

REDETERMINATION OF BENEFITS PROCESS

The drainage authority may redetermine benefits and damages:

1. Whenever it judges the original benefits and damages determined in a drainage proceeding do not reflect reasonable present day values or that the benefited or damaged areas have changed, OR
2. When more than 50 percent of the owners of the property benefited or damaged by a drainage proceeding petition for the correction of an error that was made at the time the system was established.

The most common reasons for a redetermination of benefits and damages include:

1. There are lands draining into the system which are benefited by the system but are not assessed for benefits. Drainage ditches established before 1920 were constructed through horse-powered excavation or tile trenches dug by hand. Modern technology and system-tiling have expanded the present day drainage capabilities of many public drainage systems.
2. Benefits determined many years ago are unrealistic in terms of current land values.
3. In the case of a repair by petition, additional lands may be brought into the system that have not previously been assessed benefits. Lands already in the system may have been assessed at land values determined many years ago. A redetermination will assess the entire system at current land values.
4. Redetermined benefits and damages replace the original benefits and damages. According to Minn. Stat. § 103E.351 subd. 3, the redetermined benefits and damages, and benefited and damaged areas, must be used in place of the original determinations in all subsequent proceedings related to the drainage system.
5. When a drainage system is redetermined, Minn. Stat. § 103E.021 requires that a 1 rod (16.5 feet) grass strip easement be purchased and established with permanent grass.

Procedure Requirements:

1. A *Resolution* of the drainage authority.
2. Three *viewers* are appointed to perform the redetermination and report the benefits and damages and the benefited and damaged areas.
3. An *engineer* may be appointed to assist the viewers.
4. The *viewer's report* is filed with the auditor in a county or a joint county system or with the secretary of the board of managers in a watershed district system.
5. A *property owners' report* is prepared by the auditor or secretary from the viewer's report and a copy of the property owners' report is mailed to each owner of property affected by the drainage system.
6. A *hearing* is held on the report. The hearing is similar to the final hearing in the establishment of a new system, except it is to be held within 30 days after the property owners' report is mailed.
7. A redetermination of benefits and damages is appealed in the same way as an order establishing benefits and damages.