

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF JACKSON

FIFTH JUDICIAL DISTRICT

Case Type: Other Civil

Court File No. 32-CV-18-146

Hon. Darci J. Bentz

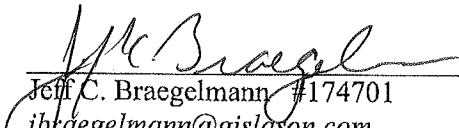
In re the Appeal from the Final Order
of the Heron Lake Watershed District, Acting as
Drainage Authority for County Ditch No. 3
Establishing Drainage Project, Adopting and Confirming
Viewers' Report of Improvement Benefits and Damages,
Authorizing the Application of Separable Maintenance,
and Directing Construction of the Project

STIPULATION FOR ENTRY OF ORDER AND JUDGMENT

Having reached a resolution of the issues raised by the May 14, 2018, Notice of Appeal in this matter, the parties hereto, through their respective undersigned counsel, hereby stipulate and agree that the Court may, without further notice, hearing or proceedings, enter an Order in the form set forth below and incorporated herein.

The parties' settlement of this matter is expressly conditioned upon the Court accepting and approving the proposed Order set forth below. If the Order is not adopted, or if it is modified by the Court in any fashion, then this Stipulation and the parties' settlement shall be of no force or effect and Appellant shall be permitted to proceed to trial on all issues and claims raised by the Notice of Appeal

Dated: February 19, 2019



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Attorneys for Appellant Alba Grain, Inc.

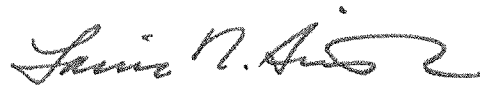
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Dated: February 19, 2019



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ORDER

Based upon the foregoing Stipulation, and the Court being duly advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The April 17, 2018, Findings of Fact and Final Order Establishing Drainage Project, Adopting and Confirming Viewers' Report of Improvement Benefits and Damages, Authorizing the Application of Separable Maintenance, and Directing Construction of the Project (the "Final Order") of the Heron Lake Watershed District, acting as Drainage Authority for Jackson County Ditch No. 3 (the "Drainage Authority"), is hereby affirmed as amended by this Order.
2. The determination of the improvement benefits and damages to the property of Appellant Alba Grain, Inc., as adopted by the Final Order is hereby affirmed, except to the extent amended by this Order.
3. The sum of \$150,000.00 shall be paid to Appellant Alba Grain, Inc., by the Drainage Authority as additional improvement damages at the earlier of: a) when improvement damages are paid to other landowners, or b) when the auditor prepares the final lien statement for the improvement. This payment shall be added as an expense of the improvement project established by the Final Order and shall be assessed and collected as part of the cost of the

improvement to be paid via the improvement assessment made against the properties benefited by the improvement as found in the viewers' report of benefits and damages for the improvement.

4. The Drainage Authority's application of separable maintenance as set forth in the Final Order is hereby affirmed. Of the final, total cost of the improvement project, the sum of \$5,759,471.00 shall be allocated as repairs and assessed against all property benefited by the entire drainage system, as provided by Minn. Stat. § 103E.731. The balance of the cost of the improvement shall be assessed in addition to the repair assessment against the property benefited by the improvement.

5. No party is awarded its costs, disbursements, fees, or other expenses in this matter.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: _____

Hon. Darci J. Bentz
Judge of District Court