Redetermination of Benefits

Bryan Murphy, President/Founder
MEET OUR TEAM

BRYAN MURPHY
LARRY MURPHY
BOB CONELY
DEREK EBERTOWSKI
KEN DEGIER
SCOTT HENDERSON
AARON GOEMANN
OVERVIEW

• WHAT IS A REDETERMINATION OF BENEFITS?
• WHY ARE REDETERMINATION OF BENEFITS NECESSARY?
• HOW ARE REDETERMINATION OF BENEFITS COMPLETED?
• WHY IS THE PROCESS BY WHICH REDETERMINATION OF BENEFITS ARE COMPLETED IMPORTANT?
• HOW ARE REDETERMINATION OF BENEFITS USED ONCE FINISHED?
OUR PROCESS

• OUR APPROACH IS WIDELY ACCEPTED AND UNDERSTOOD BY NOT ONLY COUNTY STAFF BUT THE LANDOWNERS

• DEFINED 7 YEARS AGO WITH INPUT FROM
  • LANDOWNERS
  • BOARDS – WATERSHEDS / COUNTIES
  • LEGAL EXPERTS
  • ENGINEERS
  • DATA PROCESSING SPECIALISTS
  • COMPANY EXPERIENCE

• WE FOLLOW A PROCESS THAT REQUIRES WE FOLLOW SPECIFIC STEPS TO ENSURE A HIGH QUALITY, FAIR, EQUITABLE, AND DEFENSIBLE RESULT

• WE HAVE EVALUATED OVER 2 AND HALF MILLION ACRES IN OVER 30 DIFFERENT COUNTIES
AS VIEWERS WE SWEAR AN OATH

THIS OATH DESCRIBES THAT WE DO THE BEST JOB TO THE BEST OF OUR ABILITIES FOR ALL THE STAKEHOLDERS ON THE DRAINAGE SYSTEM

AS STAKEHOLDERS THEY OWN THE DRAINAGE SYSTEM

REPRESENTED BY THE DRAINAGE AUTHORITY BOARD

PUBLIC DRAINAGE SYSTEMS ARE LIKELY THE LARGEST PIECE OF INFRASTRUCTURE THE COUNTY/WATERSHED MAINTAINS

ONCE THE BOARD ACCEPTS OUR REPORTS THERE STARTS A 30-DAY PERIOD REFERRED TO AS

THE APPEAL PERIOD

ANY LANDOWNER CAN APPEAL THE RESULTS OF THE FINDINGS
H2OVIEWER MAKES SURE THE VIEWERS' REPORT IS DEFENSIBLE

IF THE DRAINAGE AUTHORITY WENT TO APPEALS COURT, THEY WOULD WIN

AFTER A SIMPLE APPEAL, OUR PERSPECTIVE ON THIS CHANGED

IF IT IS UNDERSTANDABLE IT DOESN'T HAVE TO BE DEFENSIBLE

17% LANDOWNER

17 CENTS FOR EVERY DOLLAR

IT WAS SETTLED OUT OF COURT AND THE AMOUNT WAS REDUCED TO 14%

APPELLANT PAID FOR

THEIR ATTORNEY + ALL EXPENSES

14% OF THE DA'S ATTORNEY + ALL EXPENSES

OUR JOB IS TO PROTECT EVERYONE INVOLVED FROM THIS
DEFINITIONS:

- **DRAINAGE AUTHORITY**, THE DRAINAGE AUTHORITY OR JOINT DRAINAGE AUTHORITY HAVING JURISDICTION OVER A DRAINAGE SYSTEM OR PROJECT.

- **BENEFITS**, IMPROVEMENT OF PROPERTIES IN TERMS OF INCREASED VALUE, INCREASED PRODUCTION CAPACITY, AND / OR INCREASED UTILITY RESULTING FROM THE CONSTRUCTION OF THE PUBLIC AND PRIVATE DRAINAGE SYSTEM. BENEFITTED ACRES ARE LANDS THAT DRAIN TOWARDS THE DITCH SYSTEM AND CONTRIBUTE TO THE NEED TO MAINTAIN THE CAPACITY OF THE SYSTEM.

- **NOTIONAL AMOUNT**, DOLLAR AMOUNT THAT WOULD BE CHARGED TO THE LANDOWNER, IN A THEORETICAL PROJECT SCENARIO.

- **LIDAR**, ACRONYM FOR LIGHT DETECTION AND RANGING. A METHOD OF MAPPING TOPOGRAPHY WHEREAS A LASER LIGHT IS USED IN A SIMILAR FASHION AS RADAR USES SOUND.
• **MN § 103E. 705 SUBD. 1** "THE DRAINAGE AUTHORITY SHALL INSPECT AND MAINTAIN THE EFFICIENCY OF THE DRAINAGE SYSTEM"

• IN AN EFFORT TO MAINTAIN EFFICIENTLY OF THE DRAINAGE SYSTEM THE DRAINAGE AUTHORITY ALSO MUST MAKE SURE THOSE LANDS UTILIZING THE DRAINAGE SYSTEM PAY FOR THE MAINTENANCE AND REPAIRS OF THE SYSTEM IN A FAIR AND EQUITABLE WAY. THIS IS A REQUIREMENT BY MN DRAINAGE LAW.
MN § 103E DRAINAGE

• MN § 103E. 315 SUBD. 5 "THE VIEWERS SHALL DETERMINE THE AMOUNT OF BENEFITS TO ALL PROPERTY WITHIN THE WATERSHED, WHETHER THE PROPERTY IS BENEFITED IMMEDIATELY BY THE CONSTRUCTION OF THE PROPOSED DRAINAGE PROJECT, OR THE PROPOSED DRAINAGE PROJECT CAN BECOME AN OUTLET FOR DRAINAGE, MAKES AN OUTLET MORE ACCESSIBLE, OR OTHERWISE DIRECTLY BENEFITS THE PROPERTY."

• MN § 103E. 315 SUBD. 6 C 2 "PROPERTY THAT IS RESPONSIBLE FOR INCREASED DRAINAGE SYSTEM MAINTENANCE OR INCREASED DRAINAGE SYSTEM CAPACITY"
  • REGARDING THE AFOREMENTIONED STATUTE IT MAY BE EASIER TO THINK OF “BENEFIT” AS “BURDEN” PLACED ON NEIGHBORING LANDS AND/OR ON THE PUBLIC DRAINAGE SYSTEM
STATE LANDS

• 103E.025 PROCEDURE FOR DRAINAGE PROJECT THAT AFFECTS STATE LAND OR WATER AREA USED FOR CONSERVATION.
  • SUBD. 3. CONSIDERATIONS IN DETERMINING BENEFITS.
  • IN DETERMINING BENEFITS TO THE STATE LAND OR WATER AREA IN ANY PROCEEDING TO LEVY ASSESSMENTS OR OFFSET BENEFITS AGAINST DAMAGES, PROPER CONSIDERATION MUST BE GIVEN TO THE VALUE OF THE AREA **FOR THE PURPOSE IT IS HELD** OR USED BY THE STATE, WITH OTHER MATERIAL ELEMENTS OF VALUE.
OVERVIEW

OATH OF OFFICE – MSA 103E.305

PUBLIC INFORMATIONAL MEETING(S)

REDETERMINATION OF BENEFITS PROCESS

• REVIEW HISTORIC DRAINAGE SYSTEM RECORDS INCLUDING ORIGINAL PLANS/PROFILES/SURVEYS/REPORTS USED TO CREATE THE ORIGINAL DRAINAGE SYSTEM.

• IDENTIFY LANDS/PROPERTIES CURRENTLY UTILIZING THE DRAINAGE SYSTEM.

• REVIEW CONTOUR MAPS, AERIAL PHOTOS, LIDAR AND OTHER DATA TO DETERMINE DRAINAGE PATTERNS AND BOUNDARIES.

• EVALUATE LAND USE WITHIN THE DRAINAGE SYSTEM INCLUDING THOSE LANDS RESTRICTED FROM RECEIVING DRAINAGE BENEFITS (WETLANDS).

• DETERMINE PROPERTY VALUES BASED ON SIMILAR GROUPS OF PROPERTY/CLASSIFICATIONS.

• IDENTIFY ACRES USING THE EXISTING DITCH SYSTEM.

• IDENTIFY AREAS FOR THE ESTABLISHMENT OF THE 1 ROD GRASS STRIP & THE AMOUNT OF THE DAMAGE PAYMENT(S).
**GRASS BUFFER VALUES**

<table>
<thead>
<tr>
<th></th>
<th>TODAY’S VALUE</th>
<th>+10%</th>
<th>+10% AGAIN</th>
</tr>
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<tbody>
<tr>
<td>PER ACRE VALUE</td>
<td>$6000</td>
<td>$6600</td>
<td>$7260</td>
</tr>
<tr>
<td>TOTAL BUFFER ACRES</td>
<td>462</td>
<td>462</td>
<td>462</td>
</tr>
<tr>
<td>TOTAL COST</td>
<td>$2.770 MILLION</td>
<td>$3.050 MILLION</td>
<td>$3.355 MILLION</td>
</tr>
<tr>
<td>INCREASE</td>
<td>-0-</td>
<td>$280,000</td>
<td>$585,000</td>
</tr>
</tbody>
</table>

- **Governor Dayton’s Law**: Had to be in place by November of 2018.
- **MN § 103E**: Allows for Compensation any time a Redetermination of Benefits is conducted since 1977.

*TODAY’S VALUE +10% AGAIN*

- $6000 + $6600 = $7260
- 462 + 462 = 462
- $2.770 MILLION + $3.050 MILLION = $3.355 MILLION
- -0- + $280,000 = $280,000
- $585,000

*Photo courtesy of BWSR buffer website*
EXTENT AND BASIS OF BENEFITS

FACTORS USED IN ANALYSIS:

• LAND VALUES BASED ON EXTRACTED SALES DATA, TAX VALUATIONS AND LAND USE.

• DRAINAGE VALUE BASED ON THE DRAINAGE SYSTEM OPERATING IN ITS AS CONSTRUCTED OR SUBSEQUENTLY IMPROVED CONDITION.

• BENEFIT BASED ON BEFORE AND AFTER PROJECT CONDITION LESS PRIVATE IMPROVEMENT COST.

• TOPOGRAPHY USED TO ANALYZE PROXIMITY OF CHANNEL AND RELATIVE INFLUENCE (DIRECT VS. INDIRECT).

• CROP PRODUCTIVITY INDEX USED TO RANK SOILS BASED ON THEIR POTENTIAL FOR INTENSE CROP PRODUCTION.
REASON(S) FOR A RE-DETERMINATION OF BENEFITS

➢ ORIGINAL BENEFITS NO LONGER REFLECT CURRENT MARKET VALUES
(BENEFITS DETERMINED MANY YEARS AGO WHEN LAND WAS SELLING FOR A FRACTION OF WHAT IT IS SELLING FOR TODAY).

➢ LANDS UTILIZING THE SYSTEM NOT ORIGINALLY INCLUDED IN THE BENEFITING AREA.
CLASSIFICATION MAP
REASON(S) FOR A RE-DETERMINATION OF BENEFITS

➢ ORIGINAL BENEFITS NO LONGER REFLECT CURRENT MARKET VALUES

(BENEFITS DETERMINED MANY YEARS AGO WHEN LAND WAS SELLING FOR A FRACTION OF WHAT IT IS SELLING FOR TODAY).

➢ LANDS UTILIZING THE SYSTEM NOT ORIGINALLY INCLUDED IN THE BENEFITING AREA.

➢ CONSOLIDATION – 2 SYSTEMS THAT FUNCTION MORE AS ONE SINGLE SYSTEM.

➢ REMOVE LANDS NO LONGER RECEIVING BENEFITS.

➢ PETITION FOR REPAIR

➢ GETTING THE LANDOWNERS PAID FOR THE GRASS BUFFER STRIP
LIDAR EXPLAINED
MANY USES FOR LIDAR
SRTM DATA
SHUTTLE RADAR TOPOGRAPHY MISSION
VIRTUAL DAM
DAM REMOVED
DRAINAGE BOUNDARY
DRAINAGE BOUNDARY
DRAINAGE BOUNDARY
DRAINAGE BOUNDARY
DRAINAGE SYSTEM GIS DATA SANDWICH

Aerial Imagery

LiDAR Elevation Data

Watershed Boundary

Soils

Ditch Alignment

Road Alignments

PLSS (Sections, Quarters, QQs)

Parcels
CLASSIFICATION MAPS DRIVE - TABULAR REPORT GENERATION

Land Classes → Residential Woodlots, Wetlands → Roads → Ditch Area → Grass Buffer Strips → Tabular Report
TABULAR REPORT GENERATION

Class 1: 0.78 acres
Class 2: 20.18 acres
Class 3: 13.02 acres
Class 4: 0.18 acres
Residential: 0.59 acres
Woodlot: 1.02 acres
Roads: 1.01 acres
Grass strip: 1.10 acres
Ditch: 1.64 acres
### TABULAR REPORT GENERATION

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<tr>
<th>PARCEL_ID</th>
<th>QUARTER-QUARTER</th>
<th>CLASS 1 ACRES</th>
<th>CLASS 2 ACRES</th>
<th>CLASS 3 ACRES</th>
<th>CLASS 4 ACRES</th>
<th>RESIDENTIAL ACRES</th>
<th>WOOD LOT ACRES</th>
<th>ROAD ACRES</th>
<th>GRASS STRIP ACRES</th>
<th>DITCH ACRES</th>
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VIEWER’S REPORT - LANDOWNER MAPS
AG LAND CLASSIFICATIONS

Class 1
AGRICULTURE @ $/ACRE BENEFIT

Class 2
AGRICULTURE @ $/ACRE BENEFIT

Class 3
AGRICULTURE @ $/ACRE BENEFIT

Class 4
AGRICULTURE @ $/ACRE BENEFIT
OTHER LAND CLASSIFICATIONS

• RESIDENTIAL LANDS – $/ACRE BENEFIT

• ROAD LANDS – SET AT $/ACRE BENEFIT
  (STATE, COUNTY, AND TOWNSHIP)

• WOODLOTS - $/ACRE BENEFIT

• NON BENEFITED ACRES – LANDS WHICH ARE IN THE WATERSHED BUT RECEIVE NO ECONOMIC BENEFIT OR ARE NOT SUBJECT TO DRAINAGE BENEFITS. THESE LANDS INCLUDE, BUT ARE NOT LIMITED TO WETLANDS, FEDERAL LANDS, AND/OR TRIBAL ACRES.
PROPERTY OWNERS REPORT

LAC QUI PARLE COUNTY,
MINNESOTA CD # 20
5009 REDETERMINATION OF BENEFITS

OIE, LUKE & MELELSA TRITS, OIE, FLP
602 PARK AVE
MADISON, MN 56725

The Viewers have determined that the following tracts are benefited by the existing Lac Qui Parle Co. Ditch 20 or will receive compensation for damages for the statutory installation of the ditch strip. The benefits are based upon the drainage system being in a good state of repair. The cost figure has used a hypothetical estimate $100,000.00 levy for ditch strip acquisition and redetermination of benefits only. Final costs for ditch strip acquisition and redetermination of benefits as well as future maintenance expenses will vary and will be prorated based upon the portion of the total benefits found upon each parcel.

Please note that the “Estimated Assessment” is not the amount you currently owe. This estimate is meant to help you understand what you would owe on a one-time assessment if the Drainage Authority levies $100,000.00 for repairs. Future assessments will vary depending on the scope of the work needed to repair the drainage system at that time.

Panel No. 20-005-000
Located in Section 12 Township 118 North, Range 46 West
Desc. WEST, SNEAK, NENE, SENE

With these determinations of benefits, your totals are:

<table>
<thead>
<tr>
<th>Acres Benefited</th>
<th>Right of way acreage required</th>
<th>N/A</th>
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<tbody>
<tr>
<td>Total Benefits</td>
<td>368,000.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Damages Class A &amp; B</td>
<td>$50.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Assessment</td>
<td>$1,670.25</td>
<td>N/A</td>
</tr>
<tr>
<td>Percent of Total Benefit</td>
<td>11.6782%</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Enclosed in the Viewers’ Benefits and Damages Statement, individual landowner map, overview map and the Exhibit A.

The Viewers’ presentation will be made available on the County, and the Lac Qui Parle Watershed website for your review. Please visit https://www.lacquiraple.com to access the presentation. If you have any questions, please contact the Viewers by December 1st. Please be sure to plan your questions. The final hearing is tentatively scheduled for November. A notice of hearing will be mailed out closer to the date. Please contact them during the time at.

Danielle E. Blakely
261-739-6140
D. Blakely@lacquiraple.com

Sherry Nacht
261-885-7283
SherryN@lacquiraple.com
BENEFITS AND DAMAGES STATEMENT
FREQUENTLY ASKED QUESTIONS
SYSTEM OVERVIEW MAP
VIEWERS REPORT (TABULAR)
PROPERTY OWNERS REPORT WITH PARCEL MAP
PROPERTY OWNERS REPORT WITH PARCEL MAP

PROPERTY OWNERS REPORT
LAC QUI PARLE COUNTY,
MINNESOTA CD # 20
2020 REDETERMINATION OF BENEFITS

Chief of Engineer, City of Minneapolis
1500 PARK AVE
01108

TheViewChilders have determined that the following tracts are benefited by the existing Lac Qui Parle Co. Ditch 20 or will receive compensation for damages for the statutory installation of the ditch. The benefits are based upon the drainage system being in good state of repair. The cost figure has used a hypothetical estimated $100,000.00 for all ditch acquisition and redetermination of benefits. Full costs for ditch improvement and redetermination of benefits as well as future maintenance expenses will vary and will be provided by the parcel benefit

Please note that the "Estimated Assessment" is not the amount you currently owe. This estimate is meant to help you understand what you would owe on a one-time assessment if the Drainage Authority levies $100,000.00 for repairs. Future assessments will vary depending on the scope of the work needed to repair the drainage system at that time.

Enclosed is a Request for Benefits and Damages Statement, individual landowner map, overview map, and the Exhibit A.

The Viewer's presentation will be made available on the County and the Lac Qui Parle Watershed website for your review. Please visit www.lacquiparelereviews.com to access the presentation. The Viewer's hearing are set for September

Derek Eibert
761-709-4740
Derek.Eibert@xpl.com

Sharard Hecht
761-866-7883
Sharard.Hecht@xpl.com

Lac Qui Parle County Ditch 20
PIN Number: 26-0000-000

Class A & B

Class 4

Class 3

Class 2

Wetlands

Residential

Industrial

Agricultural

Villas

Class 1

Public Works

Class 1

Class 2

Class 3

Class 4

Residential

Wetlands

Class 5

Public Works

Residential

Wetlands

Public Works

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Wetlands
Combining state-of-the-art technology, industry experts, extensive groundtruthing along with historical and current data, our team of trained economic evaluation consultants provides accurate watershed modeling and evaluations for redefinition of benefits, economic values and/or drainage patterns within the watershed of appointed systems.
A brief description about the county.

**Renville County Statistics**

- Total Public Drainage Systems (PDS): 96
- Total PDS miles: 1121
- Total PDS Economic Benefits: $12,040,000
Lac Qui Parle County

A brief description about the county.

Lac Qui Parle County Statistics

- Total Public Drainage Systems (PDS): 96
- Total PDS miles: 1121
- Total PDS Economic Benefits: $12,040,000
Lac Qui Parle County

A brief description about the county.

**Lac Qui Parle County Statistics**

- Total Public Drainage Systems (PDS): 96
- Total PDS miles: 1121
- Total PDS Economic Benefits: $12,040,000
INTERACTIVE MAPS
INTERACTIVE MAPS
INTERACTIVE MAPS
INTERACTIVE MAPS
INTERACTIVE MAPS
CONTRIBUTING SYSTEM EQUATION

- CALCULATED BY MULTIPLYING 2 NUMBERS
- FIRST NUMBER: WATERSHED SIZE
  - TOTAL OF ALL 3 SYSTEMS IS 10,000 ACRES
    - LIGHT BLUE SYSTEM IS 2,000 ACRES = 20% OF THE TOTAL
    - GREEN SYSTEM 4,000 ACRES = 40% OF THE TOTAL
- SECOND NUMBER: % OF TOTAL CHANNEL USED
  - TOTAL MILES OF PRIMARY SYSTEM = 10 MILES
    - LIGHT BLUE SYSTEM UTILIZES 7 MILES OR 70%
      - LIGHT BLUE IS 20% X 70% = 14%
    - GREEN SYSTEM UTILIZES 8 MILES OR 80%
      - GREEN SYSTEM IS 40% X 80% = 32%

If it is $1 in this system… It will be $0.14 in this system
And $0.32 in this system
TAKE AWAYS

• ABOUT HALF OF THE PEOPLE WHO SHOULD BE PAYING FOR DITCH BENEFITS ARE.
CLASSIFICATION MAP
TAKE AWAYS

• ABOUT HALF OF THE PEOPLE WHO SHOULD BE PAYING FOR DITCH BENEFITS ARE NOT BEING PAID.

• THE BUFFERS HAVE NOT BEEN PAID FOR AND THEY ARE NOT GETTING CHEAPER THAN THEY ARE TODAY.

• IF YOU WANT UNIFORM BENEFITS AND UNIFORM BUFFER PAYMENTS, USE A UNIFORM PROCESS, DO IT IN A UNIFORM WAY.
JD 28A – APPLICATION OF OUTLET BENEFITS
Scenario: A $1.00 repair is conducted on JD28.
Scenario: A $1.00 repair is conducted on JD28.
Scenario: A $1.00 repair is conducted on JD28.
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