

TILE LINE RIGHT-OF-WAY OR
ROAD CROSSING PROCEDURE

If you propose constructing a tile line or tile line outlet into, upon, or through any county right-of-way or roadway, permission must be granted by the Rice County Board of Commissioners and the following procedure should be followed for orderly consideration and approval of the same by the Board of Commissioners.

1. Inform the County Engineer of your proposal, the approximate number of acres to be drained, the watershed area involved, the approximate location of the outlet or crossing, soil conservation recommendation, etc.

- a. The County Engineer shall review the proposal and make his recommendations to the Board of Commissioners at their next regular meeting. (Depending upon the nature of your proposal, your respective Commissioner and the County Engineer may be able to advise you of the possibility of approval by the Board. If approval appears favorable, you may want to have the Petition and Resolution prepared for presentation at the next regular meeting)

2. If the proposal is approved by the County Board have an attorney of your choice prepare a petition and resolution requesting permission for the proposed outlet or crossing. Said petition shall include the following provisions:

- a. That the roadway shall in no way be affected by said drainage,
- b. That the County shall forever be indemnified against any loss or damage caused by said tile line.
- c. That the County shall be held harmless as to any liability, present or future.
- d. That the right shall be permissive only.
- e. A certificate of insurance indicating liability insurance coverage in the sum of \$50,000 will be filed with the County Engineer.
- f. Performance bond in the sum of \$1,000.00 will be filed with the County Engineer.
- g. That all work shall be subject to the approval of the County Engineer.
- h. There will not be any work done after October 15 without written permission of the County Engineer.
- i. The County Engineer has the right to stop construction prior to October 15 if the weather conditions are adverse enough to warrant such an act.

- j. The petitioner shall notify the County Engineer when the road is to be cut or when jacking is started and when the project is completed and ready for inspection.
- k. Barricades shall be used as advance warning or to close the road during the installation of a tile line. The barricades shall be placed far enough in advance, in both directions, of the work site to adequately warn motorists. The barricades shall, also, be placed so the general public will have the opportunity of an adequate detour, if possible.
- l. In no case shall the installation of a tile by the trenching method across a county road be started unless it can be back-filled by sunset.
- m. The replacing of the excavated material in the tile trench shall be done in such a manner that there will not be any undue settling of the fill material.
- n. The finished road surface after backfilling and regravelling of the disturbed area shall be in reasonable conformance to the original road cross section.
- o. Automatic warning lights or other suitable warning lights shall be used during the hours of darkness.
- p. The cost of all work done, including the cost of all materials used such as culverts, gravel, etc. shall be borne by the petitioner.

3. Have the Rice County Auditor place your request on the next Board of Commissioners meeting agenda.

4. Present the petition and resolution to the County Board on the date and time designated by the County Auditor.

5. Assuming permission is granted, file the required bond with the County Engineer and proceed with your proposed improvement.

STATE OF MINNESOTA
COUNTY OF RICE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
RICE COUNTY, MINNESOTA
No. _____

PETITION FOR CONSTRUCTION OF TILE LINE THROUGH COUNTY ROADWAY

TO: THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF RICE COUNTY,
MINNESOTA:

The undersigned, Adrian F. Gillen and Jeanne M. Gillen, husband and wife, Max S. Salaba and Violette C. Salaba, husband and wife, Lawrence F. Salaba and Laurel A. Salaba, husband and wife, and Kenneth J. Salaba and Lynette M. Salaba, husband and wife, hereby petition the above Board of County Commissioners for permission to place a tile line in County Highway No. 9, located between Forest Township and Wells Township, Rice County, Minnesota.

Adrian F. Gillen is the owner of the following described real property:

The Northeast Quarter (NE1/4) of Section 3, Township 110 North Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota; EXCEPTING THEREFROM the following parcel to-wit: Part of the Northeast Quarter (NE1/4) of Section 3, Township 110 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Northeast Quarter (NE1/4) (for purposes of this description bearings are assumed and based on said East line being South 1 degree 04 minutes 32 seconds West), a distance of 646.17 feet Southerly from the Northeast corner of said Northeast Quarter (NE1/4); thence North 88 degrees 55 minutes 28 seconds West, 615.00 feet; thence South 1 degree 04 minutes 32 seconds West, 352.73 feet; thence South 88 degrees 55 minutes 28 seconds East, 615.00 feet to a point in said East line; thence North 1 degree 04 minutes 32 seconds East along said East line 352.73 feet to said point of beginning; SUBJECT TO ROADS, EASEMENTS AND RESTRICTIONS OF RECORD.

The North 18-78/100 acres of the North One-Half of the Southeast One-Quarter of Section 3, Township 110 North, Range 21 West, in the County of Rice and State of Minnesota.

That Max S. Salaba and Violette C. Salaba, husband and wife, Lawrence F. Salaba and Laurel A. Salaba, husband and wife, and Kenneth J. Salaba and Lynette M. Salaba, husband and wife, are owners of the following described real property:

The West One-Half of the Southeast One-Quarter of Section 34, Township 111 North, Range 21 West, Rice County, Minnesota.

That Adrian Gillen is the owner of the real property on the South side of County Road No. 9 and Max S. Salaba and Violette C. Salaba, husband and wife, Lawrence F. Salaba and Laurel A. Salaba, husband and wife, and Kenneth J. Salaba and Lynette M. Salaba, husband and wife, are the owners of the real property on the North side of County Road No. 9.

The parties propose to place a tile line in, through and under County Road No. 9 at Engineer's Station 314 plus 04, for purposes of affording drainage from the real property owned by Gillen to the real property owned by Salabas.

That said tile line is to be constructed approximately 20 feet West of an existing culvert and will be at least 3 feet below the surface of the road ditch. That the tile line is to be constructed approximately seven hundred fifty (750) feet East of the West line of the Gillen property. That your Petitioners request a permit for purposes of tiling through County Road No. 9 at this point.

County Road No. 9 shall in no way be affected by said drainage, that the County shall forever be indemnified against any loss or damage caused by said tile line, that the County shall be held harmless as to any liability, present or future, that the County shall not be required to maintain in any way the tile line within the road right-of-way, present or future, that their rights shall be permissive only, that a certificate of insurance indicating liability insurance coverage in the sum of Fifty Thousand and 00/100 (\$50,000.00) Dollars will be filed with the County Engineer, that a performance bond in the sum of One Thousand and 00/100 (\$1,000.00) Dollars will be filed with the County Engineer, that all work shall be subject to the approval of the County Engineer, that there will be no work done after October 15 of any year without written permission of the County Engineer, the County Engineer has the right to stop construction prior to October 15 of any year if the weather conditions are adverse enough to warrant such an act, that the Petitioners shall notify the County Engineer when the road is to be cut or when jacking is started and when the project is completed and ready for inspection, that barricades shall be used as advance warning or to close the road during the installation of a tile line, the barricades shall be placed far enough in advance, in both directions, of the work site to adequately warn motorists, the barricades shall, also, be placed so the general public will have the opportunity of an adequate detour, if possible, that in no case shall the installation of a tile by the trenching method across a county road be started unless it can be backfilled by sunset, that the replacing of the excavated material in the tile trench shall be done in such a manner that there will not be any undue settling of the fill material, that the finished road surface after backfilling and regravelling of the disturbed area shall be in reasonable conformance to the original road cross section, that automatic warning lights or other suitable warning lights shall be used during the hours of darkness and that the cost of all work done, including the cost of all materials used such as culverts, gravel, etc. shall be borne by the Petitioners.

Dated at Faribault, Minnesota, this ____ day of

_____, 1990.

Adrian F. Gillen
ADRIAN F. GILLEN

Jeanne M. Gillen
JEANNE M. GILLEN

Max S. Salaba
MAX S. SALABA

Violette C. Salaba
VIOLETTE C. SALABA

Lawrence F. Salaba
LAWRENCE F. SALABA

Laurel A. Salaba
LAUREL A. SALABA

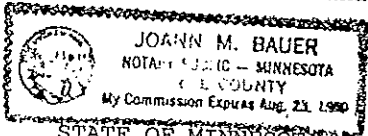
Kenneth J. Salaba
KENNETH J. SALABA

Lynette M. Salaba
LYNETTE M. SALABA

STATE OF MINNESOTA

COUNTY OF RICE

On this 30 day of July, 1990, before me, a Notary Public within and for said County, personally appeared Adrian F. Gillen and Jeanne M. Gillen, husband and wife, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

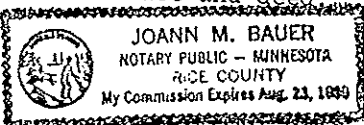


Joann M. Bauer
Notary Public, Rice County, Mn.
My commission expires 8-23-90

STATE OF MINNESOTA

COUNTY OF RICE

On this 27 day of July, 1990, before me, a Notary Public within and for said County, personally appeared Max S. Salaba and Violette C. Salaba, husband and wife, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

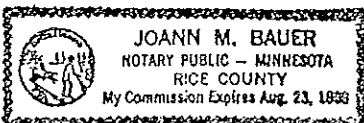


Joann M. Bauer
Notary Public, Rice County, Mn.
My commission expires 8-23-90

STATE OF MINNESOTA

COUNTY OF RICE

On this 27 day of July, 1990, before me, a Notary Public within and for said County, personally appeared Lawrence F. Salaba and Laurel A. Salaba, husband and wife, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.



Joann M. Bauer
Notary Public, Rice County, Mn.
My commission expires 8-23-90

STATE OF MINNESOTA
COUNTY OF RICE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
RICE COUNTY, MINNESOTA
No. _____

RESOLUTION

A RESOLUTION RELATING TO A PERMIT FOR CONSTRUCTION AND
INSTALLATION OF A TILE LINE THROUGH COUNTY ROAD NO. 9.

WHEREAS, Adrian F. Gillen and Jeanne M. Gillen, husband and wife, Max S. Salaba and Violette C. Salaba, husband and wife, Lawrence F. Salaba and Laurel A. Salaba, husband and wife, and Kenneth J. Salaba and Lynette M. Salaba, husband and wife, have petitioned the Board of County Commissioners for Rice County, Minnesota, for a permit to construct and install a tile line in County Right of Way for County Highway No. 9 at a point located approximately 750 feet East of the West line of real property owned by Adrian F. Gillen, said properties being described as follows:

The Northeast Quarter (NE1/4) of Section 3, Township 110 North Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota; EXCEPTING THEREFROM the following parcel to-wit: Part of the Northeast Quarter (NE1/4) of Section 3, Township 110 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Northeast Quarter (NE1/4) (for purposes of this description bearings are assumed and based on said East line being South 1 degree 04 minutes 32 seconds West), a distance of 646.17 feet Southerly from the Northeast corner of said Northeast Quarter (NE1/4); thence North 88 degrees 55 minutes 28 seconds West, 615.00 feet; thence South 1 degree 04 minutes 32 seconds West, 352.73 feet; thence South 88 degrees 55 minutes 28 seconds East, 615.00 feet to a point in said East line; thence North 1 degree 04 minutes 32 seconds East along said East line 352.73 feet to said point of beginning; SUBJECT TO ROADS, EASEMENTS AND RESTRICTIONS OF RECORD.

The North 18-78/100 acres of the North One-Half of the Southeast One-Quarter of Section 3, Township 110 North, Range 21 West, in the County of Rice and State of Minnesota.

The West One-Half of the Southeast One-Quarter of Section 34, Township 111 North, Range 21 West, Rice County, Minnesota.

WHEREAS, said Petitioners have signed a Petition requesting said permission agreeing to certain terms and conditions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED, that said permission be granted, subject to the conditions stated in said Petition and upon compliance by Petitioners with the conditions therein specified.

Dated at Faribault, Minnesota, this ____ day of _____, 1990.

RICE COUNTY BOARD OF COMMISSIONERS

By: _____

Chairman