <name of drainage authority> established the <name of drainage project> to <name of drainage system> in <name of counties/watershed district>.
2. Upon advertised bids, the drainage authority awarded a contract for construction to <name of contractor(s)>.
3. Concurrent with the proceedings to establish the drainage project, the drainage authority appointed viewers for the purpose of determining benefits and damages for the project <as well as a redetermination of benefits for <name of drainage system>>.
4. In the proceedings, damages were awarded based on the impact construction of the system had on adjacent properties and to account for the future burden and entry for ongoing maintenance and inspection of the system.
5. Upon completion of construction of the <name of drainage project>, the project engineer inspected the construction and prepared a report to the drainage authority showing the contract price, the amount paid on certificates, the unpaid balance, and the work that is completed under the contract.
6. The engineer has concluded that the work was performed according to the plans and specifications for the improvement, was performed within the right of way for which damages have been determined and paid for the construction and future maintenance of the system, and was performed by the contractor in a timely and workmanlike manner by the contractor.
7. The engineer has concluded that all amounts under the contract, including change orders and penalties, if any, have been duly paid to the contractor and that any retainage should be released to the contractor as provided in the contract.
8. Upon receipt of the engineer’s report, the auditor set a time and location for a hearing on the report, gave notice of the hearing by publication, by mail to affected landowners and by posting at the meeting place at least ten days before the hearing, and included an invitation in the notice that a party objecting to the acceptance of the contract may appear and be heard.
9. 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*>

1. The contract has been completed in accordance with the plans and specifications. <Include findings supporting whether the allegations made in the petition are truthful.>

**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. The contract herein is accepted as complete.
2. Any retainage under the contract shall be released to the contractor upon proof of release of all liens of contractors or materialmen related to the project.
3. The auditors of <name of county(ies)> are ordered to pay their proportionate shares of the balance due on the contract, if any, and the costs of the improvement as provided by Minn. Stat. ch. 103E.

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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| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |

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>