

**PETITION FOR AN IMPROVEMENT OF  
JACKSON COUNTY JUDICIAL DITCH NO. 36**

TO THE HERON LAKE WATERSHED DISTRICT BOARD OF MANAGERS AS  
DRAINAGE AUTHORITY FOR JACKSON COUNTY JUDICIAL DITCH NO. 36

The Petitioners herein respectfully represents:

WHEREAS, this Petition relates to the existing Mainline subsurface drain tile and Branches of Jackson County Ditch No. 36 (“the existing system”); and

WHEREAS, said Jackson County Ditch No. 36 is situated in Sections 22 of Weimer Township and Sections 4, 5, and 6 of West Heron Lake Township; and

WHEREAS, the existing system has insufficient capacity or require enlarging to furnish sufficient capacity or a better outlet; and

WHEREAS, it is the Petitioners’ intention to improve the existing system by replacing the existing Mainline subsurface tile from the outlet commencing at Jack Creek in the NE ¼ of the NE ¼ of Section 4 of West Heron Lake Township to the west side of County Road 9 in the SE ¼ of the NE ¼ of Section 6 of West Heron Lake Township. The proposed improvement will consist of tile sizes from 36- to 24-inches throughout the Mainline (“proposed Improvement Project”); and

WHEREAS, the general course and terminus of the proposed Improvement Project for the existing system is depicted on Exhibit A which is attached hereto for reference; and

WHEREAS, Petitioner asserts that the proposed Improvement Project will benefit and be useful to the public and will promote the public health; and

WHEREAS, Petitioner requests that the engineer be specifically ordered to determine and offer alternative proposals for the consideration of the Drainage Authority which relate to the improvement of the drain capacity of existing Mainline and Branches that the engineer deems feasible, if any, including re-routing or any alternative outlets, if any; and

WHEREAS, pursuant to Minn. Stat. §103E.215, subd. 6, Petitioners requests that separable maintenance be used for those locations where existing tiles are being replaced with new tile. Petitioners further request that the engineer be ordered to determine a proportionate share of life span based on the existing condition versus the tile’s original designed capacity. It is recommended by Petitioners that the separable maintenance to be paid by the entire system is that percentage of the in-place tile whose life span capacity has been used and that the improvement pay for that percentage of the tile, life span, or capacity that still is in repair. The Petitioners, as landowners, request that a percentage be paid as separable maintenance by the entire

system, and a percentage be paid for by the improvement benefits as determined by the engineer and viewers; and

WHEREAS, the names and addresses of owners of the 40-acre tracts that the proposed Improvement passes over (indicated with a \*) and affects, as depicted on the attached Exhibit A, are as follows:

Tract 1 Owner/Address:	John Lawrence Wagner 88370 380th Ave. Heron Lake, MN 56137
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Tract 2 Owner/Address:	John Lawrence Wagner 88370 380th Ave. Heron Lake, MN 56137
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Tract 3 Owner/Address:	Tyler Gade 37503 880th St. Heron Lake, MN 56137
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Tract 3 Owner/Address:	Michael L. & Linda M. Gade Trust 304 12th St. N. Cold Spring, MN 56320
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Tract 4 Owner/Address:	Donald J. & Rhonda G. Stenzel 36311 850th St. Okabena, MN 56161
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Tract 5 Owner/Address:	Morris & Marleen Soleta Trust 87869 380th Ave. Heron Lake, MN 56137
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Tract 5 Owner/Address:	Donald J. & Rhonda G. Stenzel 36311 850th St. Okabena, MN 56161
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Tract 6  
Owner/Address: C&N Farms, Inc.  
c/o Clarence & Marie Madsen  
P.O. Box 175  
Okabena, MN 56161

Tract 7  
Owner/Address: C&N Farms, Inc.  
c/o Clarence & Marie Madsen  
P.O. Box 175  
Okabena, MN 56161

Tract 8  
Owner/Address: Aaron Clarno  
c/o Fairfield Management Co.  
P.O. Box 128  
Windom, MN 56101

Tract 9  
Owner/Address: David Hussong  
84926 380th Ave.  
Okabena, MN 56161

Tract 10\*  
Owner/Address: Thompson Farm Co.  
c/o Clarence & Marie Madsen  
P.O. Box 128  
Windom, MN 56101

Tract 11  
Owner/Address: Michael L. & Linda M. Gade Trust  
304 12th St. N.  
Cold Spring, MN 56320

Tract 12  
Owner/Address: Donald J. & Rhonda G. Stenzel  
36311 850th St.  
Okabena, MN 56161

Tract 13\*  
Owner/Address: Donald J. & Rhonda G. Stenzel  
36311 850th St.  
Okabena, MN 56161

Tract 14\*

Owner/Address:

Clarence & Marie Madsen  
P.O. Box 175  
Okabena, MN 56161

Tract 15\*

Owner/Address:

Clarence & Marie Madsen  
P.O. Box 175  
Okabena, MN 56161

Tract 16\*

Owner/Address:

Aaron Clarno  
c/o Fairfield Management Co.  
P.O. Box 128  
Windom, MN 56101

Tract 17\*

Owner/Address:

David Hussong  
84926 380th Ave.  
Okabena, MN 56161

Tract 18

Owner/Address:

Thompson Farm Co.  
c/o Clarence & Marie Madsen  
P.O. Box 128  
Windom, MN 56101

Tract 19

Owner/Address:

Kathleen Lueck  
37468 870th St.  
Okabena, MN 56161

Tract 20

Owner/Address:

Robert Hartman  
87107 380th Ave.  
Okabena, MN 56161

Tract 21

Owner/Address:

Robert Hartman  
87107 380th Ave.  
Okabena, MN 56161

Tract 22

Owner/Address:

Robert Hartman  
87107 380th Ave.  
Okabena, MN 56161

Tract 23

Owner/Address:

Roger L. & Sandra Hartman  
87122 380th Ave.  
Okabena, MN 56161

Tract 24

Owner/Address:

Roger L. & Sandra Hartman  
87122 380th Ave.  
Okabena, MN 56161

Tract 25

Owner/Address:

Roger L. & Sandra Hartman  
87122 380th Ave.  
Okabena, MN 56161

WHEREAS, this Petition is signed by: (1) at least 26% of the owners of the property affected by the proposed improvements; (2) at least 26% of the owners of the property that the proposed improvement passes over; (3) the owners of at least 26% of the property area affected by the proposed improvement; or (4) the owners of at least 26% of the property area that the proposed improvement passes over; and

WHEREAS, Petitioners provide herewith a corporate surety bond in the face amount of \$50,000 payable to the Heron Lake Watershed District Board of Managers, as Drainage Authority for Jackson County Ditch No. 36 ("Drainage Authority"), said bond conditioned to pay the costs incurred if the proceeding are dismissed or a contract is not awarded to allow the costs incurred to exceed the amount of the bond and that they will cause additional bond to be filed if it appears that the costs exceed the amount of the bond; and

WHEREAS, Petitioners have been informed and understands that they may not withdraw as a Petitioner at any time after this Petition is accepted by the Drainage Authority. Petitioners further acknowledge that if the proposed Improvement Project is dismissed or a contract is not awarded that it is liable to the Drainage Authority for all of the costs incurred including engineering, legal and miscellaneous fees and expenses in relation to this Petition as outlined under Minnesota Statutes 103E; and

WHEREAS, this Petition may be signed in counterparts.

NOW THEREFORE, we, as Petitioners, ask Heron Lake Watershed District Administrator to present this petition to the District Board of Managers (after examination by the Watershed District's legal counsel), as the Drainage Authority for Jackson County Judicial Ditch No. 36, for the appointment of Chuck Brandel, I+S Group, or, in the alternative, another engineer skilled in drainage matters to examine the proposed work.



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This petition is prepared by:  
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