

No. 39.

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IN THE MATTER OF THE PETITION OF

*Henry Lee*

AND OTHERS.

*for a Public Ditch*

ORDER ESTABLISHING DITCH.

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Filed *September 8<sup>th</sup> 1902*

*Selden M. Giffey*  
County Auditor.

State of Minnesota,  
County of Carter } ss.

In the Matter of the Petition of Henry Carter, State of Minnesota,  
and Others, for a Public Ditch in the County of Carter, State of Minnesota.

The above entitled matter came on duly to be heard by and before the Board of County Commissioners of the County of Carter, State of Minnesota, at a Special Meeting of said Board duly called for the purpose of hearing and considering the petition for said ditch in the above entitled matter, on the 8th day of September

A. D. 1902, at 10 o'clock A.M. of said day; and it appearing by proper evidence that due notice had been given of the pendency of said petition and of said time of hearing thereon and that John E. Hill, the Civil Engineer appointed by this Board to survey the route of said ditch, has completed his work and duly filed his report thereon in the office of the County Auditor of said County, and that the Viewers appointed by said Board to view and report upon said work have duly completed their labors and made and filed their report in due form of law in the office of said County Auditor, the said Board of County Commissioners did, at the time above specified; proceed to hear said petition and said Viewers' report thereon; and said Board having duly considered said petition and heard all the parties interested for or against the construction of said ditch and all other matters pertaining thereto, find as follows, to-wit:

FIRST: That the said Civil Engineer has completed his work and made and filed his report thereon in all respects according to law.

SECOND: That the said Viewers appointed herein have duly completed their labors and have made and filed their report thereon according to law.

THIRD: That the estimated benefits to be derived from the construction of said work are greater than its total cost, including damages awarded.

FOURTH: That the damages and benefits arising from the construction of said ditch have been duly awarded and assessed, and that said reports of said Engineer and said Viewers are complete and correct.

FIFTH: That notice of this hearing of said petition and of said Viewers' report and said Engineer's report has been duly given, published and posted and mailed as by law required, and that proofs of said service of said notice have been duly made and filed in the office of the County Auditor of said County.

Now, therefore, as conclusions from the foregoing findings, we, the Board of County Commissioners of the County of Carter, State of Minnesota, at said Special Session of said Board held at the time above specified, being satisfied that the proposed ditch will be of public utility and conducive to public health and public benefit and convenience, do hereby locate and establish the said ditch according to the report and the specifications of said Civil Engineer made and filed herein; and do hereby establish and confirm the report of the Viewers made and filed herein.

It is further Ordered, That the damages awarded to the persons and corporations named in the Viewers' report herein, in excess of benefits, be paid out of the County Treasury of said County on warrants to be drawn and attested by the Auditor of said County and signed by the Chairman of this Board of County Commissioners, and delivered to the persons entitled thereto as provided by law.

Given under our hands this 8th day of September A. D. 1902  
By the Board,  
W. H. Chase  
Chairman Board of County Commissioners,  
Carter County, Minnesota

Attest Edwin Mc Guffey of Carter County, Minnesota  
County Auditor and Ex-Officio Clerk of Board.