

103E.341 DRAINAGE AUTHORITY FINAL ORDER.

Subdivision 1. **Dismissal of proceedings.** The drainage authority must dismiss the proceedings and petition, by order, if it determines that:

- (1) the benefits of the proposed drainage project are less than the total cost, including damages awarded;
- (2) the proposed drainage project will not be of public benefit and utility; or
- (3) the proposed drainage project is not practicable after considering the environmental and land use criteria in section 103E.015, subdivision 1.

Subd. 2. **Establishment of proposed drainage project.** (a) The drainage authority shall establish, by order, a proposed drainage project if it determines that:

- (1) the detailed survey report and viewers' report have been made and other proceedings have been completed under this chapter;
- (2) the reports made or amended are complete and correct;
- (3) the damages and benefits have been properly determined;
- (4) the estimated benefits are greater than the total estimated cost, including damages;
- (5) the proposed drainage project will be of public utility and benefit, and will promote the public health; and
- (6) the proposed drainage project is practicable.

(b) The order must contain the drainage authority's findings, adopt and confirm the viewers' report as made or amended, and establish the proposed drainage project as reported and amended.

History: 1990 c 391 art 5 s 57