

# 47

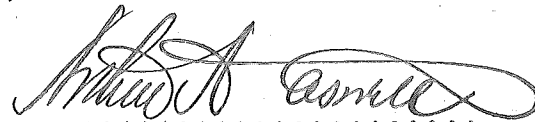
In the matter of the petition  
of J. E. Hard et al for a  
public ditch in the County  
of Anoka, State of Minnesota.

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AUDITOR'S ORDER  
for first meeting of viewers.

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Filed this 13th day of June,  
1907.

  
.....  
County Auditor.

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Sheriff's return filed this  
... 18<sup>th</sup> ... day of June, 1907.

  
.....  
County Auditor.

by Carrie S. Piper  
.....

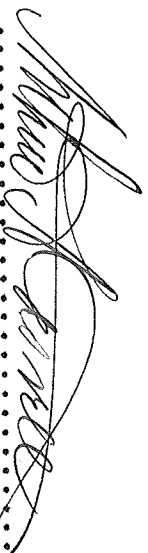
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In the matter of the petition of Julius E. Hard and others for a public ditch in the County of Anoka, State of Minnesota.

WHEREAS, A petition has been filed bearing date the 27th day of September, 1906, praying for the establishment of a public ditch in said county along the route described in said petition, together with the proper bond accompanying the same, and the said petition has been heard and considered by the Board of County Commissioners of said county at their meeting held on the 10th day of December, 1906, pursuant to a notice of said hearing duly published and posted, as by law required, and the said Board of County Commissioners has appointed a competent engineer, to-wit: J. E. Hill, to make a complete survey of said public ditch and of the route thereof, who has on the 13th day of June, 1907, filed his report of said survey in my office, and the said Board of County Commissioners has appointed Hans Hanson, H. L. Barrett and George Kohler to be viewers of said proposed public ditch, by their order filed therein in my office on the 10th day of December, 1906,

NOW THEREFORE, It is ordered that the said viewers be and meet at the auditor's office in the City of Anoka in said county on the 24th day of June, A.D.1907, at 11 o'clock in the forenoon of said day, preparatory to assuming and commencing their duties as such viewers, said time being within fifteen days after the filing of the engineer's report of his survey in said matter.

Witness my hand and seal of office this 13th day of June, 1907.

  
.....  
County Auditor of Anoka Co.

In the Matter of the Petition of Julius C. Hard  
and Others for a Public Ditch in the County of Anoka

State of Minnesota:

Whereas, A petition, bearing date the 27<sup>th</sup> day of September, A. D. 1900, signed by Julius C. Hard and others, praying for the establishment of a ditch in said county, the route of which is described in said petition, together with a proper bond accompanying the same, has been filed in the office of the County Auditor of said county; and the said County Auditor has given due notice of the pendency of said petition by publishing and posting the same as by law required, and hearing has been had on said petition pursuant to said notice; and a duly competent civil engineer, to-wit, J. H. Hill, has been appointed by the Board of County Commissioners of said county to make a survey of said ditch and to make and file his report of such survey;

Now, therefore, We, the Board of County Commissioners of said county, have appointed, and hereby do appoint, J. L. Barott and George Bohler who are three resident freeholders of said county who are not interested in the construction of said proposed ditch, and who are not of kin to any of the parties interested therein, to be viewers of said proposed ditch and of the route thereof.

The said viewers shall meet, preparatory to commencing their duties, at a time and place to be hereafter designated by the County Auditor of said county by his order, and shall thereupon first take and subscribe an oath to faithfully perform their duties as such viewers; and, having received from the County Auditor of said county a certified copy of said petition for said ditch, a certified copy of this order appointing them viewers, and a certified copy of the said order of said County Auditor designating the time and place of their first meeting, they shall proceed, with or without said civil engineer appointed to make said survey, to view and examine said work and said proposed ditch, and, having completed said view and examination, shall make and file their report thereof in the office of said County Auditor of said county, ~~on or before the~~ day of \_\_\_\_\_

A. D. 1900.

In said report said viewers shall, in tabular form, give the names of the owners of each tract of land to be benefited and damaged by the said proposed work; the description of each tract of land so benefited or damaged (said names of owners to be the same as appear on the county tax duplicates of said county, and the description to be given in legal form); the total number of acres in each of said tracts; the estimated number of acres in each tract of land to be benefited or damaged, as the case may be; the amount that each tract of land will be benefited or damaged by the construction of said ditch; the number of acres added to any tract by the total or partial drainage of any meandered lake or by the drainage of any water course, and the location and value of said added tract; the damage, if any, to riparian rights pertaining to any tract, and the amount that each such tract of land will be benefited or damaged, as the case may be, by the construction of said ditch; and in case said ditch drains, either in whole or in part, any public or corporate road or railroad, or benefits any such road or railroad so that the roadbed or traveled track thereof will be made better by the construction of said ditch, the said viewers shall estimate the benefits arising therefrom to such roads, roadbeds or railroads, and report such benefits, with names of roads or railroads and other particulars necessary to identify the corporations, public or private, to be benefited thereby, and the amount of benefits to each; and they shall also report as a part of said tabular statement the damages awarded to each municipal or other corporation for injury to any road or roadbed from the necessary construction and maintenance of any bridges, culverts or other works rendered necessary by the establishment of said ditch, stating the same separately; and the said viewers shall also report the total estimated benefits in respect to the entire ditch and the branches thereof, if any; and also whether or not, in their opinion, the estimated expense of the construction of said ditch, including the damages awarded therefor, is greater than the utility of said proposed ditch, and whether or not the construction of said ditch is impracticable for any reason, and, if so, the reasons why they consider it impracticable and why it should not be constructed.

In case the said viewers are unable to agree upon the matters required of them and herein specified, each viewer shall make his separate report and findings on the matters concerning which they fail to agree. All lands benefited by said ditch, and all public or corporate roads or railroads, benefited in whole or in part by said ditch, shall be assessed by said viewers in proportion to the benefits from the construction thereof. Whether said ditch passes through said lands or along or near the line thereof; but said viewers shall not, in estimating the benefits to lands, roads or railroads not traversed

by said ditch, consider what benefits such lands, roads or railroads will receive after some other ditch or ditches shall be constructed, but only the benefits that will be received by reason of the construction of said ditch herein referred to as it affords an outlet for the drainage, or prevents the overflowing of or otherwise directly benefits such lands, roads or railroads.

The said viewers shall also file in said office of the County Auditor of said county a report of all their doings in detail, including expenses and the actual time they were engaged, and perform every duty imposed upon them by and in accordance with Chapter 230 of the General Laws of 1905, within the time hereinbefore specified, which shall be not more than thirty days from the date of their first meeting as the said date shall be set by the said order of the said County Auditor.

*Seal*

THE BOARD OF COUNTY COMMISSIONERS  
of Anoka County, Minn.

By O. A. Nelson  
Chairman.

Dated this 10 day of December A. D. 1906

Attest:

*Arthur H. Amnell*  
County Auditor.

STATE OF MINNESOTA, }  
County of Anoka, } ss.

I hereby certify that the foregoing is a true,

complete and correct copy of the order appointing viewers in the

matter of the petition of J. E. Hard and others for a public ditch

in the County of Anoka, as shown by the records in my office.

Dated at Anoka this 13th day of June, 1907.

*Arthur H. Amnell*  
Auditor of Anoka County.

IMAGE BLANK.

THE MATTER OF THE PETITION OF

*E. Hard*  
AND OTHERS.

APPOINTING VIEWERS.

Dec 16 1906

*Arthur H. Amnell*  
County Auditor.

The undersigned land owners, whose lands will be liable to be affected by, or assessed for the expense of, the construction of the public ditch hereinafter described, would respectfully represent that the public health, convenience and welfare require the establishment and construction of a

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THE MATTER OF THE PETITION

E. Hard

AND OTHERS.

APPOINTING VIE

Dec 10  
County

The undersigned land owners, whose lands will be liable to be affected by, or assessed for the expense of, the construction of the public ditch hereinafter described, would respectfully represent that the public health convenience and welfare require the establishment and construction of a public ditch along the following described route in the town of Center-ville, in said county of Anoka; that the construction of the same would be of public benefit and utility, and its necessary for the following reasons: That large quantities of land along the course of the proposed ditch are now wet, overflowed and rendered useless and of small value for farming purposes, which by the establishment and construction of the proposed ditch would be drained and rendered useful and of great value for farming purposes and others.

A general description of the proposed starting point, route and termination of said ditch is as follows:

Commencing at a point on the east line of the east one-half of the southwest quarter of section No. twenty-four in township No. thirty-one and range twenty-two, where Clearwater Creek (so-called) crosses said line, thence running along the following route: Following Clearwater Creek westerly, crossing part of said section 24 and part of section twenty-three, all of town No. thirty-one, range twenty-two, and terminating at a point in said section twenty-three, township thirty-one, range twenty-two, where the Centerville and Hugo Road, so-called, crosses said Clearwater Creek on the south line of the north half of the northwest quarter of said section twenty-three, township thirty-one, range twenty-two, in said Clearwater Creek as its outlet, with such branch or branches as may be necessary and proper to render said ditch most effectual.

And your petitioners pray that you will proceed to establish such public ditch and cause the same to be constructed as provided by chapter two hundred and thirty (230) of the general laws of Minnesota for 1905, and the laws amendatory thereof and supplementary thereto.

Dated Sept. 27, 1906.

- Julius E. Hard, S. R. Dufresne,
- Octave Lemay, Oliver Peltier,
- Moses Capistrant, Jos. Gardeau,
- D. Cardinal, C. Langevin,
- Jos. O. Peltier, A. Guertin,
- Denis Bernier, Albert Reibein,
- John Lindig, per E. C. Lindig,
- Dolph's Lemay, Edmund Mingo,
- Petitioners.

Filing: No. 47. Drainage Blank, Petition of J. E. Hard and others for a ditch in the town of Centerville, in the county of Anoka. Filed in the office of the county auditor of Anoka county, Minnesota, this 29th day of October, A. D. 1906. Arthur A. Caswell, County Auditor.

State of Minnesota, ) ss.

County of Anoka, )  
I hereby certify that the foregoing is a true, complete and correct copy of the petition of Julius E. Hard and others for a public ditch in the town of Centerville, Anoka county, as shown by the records of this office.  
Dated Dec. 2, 1906.

*Arthur A. Caswell*  
County Auditor.

copy of the same in the town of Centerville, County of Anoka,  
State of Minnesota.  
Dated this 1st day of June, 1907.

Sheriff's Fees, Return \$1.00  
 Mileage ..... \$40  
 Total ..... \$40  
*John O. Johnson*  
 Sheriff Anoka County, Minn.

convenience and justice herein the certified copies and examination of a  
justified and qualified word reprobated and account just the dupli-  
ca- pa. or assessed for the expense of the completion of the dupli-  
the registered and owners' whose funds will be liable to be affected

STATE OF MINNESOTA, )  
County of Anoka, ) ss.

I hereby certify and return that on the 18<sup>th</sup> day  
of June, 1907, I served the within order upon the within named  
Hans Hanson by then and there handing to and leaving with him a  
true copy of the same in the Town of Polkville, County of  
Anoka, State of Minnesota.

Dated this 18<sup>th</sup> day of June, 1907.

Sheriff's fees, Return \$ 1.00 )  
..... )  
Sheriff Anoka County, Minn. )  
Milage ..... \$ 3.20 )  
..... )  
Total ..... \$ 4.20 )

STATE OF MINNESOTA, )  
County of Anoka, ) ss.

I hereby certify and return that on the 18<sup>th</sup> day  
of June, 1907. I served the within order upon the within named  
H. L. Barott by then and there handing to and leaving with him a  
~~true copy of the same~~ in the Town of Polkville, County of Anoka,  
State of Minnesota.

Dated this 18<sup>th</sup> day of June, 1907.

Sheriff's fees, Return \$ 1.00 )  
..... )  
Sheriff Anoka County, Minn. )  
Milage ..... \$ .40 )  
..... )  
Total ..... \$ 1.40 )

STATE OF MINNESOTA, )  
County of Anoka, ) ss.

I hereby certify and return that on the 18<sup>th</sup> day of  
June, 1907, I served the within order upon the within named George  
Kohler by then and there handing to and leaving with him a true  
copy of the same in the Town of Polkville, County of Anoka,  
State of Minnesota.  
Dated this 18<sup>th</sup> day of June, 1907.

Sheriff's fees, Return \$ 1.00 )  
..... )  
Sheriff Anoka County, Minn. )  
Milage ..... \$ .40 )  
..... )  
Total ..... \$ 1.40 )

A true and correct copy  
shew at the place of his  
usual abode