

STATE OF MINNESOTA  
COUNTY OF BROWN

BEFORE THE BOARD OF  
COUNTY COMMISSIONERS OF  
BROWN COUNTY, MINNESOTA

In the Matter of the Redetermination  
Of County Ditch 5  
Brown County, Minnesota

## NOTICE OF HEARING ON VIEWER'S REPORT

NOTICE IS HEREBY GIVEN, that a proceeding has been commenced by the Board of County Commissioners of Brown County, Minnesota, for redetermination of benefits and damages and benefited areas and damaged areas of Brown County Ditch 5.

That said proceeding is now pending.

That the Viewers appointed herein have made and filed their report in the office of the Brown County Auditor in the Courthouse in the City of New Ulm, County of Brown, State of Minnesota.

That the following is a brief description of the starting point, general course and terminus of the Brown County Ditch 5:

**Main Open Ditch and Tile:** Commencing at the intersection with Judicial Ditch No. 30 in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 36-T110N-R33W, thence northeasterly through the NE  $\frac{1}{4}$  Section 36-T110N-R33W, SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  Section 25-T110N-R33W, SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 24-T110N-R33W, SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  Section 19-T111N-R33W, SE  $\frac{1}{4}$  Section 18-T111N-R33W, SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  Section 13-T110N-R33W, SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  Section 12-T110N-R33W, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 1-T110N-R33W, SE  $\frac{1}{4}$  Section 2-T110N-R33W and terminating in the NE  $\frac{1}{4}$  Section 2-T110N-R33W, all in Brown County, Minnesota.

**Branch 1 Open Ditch and Tile:** Commencing at the intersection with the Main Open Ditch in the NE  $\frac{1}{4}$  Section 24-T110N-R33W, thence north and westerly through the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  Section 24-T110N-R33W, SW  $\frac{1}{4}$  Section 13-T110N-R33W, SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  Section 14-T110N-R33W and terminating in the NE  $\frac{1}{4}$  Section 15-T110N-R33W, all in Brown County, Minnesota.

**Branch 1-A Tile:** Commencing at the intersection with the Branch 1 Open Ditch in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 24-T110N-R33W, thence westerly through the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 24-T110N-R33W and terminating in the NW  $\frac{1}{4}$  Section 24-T110N-R33W, all in Brown County, Minnesota.

**Branch 1-C Tile:** Commencing at the intersection with the Branch 1 Open Ditch in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 14-T110N-R33W, thence north and easterly through the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 14-T110N-R33W, N  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 13-T110N-R33W and terminating in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 13-T110N-R33W, all in Brown County, Minnesota.

**Branch 1-D Tile:** Commencing at the intersection with the Branch 1 Open Ditch in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 14-T110N-R33W, thence westerly through the N  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 14-T110N-R33W and terminating in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 15-T110N-R33W, all in Brown County, Minnesota.

**Branch 1-F Tile:** Commencing at the intersection with the Branch 1 Tile in the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 14-T110N-R33W, thence easterly through the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 14-T110N-R33W and terminating in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 14-T110N-R33W, all in Brown County, Minnesota.

**Branch 1-E Tile:** Commencing at the intersection with the Branch 1 Tile in the NW ¼ NE ¼ Section 15-T110N-R33W, thence northerly through the NW ¼ NE ¼ Section 15-T110N-R33W, SW ¼ SE ¼ Section 10-T110N-R33W and terminating in the SE ¼ SW ¼ Section 10-T110N-R33W, all in Brown County, Minnesota.

**Branch 1-E-1 Tile:** Commencing at the intersection with the Branch 1 Tile in the SW ¼ SE ¼ Section 10-T110N-R33W, thence easterly through the SW ¼ SE ¼ Section 10-T110N-R33W and terminating in the SE ¼ SE ¼ Section 10-T110N-R33W, all in Brown County, Minnesota.

**Branch 2 Tile:** Commencing at the intersection with the Main Open Ditch near the north line of the SE ¼ Section 19-T111N-R33W, thence easterly along said north line and terminating in the SW ¼ NE ¼ Section 20-T111N-R33W, all in Brown County, Minnesota.

**Branch 3 Tile:** Commencing at the intersection with the Main Open Ditch in the SW ¼ NE ¼ Section 19-T111N-R33W, thence northeasterly through the SW ¼ NE ¼ Section 19-T111N-R33W and terminating in the NE ¼ NE ¼ Section 19-T111N-R33W, all in Brown County, Minnesota.

**Branch 4 Tile:** Commencing at the intersection with the Main Open Ditch in the NE ¼ NW ¼ Section 19-T111N-R33W, thence easterly through the NE ¼ NW ¼, NW ¼ NE ¼ Section 19-T111N-R33W and terminating in the S ½ SE ¼ Section 18-T111N-R33W, all in Brown County, Minnesota.

**Branch 5 Tile:** Commencing at the intersection with the Main Open Ditch in the SE ¼ SW ¼ Section 18-T111N-R33W, thence easterly through the SE ¼ SW ¼ Section 18-T111N-R33W and terminating in the SE ¼ Section 18-T111N-R33W, all in Brown County, Minnesota.

**Branch 6 Tile:** Commencing at the intersection with the Main Open Ditch in the NE ¼ SW ¼ Section 18-T111N-R33W, thence northerly through the NE ¼ SW ¼, NW ¼ Section 18-T111N-R33W and terminating in the SW ¼ Section 7-T111N-R33W, all in Brown County, Minnesota.

**Branch 6-A Tile:** Commencing at the intersection with the Branch 6 Tile in the SE ¼ NW ¼ Section 18-T111N-R33W, thence easterly through the SE ¼ NW ¼ Section 18-T111N-R33W and terminating in the SW ¼ NE ¼ Section 18-T111N-R33W, all in Brown County, Minnesota.

**Branch 6-B Tile:** Commencing at the intersection with the Branch 6 Tile in the NW ¼ SW ¼ Section 7-T111N-R33W, thence westerly through the SW ¼ Section -T111N-R33W, NE ¼ SE ¼ Section 12-T111N-R33W and terminating in the SE ¼ NE ¼ Section 12-T111N-R33W, all in Brown County, Minnesota.

**Branch 7 Open Ditch and Tile:** Commencing at the intersection with the Main Open Ditch in the NE ¼ NW ¼ Section 13-T110N-R33W, thence west and northerly through the NW ¼ Section 13-T110N-R33W, NE ¼ NE ¼ Section 14-T110N-R33W, SE ¼, NE ¼ SW ¼, NW ¼ Section 11-T110N-R33W, NE ¼ Section 10-T110N-R33W and terminating in the NW ¼ Section 10-T110N-R33W, all in Brown County, Minnesota.

**Branch 7-A Tile:** Commencing at the intersection with the Branch 7 Tile in the SE ¼ Section 11-T110N-R33W, thence southwesterly through the SE ¼ Section 11-T110N-R33W and terminating in the S ½ SW ¼ Section 11-T110N-R33W, all in Brown County, Minnesota.

**Branch 7-C Tile:** Commencing at the intersection with the Branch 7 Tile in the NW ¼ SE ¼ Section 11-T110N-R33W, thence northerly through the NW ¼ SE ¼ Section 11-T110N-R33W and terminating in the SW ¼ NE ¼ Section 11-T110N-R33W, all in Brown County, Minnesota.

**Branch 7-B Tile:** Commencing at the intersection with the Branch 7 Tile in the NW ¼ Section 11-T110N-R33W, thence northerly through the NW ¼ Section 11-T110N-R33W and terminating in the SE ¼ Section 2-T110N-R33W, all in Brown County, Minnesota.

**Branch 8 Tile:** Commencing at the intersection with the Main Open Ditch in the NW ¼ NW ¼ Section 12-T110N-R33W, thence northerly through the NW ¼ Section 12-T110N-R33W, SW ¼ Section 1-T110N-R33W and terminating in the SW ¼ NW ¼ Section 1-T110N-R33W, all in Brown County, Minnesota.

**Branch 8-A Tile:** Commencing at the intersection with the Branch 8 Tile in the SW ¼ SW ¼ Section 1-T110N-R33W, thence easterly through the SW ¼ Section 1-T110N-R33W and terminating in the SW ¼ SE ¼ Section 1-T110N-R33W, all in Brown County, Minnesota.

**Branch 8-B Tile:** Commencing at the intersection with the Branch 8 Tile in the NW ¼ SW ¼ Section 1-T110N-R33W, thence westerly through the NW ¼ SW ¼ Section 1-T110N-R33W and terminating in the NE ¼ SE ¼ Section 2-T110N-R33W, all in Brown County, Minnesota.

**Branch 9 Tile:** Commencing at the intersection with the Main Tile in the NW ¼ SE ¼ Section 2-T110N-R33W, thence westerly through the NW ¼ SE ¼, SW ¼ Section 2-T110N-R33W, SE ¼ SE ¼ Section 3-T110N-R33W and terminating in the NE ¼ NE ¼ Section 10-T110N-R33W, all in Brown County, Minnesota.

**Branch 9-A Tile:** Commencing at the intersection with the Branch 9 Tile in the SW ¼ SW ¼ Section 2-T110N-R33W, thence northwesterly through the SW ¼ Section 2-T110N-R33W, SE ¼, NE ¼ Section 3-T110N-R33W and terminating in the SW ¼ SE ¼ Section 34-T110N-R34W, all in Brown County, Minnesota.

**Branch 9-A-1 Tile:** Commencing at the intersection with the Branch 9-A Tile in the SE ¼ NE ¼ Section 3-T110N-R33W, thence northeasterly through the SE ¼ NE ¼ Section 3-T110N-R33W and terminating in the SW ¼ NW ¼ Section 2-T110N-R33W, all in Brown County, Minnesota.

**Branch 9-A-2 Tile:** Commencing at the intersection with the Branch 9-A Tile in the SW ¼ SE ¼ Section 34-T110N-R34W, thence westerly through the SW ¼ SE ¼ Section 34-T110N-R34W and terminating in the SE ¼ SW ¼ Section 34-T110N-R34W, all in Brown County, Minnesota.

**Branch 9-A-3 Tile:** Commencing at the intersection with the Branch 9-A Tile in the SW ¼ SE ¼ Section 34-T110N-R34W, thence northeasterly through the SW ¼ SE ¼ Section 34-T110N-R34W and terminating in the SE ¼ SE ¼ Section 34-T110N-R34W, all in Brown County, Minnesota.

**Branch 10 Tile:** Commencing at the intersection with the Main Open Ditch in the SE ¼ SW ¼ Section 12-T110N-R33W, thence westerly through the S ½ SW ¼ Section 12-T110N-R33W and terminating in the NW ¼ SW ¼ Section 12-T110N-R33W, all in Brown County, Minnesota.

**Branch 11 Tile:** Commencing at the intersection with the Main Open Ditch in the SE ¼ SE ¼ Section 19-T111N-R33W, thence easterly through the SE ¼ Section 19-T111N-R33W and terminating in the SE ¼ Section 20-T111N-R33W, all in Brown County, Minnesota.

**Branch 12 Tile:** Commencing at the intersection with the Main Open Ditch in the NW ¼ NW ¼ Section 12-T110N-R33W, thence westerly through the NW ¼ NW ¼ Section 12-T110N-R33W and terminating in the NE ¼ Section 11-T110N-R33W, all in Brown County, Minnesota.

**Branch 13 Tile:** Commencing at the intersection with the Main Open Ditch in the NE ¼ SE ¼ Section 25-T110N-R33W, thence easterly and terminating in the NW ¼ SW ¼ Section 30-T111N-R33W, all in Brown County, Minnesota.

**Branch 14 Tile:** Commencing at the intersection with the Main Open Ditch in the SE ¼ NE ¼ Section 25-T110N-R33W, thence easterly and terminating in the SW ¼ NW ¼ Section 30-T111N-R33W, all in Brown County, Minnesota.

**Branch 15 Tile:** Commencing at the intersection with the Main Open Ditch in the NE ¼ NE ¼ Section 25-T110N-R33W, thence easterly and terminating in the NW ¼ NW ¼ Section 30-T111N-R33W, all in Brown County, Minnesota.

**Branch 16 Tile:** Commencing at the intersection with the Main Open Ditch in the SE ¼ NE ¼ Section 13-T110N-R33W, thence northerly and terminating in the NE ¼ NE ¼ Section 13-T110N-R33W, all in Brown County, Minnesota.

**Branch 17 Tile:** Commencing at the intersection with the Main Tile in the SW ¼ NE ¼ Section 2-T110N-R33W, thence westerly through the SW ¼ NE ¼ Section 2-T110N-R33W and terminating in the SE ¼ NW ¼ Section 2-T110N-R33W, all in Brown County, Minnesota.

**Branch 18 Tile:** Commencing at the intersection with the Main Tile in the NW ¼ NE ¼ Section 2-T110N-R33W, thence northerly through the NW ¼ NE ¼ Section 2-T110N-R33W, SE ¼ Section 35-T111N-R33W and terminating in the SE ¼ SW ¼ Section 35-T111N-R33W, all in Brown County, Minnesota.

**Branch 19 Tile:** Commencing at the intersection with the Main Open Ditch in the NW ¼ NE ¼ Section 13-T110N-R33W, thence northerly and terminating near the north line NW ¼ NE ¼ Section 13-T110N-R33W, all in Brown County, Minnesota.

**Pump Station Tile:** Commencing at the intersection with the Main Open Ditch in the SE ¼ NE ¼ Section 25-T110N-R33W, thence easterly and terminating in the SW ¼ NW ¼ Section 30-T111N-R33W, all in Brown County, Minnesota.

That the description of the lands and properties which will be benefited or damaged by the redetermination of benefits and damages of Brown County Ditch No 5, Brown County, Minnesota, are as follows:

Section 34 and 35 of Eden Township, Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 24, 25 and 36 of Prairieville Township and Sections 7, 18, 19, 20, 30 and 31 of Home Township.

That the names of the owners thereof, and municipal and other corporations affected thereby, as shown by the Viewers Report, are as follows:

Beverly Bartz et al, Gregory & Mary Bartz et al, Dale Berkner, Patrick & Patricia Berkner, John Bertrand, Sharon Black, Sylvia Braun, Brown County, Brown County REA, Elise Camara et al, Debbie Christensen, City of Sleepy Eye, Ardie & Mary Clark, Jano & Rebecca Cselovszu, DME Railroad, Reynold & Vivian Dittbenner, Brian Engholm et al, Larry Fischer et al, Paul Foster et al, Greg & Diane Fuchs Trust Agmt, Helen Greenberg et al, Steven Gregg, Charles & Barbara Hansen, Waldemar Harmening, Jan

Hartleben, Larry & Diane Heiderscheidt, Lenus & Ginger Heiderscheidt, Arnold & Arlene Hinderman, Shane & Suann Hinderman, Dean Hoffman etal, Hoffman Family LTD Partnership, Joseph Hoffman, Martin Hoffman, Samuel & Ann Hoffman, Daniel & Christine Hoffmann, David & Mary Jo Hoffmann, Dean Hoffman etal, Home Township, Anne Ibberson, Forrest Ibberson etal, Joel & Lori Ibberson, Robert Ibberson, Scott & Patricia Ibberson, Donald & Nancy Jacob, Alice Johnson, Darwin & Carol Johnson, Lee & Judy Johnson, Marion Johnson, Tamara Kieper, Susan Koelman etal, Ivan Kotten, Jacob Kotten, Krenz Family Trust, Larry & Kathryn Krenz, Lynn & Joyce Krenz, Ricky & Patricia Krenz, Alan and Pameley Krienke JT RE TR, Dennis & Diane Krzmarzick etal, Norbert & Alice Krzmarzick, Craig & Tina Labat, Daniel and Deanne Lendt, Donald & Kathleen Ludewig, Douglas Lux, Jeffrey Lux, Judith Mathiowetz, Lowell & Julie Mathiowetz, Charles Menk, Douglas & Holly Miller, Moll Living Trust, Charles Nelson, Paul & Jane Nuytten, Dean Paulson, James & Louise Paulson, PDD Farms LLC, Andrew Pelzel, Neoma Peterson TR AGMNT, Harold Portner Rev Trust etal, Mark & Lisa Portner, Prairieville Township, Gabriel Rasmussen, Mark Rasmussen, Mathew Rasmussen, River Region Cooperative, Judith Sandmann, Michael & Jeanne Schewe, David Schieffert et al, Lois Schieffert Liv Trust, Timothy Schieffert, Schoenstatt's Sister of Mary, Steve & Judith Schotzko, Peter & Michelle Schumacher, Justin Seaburg, Daniel, Seidl, Carey Seifert, Stanley Seifert, Jeffery Sellner, James & Mary Sommerfeld, Mark & Amber Sommerfeld, Charles and Kathleen Spaeth, Delores Spaeth Rev Liv Tr, State of Mn DOT, John Suess, Paul & Susan Severson, Gary Thomas, Crystal Tierney Family Partnership, Matthew & Mandy Wagner, Charlene Walker, Steven & Alice Walter, William Walter Living Trust, Michael Weilage, David & Lori Weiss, Mary Wooldrik, Richard Zinniel,

AND THAT, THEREFORE, the Board of Commissioners of Brown County, Minnesota on the **21st day of May, 2019 at 11:00 a.m., at the Board of Commissioner's Room, 14 South State, in the City of New Ulm**, County of Brown, State of Minnesota, will hear and consider the Viewers' Report thereon; and that all the persons interested in the redetermination of benefits and damages and benefited and damaged areas of Brown County Ditch 5 Brown County, Minnesota, are invited to appear and be heard by and before the Board of County Commissioners of Brown County, Minnesota, at said time, for or against the proposed proceeding and with respect to any other matters in connection therewith.

Dated: April 16, 2019

BOARD OF COUNTY COMMISSIONERS  
BROWN COUNTY, MINNESOTA

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David Borchert, Chairman