**STATE OF MINNESOTA**

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

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| --- | --- |
| **In the Matter of:****the <Petition to> Repair <of> <Name of Drainage System>** | **FINDINGS AND ORDER DIRECTING CONSTRUCTION OF <BRIDGE(S)/CULVERT(S)>** |

[Note: The hearing on the engineer’s hydraulic capacity report may take place separate from or in conjunction with the hearing on the repair report. These findings and orders are written for a hearing on the engineer’s hydraulic capacity report separate from the engineer’s repair report; however, these findings and orders may be combined with findings and orders for a repair.]

The <name of drainage authority> Board of <Commissioners/Managers>, sitting as the drainage authority for <name of drainage system>, <having received a Petition to repair pursuant to Minnesota Statutes, section 103E.715 by Petitioners>, having noticed and conducted a public hearing on the engineer’s hydraulic capacity report, and based on the record and proceedings, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**Findings:**

1. The <name of drainage authority> previously determined on <date> that <name of drainage system> needs repair. Engineer <name of engineer> was appointed to examine <name of drainage system> and prepare an engineer’s report for the repair of <name of drainage system>.
2. During preparation of the engineer’s report, the engineer determined that <because of added property under Minn. Stat. § 103E.741 or some other reason>, a <bridge/culvert> <constructed/replaced> as part of the drainage system is providing inadequate hydraulic capacity for the efficient operation of the drainage system to serve its original purpose.
3. The engineer prepared a hydraulic capacity report and filed it with the drainage authority on <date>. The engineer’s hydraulic capacity report includes plans and specifications for the recommended replacement of <bridge/culvert>, the necessary details to make and award a contract, and estimates the cost for replacement to be <estimated cost>.
4. The engineer’s hydraulic capacity report was filed with the drainage authority on <date>. The drainage authority, in consultation with the auditor, ordered a public hearing on the hydraulic capacity report report.
5. Notice of the hearing on the hydraulic capacity report was provided by mail to the petitioners, owners of property, and political subdivisions likely to be affected by the repair proposed in the repair report in accordance with Minn. Stat. § 103E.721, subd. 2
6. A public hearing before the drainage authority was held on <date> at <time> at <location of hearing>.
7. At the public hearing, Engineer <name> presented the engineer’s hydraulic capacity report. The Engineer stated that because <of added property under Minn. Stat. § 103E.741 or other reason>, a <bridge/culvert> <constructed/replaced> as part of the drainage system provides inadequate hydraulic capacity for the efficient operation of the drainage system to serve its original purpose.
8. <Include findings summarizing the engineer’s justification for recommending increasing the hydraulic capacity>.
9. The engineer’s hydraulic capacity report includes plans and specifications for the recommended replacement of <bridges/culverts> and the necessary details to make and award a contract. The engineer estimated the cost of the replacement to be <estimated bridge/culvert replacement costs>.
10. The engineer’s report contains all of the details, plans, and specifications necessary to prepare and award a contract for the repairs.
11. 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 drainage authority finds, consistent with the engineer’s hydraulic capacity report, the public comments received at the public hearing on the engineer’s hydraulic capacity report, and the entire record of proceedings, that <location of part of drainage system needing increased hydraulic capacity for bridge(s)/culvert(s)> provide insufficient hydraulic capacity for the efficient operation of the drainage system as originally constructed or subsequently improved and that the hydraulic capacity of the existing <bridge(s)/culvert(s)> impedes the flow of water and reduces the hydraulic efficiency of the drainage system below that established by the original construction and/or subsequent improvement of the drainage system.

**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 hydraulic capacity of <bridge(s)/culvert(s)> shall be increased by constructing <bridge(s)/culvert(s)> of sufficient capacity as reported in the plans and specifications in the engineer’s hydraulic capacity report.
2. The <state/political subdivision/railroad company/or other entity> shall construct the <bridge(s)/culvert(s)> on or before <date that is within a reasonable time of this order>. The auditor shall notify the <state/political subdivision/railroad company/or other entity>
3. If the work on the <bridge(s)/culvert(s)> is not done within the specified herein, the <auditor/secretary> and the Board chair shall proceed and prepare and award a contract for the work to be completed consistent with the procedures required by Minn. Stat. ch. 103E and under Minnesota law. The contract must be for work described herein, in the engineer’s hydraulic capacity report, and as determined necessary by the drainage authority in these findings and order. In such an event, the cost shall be collected as an assessment for benefits pursuant to Minn. Stat. § 103E.721, subd. 4.

[Note: If the cost of the work is under the requirements for public bidding, the drainage authority may order the engineer or drainage inspector to arrange for the work to be completed.]

1. If the <state/political subdivision/railroad company/or other entity> requests that the <bridge(s)/culvert(s)> be installed as part of the repair of the drainage system, the engineer shall arrange for the work to be done along with the repairs of the drainage system and the cost of construction and installation shall be assessed and collected from the <state/political subdivision/railroad company/or other entity> in the manner provided by Minn. Stat. § 103E.731.

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>