

Brian J. Schlegel and Chris H. Schlegel,

Petitioners,

In the matter of
Kandiyohi County Ditch

PETITION FOR OUTLET TO
KANDIYOHI COUNTY DITCH NO. 31

TO: SAM MODDERMAN, KANDIYOHI COUNTY AUDITOR, KANDIYOHI COUNTY OFFICE BUILDING, 400 BENSON AVENUE SW, P.O. BOX 896, WILLMAR, MN 56201; and,

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF KANDIYOHI, STATE OF MINNESOTA, ATTN: SAM MODDERMAN, KANDIYOHI COUNTY AUDITOR, KANDIYOHI COUNTY OFFICE BUILDING, 400 BENSON AVENUE SW, P.O. BOX 896, WILLMAR, MN 56201; and,

JENNIFER K. FISCHER, KANDIYOHI COUNTY ATTORNEY, 415 – 6TH STREET SW, PO BOX 1126, WILLMAR MN 56201

Petitioners, Brian Schlegel and Christopher Schlegel, respectfully petition and allege, as follow:

1. Petitioners seek an Order of the County Board of Commissioners approving an outlet to allow a tract of farmland to become part of Kandiyohi County Ditch No. 31 for drainage and installation of drainage improvements.

2. The tract at issue (the “Property”) consists of 20.5 acres more or less of improved farmland owned by Petitioners, identified by Kandiyohi County Tax Parcel No. 32-003-0060, and being located in Whitefield Township, Kandiyohi County, Minnesota, and being more particularly described in **Exhibit A** (“Legal Description”), attached hereto and incorporated herein.

3. Upon information and belief, the present County records identify the Property as having six (6) acres which drains to the southeast within the watershed of, and receiving assessed benefit from, County Ditch No. 40; and the remaining acreage drains to the northwest, within the watershed of County Ditch No. 31, but is not identified on the County’s ditch or drainage system

*Filed 12-13-11
Ann Modderman*

records as being within the watershed or, or receiving assessed benefit from, said County Ditch No. 31.

4. Notwithstanding the current status of the public drainage records, the Petitioner's acquired the Property in 2009 for value, together with certain drainage tile improvements consisting of two main tile lines with intakes, one draining in a westerly direction, and the other draining in a northerly direction, and both exiting into Kandiyohi County Tile and Ditch System No. 31, but which have not been recognized or assessed on the County's records as within the watershed of, or receiving assessed benefit from, County Ditch No. 31.

5. Petitioner's seek an order approving an outlet for the Property as part of County Ditch No. 31, to enable Petitioners to make additional needed drainage tile improvements to the Property, and to thereby improve the surface drainage and productivity of the Property.

6. The proposed drainage tile additions or improvements would be restricted to the Property owned by Petitioners, and be connected to the one or both of the above described main tile lines presently existing on the Property which drain into County Ditch No. 31. No new outlets or tile lines over adjoining lands are sought by this Petition, just update of the County's watershed and drainage ditch system records to include the Property in the watershed and benefit of Kandiyohi County Tile and Ditch System No. 31, and to allow installation of additional drainage tile lines on the Petitioner's Property.

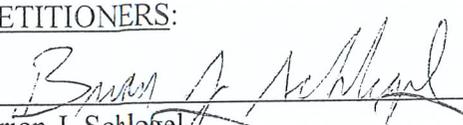
7. Petitioners are the owners of all of the Property affected by the proposed drainage tile improvements.

8. Petitioners agree to pay all costs of the proposed order and improvement and will pay all costs and expenses that may be incurred if these improvements proceedings are dismissed.

WHEREFORE, your petitioners respectfully requests the Board to take such action as may be deemed necessary under the laws of the State of Minnesota to approve the Order herein requested.

Dated: November 29, 2011

PETITIONERS:



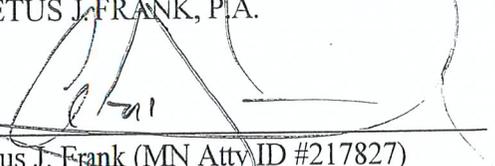
Brian I. Schlegel



Chris H. Schlegel

Dated: November 29, 2011

CLETUS J. FRANK, P.A.

By: 

Cletus J. Frank (MN Atty ID #217827)

401 FIFTH STREET SW

P.O. BOX 330

WILLMAR, MN 56201

TELE: 320-235-2635

ATTORNEY FOR PETITIONERS

**EXHIBIT A
LEGAL DESCRIPTION**

Real property located in Whitefield Township, Kandiyohi County, Minnesota, legally described as follows:

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and that part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) described as follows, to-wit: Commencing at a point on the North line thereof, 1143.00 feet East of the Northwest corner thereof; thence South parallel with the East line of the said Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) to the South line thereof; thence East on and along said South line to the East line of the said Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$); thence North along said East line to the Northeast corner of the said Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$); thence West on and along the North line of said Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) to the point or place of beginning, all in Section 3, Township 118 North (118N), Range 35 West (35W) of the Fifth Principal Meridian, Whitefield Township, Kandiyohi County, Minnesota; **EXCEPTING THEREFROM** the following two described parcels:

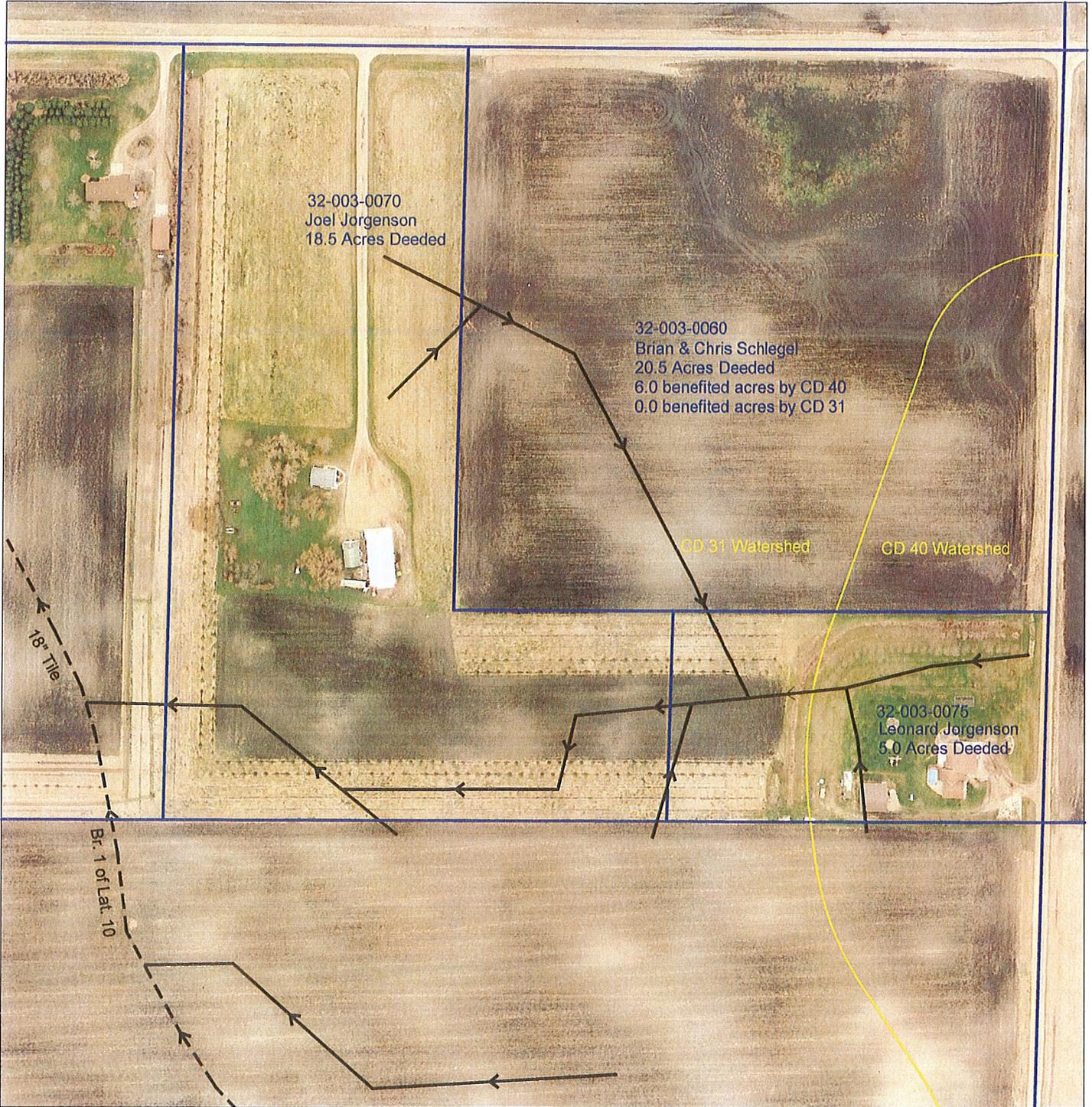
EXCEPTION PARCEL NO. 1: Beginning at a point 1143.00 feet East of the Northwest corner of Section 3, Township 118 North (118N), Range 35 West (35W) of the Fifth Principal Meridian, Whitefield Township, Kandiyohi County, Minnesota; thence South parallel to the West line of said section a distance of 1293.00 feet to a point; thence East parallel to the North line of said section a distance of 480 feet to a point; thence North parallel to the West line of said Section 3 to a point on the North section line; thence West along North line 480 feet to the point of beginning; and,

That part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 3, Township 118 North (118N), Range 35 West (35W) of the Fifth Principal Meridian, Whitefield Township, Kandiyohi County, Minnesota, described as follows: Beginning at a point 1143 feet East of the Northwest corner of said Section 3, Township 118N, Range 35W; thence South parallel to the West line of said section a distance of 1293 feet to a point; thence East parallel to the North line of said section a distance of 480 feet to a point, which point is the point of beginning; thence North on and along a line parallel to the West line of the said Northwest Quarter (NW $\frac{1}{4}$) a distance of 350.00 feet; thence East parallel with the North line of said Section 3 to the East line of the said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); thence South parallel with the West line of the said Northwest Quarter (NW $\frac{1}{4}$) a distance of 350 feet to a point; thence West to the point of beginning, EXCEPT that part of the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of said Section 3, Township 118 North (118N), Range 35 West (35W) of the Fifth Principal Meridian, Whitefield Township, Kandiyohi County, Minnesota, described as follows: Commencing at the Northwest corner of said Section 3; thence on an assumed bearing of N 89 degrees 23 minutes 53 seconds East, along the North line of said Section 3, a distance of 1143.00 feet;

thence on a bearing of South 0 degrees 11 minutes 11 seconds West, parallel to the West line of said Section 3, a distance of 1288.04 feet to the South line of said North Half of the Northwest Quarter (N½ NW¼); thence on a bearing of North 89 degrees 09 minutes 59 seconds East, along last said line, 847.73 feet to the point of beginning of the tract herein described; thence on a bearing of North 0 degrees 31 minutes 01 seconds East, 341.73 feet; thence on a bearing of North 89 degrees 23 minutes 53 seconds East, 639.78 feet to the North-South quarter line of said Section 3; thence on a bearing of South 0 degrees 31 minutes 01 seconds West, along last said line, 339.14 feet to the South line of said North Half of the Northwest Quarter (N½ NW¼); thence on a bearing of South 89 degrees 09 minutes 59 seconds West, along last said line, 639.84 feet; and

EXCEPTION PARCEL NO. 2: That part of the North Half of the Northwest Quarter of Section 3, Township 118 North (118N), Range 35 West (35W) of the Fifth Principal Meridian, Whitefield Township, Kandiyohi County, Minnesota, described as follows: Commencing at the Northwest corner of said Section 3; thence on an assumed bearing of North 89 degrees 23 minutes 53 seconds East, along the North line of said Section 3, a distance of 1143.00 feet; thence on a bearing of South 0 degrees 11 minutes 11 seconds West, parallel to the West line of said Section 3, a distance of 1288.04 feet to the South line of said North Half of the Northwest Quarter (N½ NW¼); thence on a bearing of North 89 degrees 09 minutes 59 seconds East, along last said line, 847.73 feet to the point of beginning of the tract herein described; thence on a bearing of North 0 degrees 31 minutes 01 seconds East, 341.73 feet; thence on a bearing of North 89 degrees 23 minutes 53 seconds East, 639.78 feet to the North-South quarter line of said Section 3; thence on a bearing of South 0 degrees 31 minutes 01 seconds West, along last said line, 339.14 feet to the South line of said North Half of the Northwest Quarter (N½ NW¼); thence on a bearing of South 89 degrees 09 minutes 59 seconds West, along last said line, 639.84 feet.

Petition for Outlet to CD #31
Brian & Chris Schlegel
CD #31 & CD #40 Watersheds
Whitefield Township
NE-NW Section 3



Drawn by Loren Engelby
3/21/12