

Ditch # 51

# DRAINAGE BLANK.

IN THE MATTER OF THE PETITION OF

*F. A. Clark*

AND OTHERS.

# ORDER APPOINTING VIEWERS.

Filed *March 1* 1909

*John A. Somell*  
County Auditor.

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, <sup>and laws amendatory thereto</sup> within the time heretofore 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.

THE BOARD OF COUNTY COMMISSIONERS

of Anoka County, Minn.

By *W. D. Gallagher*  
Chairman.

Dated this 1st day of March A. D. 1909.

Attest:

*Arthur J. Smith*  
County Auditor.

In the Matter of the Petition of F. A. CLARK

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

State of Minnesota:

Whereas, A petition, bearing date the 14th day of January,

A. D. 1909, signed by F. A. Clark 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. E. 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 Wallace Patch and John Hunter and John Iverson

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~~ ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ ~~day~~ ~~of~~ ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ ~~AND~~ ~~190~~ ~~XXXXXX~~

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