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**BEFORE THE FARIBAULT COUNTY BOARD OF COMMISSIONERS  
ACTING AS DRAINAGE AUTHORITY FOR  
FARIBAULT COUNTY DITCH #87**

**Petition to Transfer part of Faribault  
County Ditch #87 Pursuant to  
Minnesota Statutes 103E.812**

WHEREAS, the City of Wells, as Petitioner, hereby petitions the Faribault County Board of Commissioners, as Drainage Authority for Faribault County Ditch #87, to transfer part of County Ditch #87 within the city limits of the City of Wells to the City of Wells as a Water Management Authority; and

WHEREAS, such a transfer is necessary for the orderly management for storm surface or flood waters, including management for water quality purposes; and

WHEREAS, the transfer will not have an adverse impact on property utilizing the system; and

WHEREAS, attached to this Petition is an Engineer's Report labeled Exhibit A, which describes the nature and extent of the drainage easement occupied by the drainage system, along with other relevant information, including maps and hydraulic information.

NOW, THEREFORE, Petitioner hereby requests Faribault County, as Drainage Authority for Faribault County Ditch #87, hold the necessary Transfer Hearing, pursuant to Minnesota Statutes 103E.812 for the purpose of the transfer of part of County Ditch #87 located in the City limits of the City of Wells, including all branches and sub-branches, to the City of Wells.

Dated this 12<sup>th</sup> day of March 2018.

CITY OF WELLS

By David Braun  
David Braun, Mayor

rec'd 5-24-2018  
[Signature]  
Co. Auditor



**BOLTON  
& MENK**

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March 8, 2018

John Thompson  
Faribault County Auditor  
415 N. Main St.  
PO Box 130  
Blue Earth, MN 56013

RE: Engineer's Report on the Petition for the Transfer of  
Faribault County Ditch No. 87 to the City of Wells  
Project No.: F18.115215

Dear Mr. Thompson;

On behalf of and at the request of the City of Wells, we submit the following Engineer's Report on the petition by the City of Wells to transfer Faribault County Ditch No. 87 to the City of Wells as the Water Management Authority. This report addresses the nature and extent of the drainage easement occupied by the drainage system and the as-constructed or subsequently improved depth, grade and hydraulic capacity of the drainage system, together with other issues of importance in this matter.

## **I. LOCATION, SIZE AND DEPTH**

The City of Wells is petitioning, pursuant to Minnesota Statutes 103E.812, to transfer that part of Faribault County Ditch No. 87 within the city limits, including all Branches and the sub-branches, to the City as the Water Management Authority. County Ditch No. 87 was established in 1964 to provide a storm water outlet to improve drainage to lands within the City of Wells and the surrounding farmland. County Ditch No. 87 begins as an 8" tile south and east of 10<sup>th</sup> Street SE and TH 22 and outlets as a 66" tile to the open ditch segment north of the City of Wells. As a part of the 1964 project, an existing open ditch segment that drains to the Maple River was enlarged to increase its capacity. Most of the County Ditch No. 87 watershed is located within the corporate limits of the City.

In 2008 a detailed review of the storm sewer system in the City of Wells was completed (*Surface Water Management Plan, City of Wells*). This study recommended a number of segments of County Ditch No. 87 be upsized as the reconstruction of streets in the City are completed. In 2016 the headwall outlet from County Ditch 87 was replaced by the Faribault County Drainage Authority and upsized from a 66" tile to a 72" tile as recommended in the Surface Water Management Plan.

The "as-constructed" plan set of this improvement from 1964 shows the pipe alignments through the City of Wells in addition to the pipe sizes and grades. This information has not been verified for accuracy but is expected to be generally correct for documentation purposes.

Since the statutory transfer process specifies that after transfer, the system ceases to be subject to regulation under the drainage statutes (103E.812 Subd. 8), it is important that the transferee acquire from the County all easements and rights necessary for the installation, operation and maintenance of the system. The petition for transfer requests that the County transfer all such easements, whether written or unwritten, associated with the facility to the City.

Mr. John Thompson  
March 8, 2018  
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## **II. CURRENT CONDITIONS IN WATERSHED**

At the time of early establishment, most of the County Ditch No. 87 watershed appears to have been primarily agricultural usage with some residential and commercial development. Much of the watershed affected by this petition has been subsequently developed. County Ditch No. 87 serves as the primary drainage outlet for the majority of the City south of TH 109.

Upon full and complete transfer of the system, the City may perform upgrades on the system to increase the performance of the overall drainage systems. The City will maintain the capacity of the existing 14" tile located south of the city limits, west of TH 22, to accommodate the agricultural drainage, but will not accept ownership or maintenance activities of any branches outside the city limits.

## **III. FINDINGS AND CONCLUSIONS**

Based on available information, the original purpose of County Ditch No. 87 included in this petition was to provide drainage to a majority of lands within the City of Wells; and considering that most of this drainage system is located wholly within the City of Wells, under Minnesota Statute 103E.812 Subd.2b the City may petition for transfer.

Considering that County Ditch No. 87 functions as the City's primary drainage system for the majority of the City, and the City desires to improve a portion of the system with a planned street reconstruction project, the continued operation of the ditch as a public drainage system under County Jurisdiction by Minnesota Statute 103E is unnecessary. The operation of the system as City-owned public infrastructure will provide increased efficiencies in the management, maintenance and improvement of the system.

Therefore, it is the conclusion of the Engineer that the City of Wells has provided for drainage of all lands within the within the corporate limits as a part of the County Ditch No. 87 watershed; and transfer of that portion of the County Ditch No. 87 system, as petitioned, to the City Wells is reasonable, practical and necessary for the orderly management of storm, surface and flood waters, including water quality management in this watershed.

Sincerely,

Bolton & Menk, Inc.



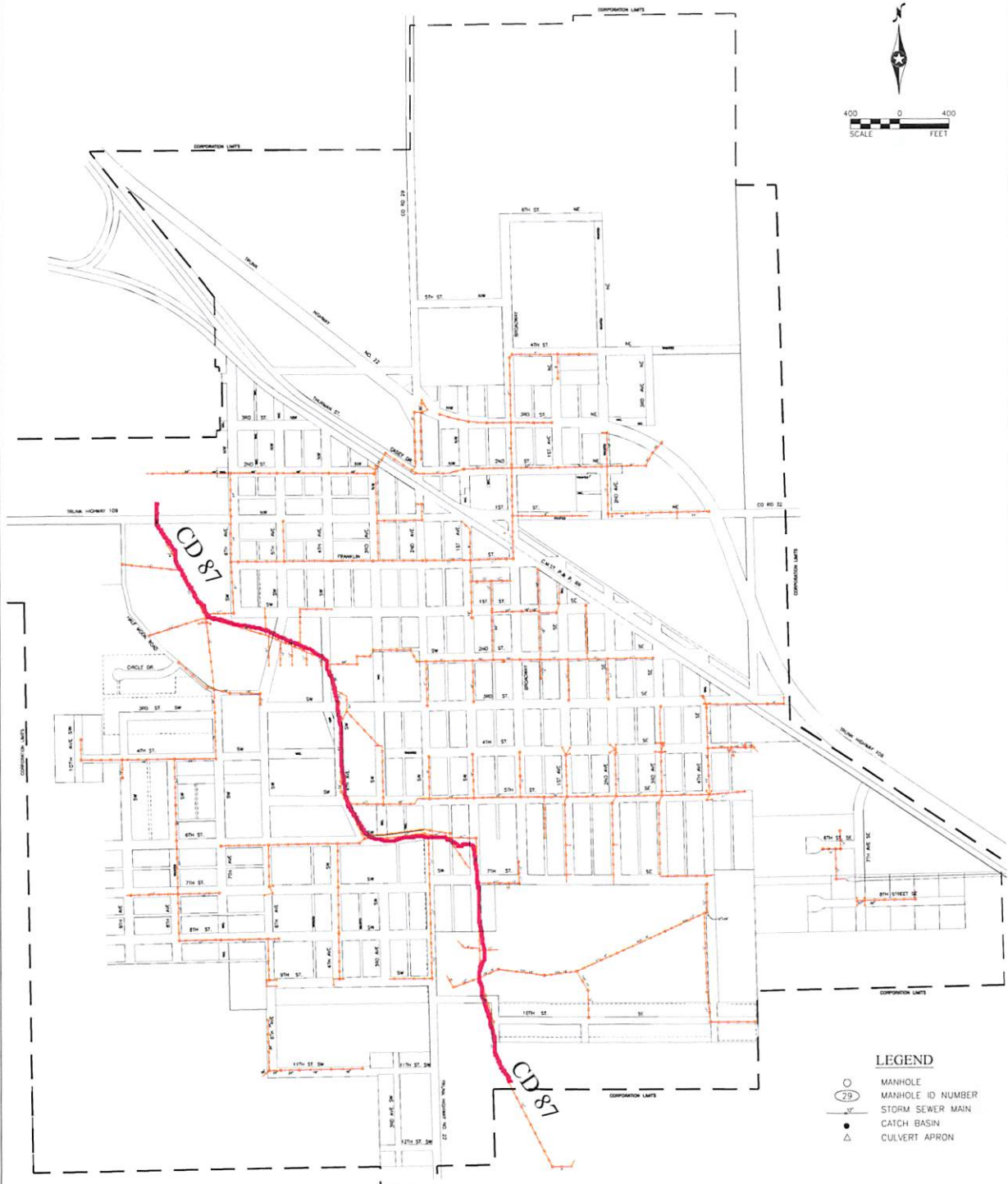
Travis L. Winter, P.E., LEED AP  
Principal Engineer

# CITY OF WELLS

FARIBAULT COUNTY, MINNESOTA

## STORM SEWER MAP

NOVEMBER 2013



PREPARED BY:

**BOLTON & MENK, INC**  
CONSULTING ENGINEERS & SURVEYORS



## 2017 Minnesota Statutes

Authenticate**103E.812 TRANSFER OF ALL OR PART OF DRAINAGE SYSTEM.**

Subdivision 1. **Drainage lien payment period must expire.** After the period originally fixed or subsequently extended to pay the assessment of the drainage lien expires, all or part of a drainage system may be transferred from the jurisdiction of the drainage authority to a water management authority as provided in this section.

Subd. 2. **Petitioners.** (a) For drainage systems outside of the seven-county metropolitan area, and outside of the municipal boundaries of a statutory or home rule charter city, a petition must be signed by at least 51 percent of the owners of property assessed for the construction of the drainage system, or portion of the drainage system proposed to be transferred, or by the owners of not less than 51 percent of the area of the property assessed for the drainage system, or portion of the drainage system sought to be transferred. The water management authority to which the drainage system is to be transferred must join the petition.

(b) For drainage systems wholly or partially within the municipal boundaries of a statutory or home rule charter city, the city may petition for transfer if the drainage system or portion of the drainage system proposed to be transferred lies within the boundaries of the city. The water management authority to which the drainage system is to be transferred must join the petition.

(c) For drainage systems within the seven-county metropolitan area and within the jurisdictional boundaries of an existing water management authority, the water management authority may petition for transfer if the drainage system or portion of the drainage system proposed to be transferred lies within the boundaries of the water management authority.

(d) For the purpose of the petition, the county is the resident owner of all tax-forfeited property held by the state, under chapter 282, and assessed benefits for the drainage system, and the board may execute the petition for the county as an owner. This paragraph does not apply to lands acquired by the state under chapter 84A.

Subd. 3. **Petition.** (a) The petition must designate the drainage system, or portion thereof, proposed to be transferred and show that the transfer is necessary for the orderly management of storm, surface, or flood waters, including management for water quality purposes.

(b) The petition must indicate the impact, if any, that the transfer will have on properties utilizing the drainage system for an outlet or otherwise benefiting from the existence of the drainage system.

(c) The petition must include an engineering report, prepared by the transferee water management authority, establishing, for the record, the nature and extent of the drainage easement occupied by the drainage system, and the as-constructed, or subsequently improved, depth, grade, and hydraulic capacity of the drainage system.

Subd. 4. **Filing petition; jurisdiction.** (a) If the drainage system is administered by a county or joint county drainage authority and if all property assessed for benefits in the drainage system is in one county, the petition must be filed with the auditor unless the petition is signed by the board, in which case the petition must be made to the district court of the county where the drainage system is located and filed with the court administrator. If the board, acting as the drainage authority, is also the petitioning water management authority, the petition must be made to the district court of the county where the drainage system is located and filed with the court administrator. If property assessed for benefits is in two or more counties, the petition must be filed with the auditor or court administrator of either (1) the county where the portion of the drainage system sought to be transferred exists; (2) the county not petitioning for the transfer; or (3) the county where the majority of the drainage system sought to be transferred exists.

(b) If the drainage system is administered by the board of managers of a watershed district, the petition must be filed with the secretary of the watershed district. If the watershed district is also the petitioning water management authority, the petition must be



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**Travis L. Winter, P.E., LEED AP**  
Principal Engineer