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IN THE MATTER OF THE PETITION OF

A. E. Wellman

AND OTHERS.

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## ORDER ESTABLISHING DITCH.

County Ditch No. 43

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Filed February 26, 1906. 190

*Arthur A. Currell*  
County Auditor.

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*Faint handwritten notes and signatures, possibly including the name 'Currell', are visible on the right side of the page.*

In the Matter of the Petition of A. E. Wellman

and Others for a Public Ditch in the County of Anoka,

, 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 Anoka, State of Minnesota, at a special meeting

of said board called for the purpose held at the auditor's office at the city of Anoka,

in the County of Anoka, State of Minnesota, on Saturday,

the 17th day of February, 1906, at 10 o'clock in the

forenoon of said day; at which meeting and hearing E. R. Sawatch

the civil engineer appointed by said board to make a survey of said proposed ditch and report thereon, and John Hunter, H. W. Sterling and W. F. Cundy,

the viewers appointed by said board to view said proposed ditch and make report thereon, were and at said meeting <sup>the hearing was adjourned to Monday, Feb. 26, 1906, at 2 o'clock p. m.</sup> present. At the said meeting at the time and place aforesaid the said Board of County Commissioners did proceed to hear and consider said petition and the matter of establishing and constructing said ditch, and all things pertaining thereto, and did hear all parties interested therein, both for and against the same; and, having duly considered the same, find as follows, to wit:

**FIRST:** That notice of the hearing above referred to on said petition, and on said engineer's report and on said viewers' report thereon, and upon the establishment and construction of said ditch has been duly given, published, posted, and mailed, as by law required, and that proof of the service, publishing, posting, and mailing of said notice has been duly made and filed in the office of the County Auditor of said county.

**SECOND:** That said civil engineer has completed his work of the survey of said ditch, and filed the same in the office of the county auditor of said county, and that said report is in all respects complete and correct and according to law.

**THIRD:** That said viewers have duly viewed said ditch and completed their work of the same and duly filed their report thereon in the office of the county auditor of said county, and that said report is in all respects complete and correct and according to law.

**FOURTH:** That the benefits estimated to be derived from the construction of said ditch are greater than the total cost of the same, including the damages estimated and awarded on account thereof.

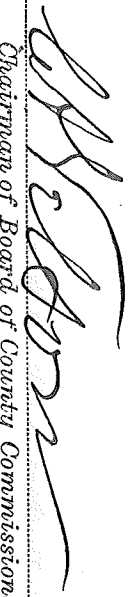
**FIFTH:** That the benefits and damages arising from the construction of said ditch have been duly assessed and awarded.

**SIXTH:** That the establishment and construction of said ditch will be of public utility and will promote the public health, and is necessary for the reclamation of wet and overflowed land




Now, therefore, it is **Ordered**, As conclusions from the foregoing findings, and pursuant to the statutes in such case made and provided, that said ditch Number 43, of  
Anoka County be, and the same hereby is, established and ordered to be constructed, according to the report, plans, and specifications thereof made by said engineer and filed herein in said office of the county auditor of said county; and that the report of the said viewers thereof made and filed herein in said office of said county auditor be, and the same hereby is, in all things established and confirmed.

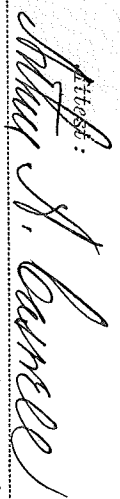
It is further **Ordered**, That the damages awarded to the persons and corporations named in the said viewers' report made and filed herein, in excess of benefits, be paid out of the county treasury of said county, or warrants to be drawn and attested by said county auditor of said county, and signed by the chairman of the Board of County Commissioners of said county; said warrants to be issued at the expiration of the time for appeal from this order in favor of such persons and corporations as shall not then have appealed from this order, and shall be dated and become due and payable immediately after the letting of the contracts for the construction of said ditch; and in case of any postponement or delay in determining the amounts of damages due to any persons or corporations, the warrant in favor of such persons or corporations shall not be issued until the final determination thereof.

Given and made under our hands this 24th day of **FEBRUARY**,  
A. D. 1906.

  
Chairman of Board of County Commissioners.

ANOKA County, Minnesota.

  
W. D. Gallagher  
  
W. P. Schaefer  
  
Phil J. Swell

Attest:  
  
County Auditor.

ANOKA County, Minnesota,  
and ex-officio Clerk of Board.