103E.351 REDETERMINING BENEFITS AND DAMAGES.

Subdivision 1. **Conditions to redetermine benefits and damages; appointing viewers.** (a) If the drainage authority determines that the benefits or damages of record determined in a drainage proceeding do not reflect reasonable present-day land values or that the benefited or damaged areas have changed, the drainage authority may appoint three viewers to redetermine and report the benefits and damages and the benefited and damaged areas.

(b) If more than 26 percent of the owners of property or owners of 26 percent of the property that is benefited or damaged by a drainage system petition to redetermine benefits and damages, the drainage authority must make a determination on the petition according to paragraph (a).

Subd. 2. **Hearing and procedure.** (a) The redetermination of benefits and damages must proceed as provided for viewers and the viewers' report in sections 103E.311 to 103E.321.

(b) The auditor or secretary must prepare a property owners' report from the viewers' report. A copy of the property owners' report must be mailed to each owner of property affected by the drainage system.

(c) The drainage authority must hold a final hearing on the report and confirm the benefits and damages and benefited and damaged areas. The final hearing must proceed as provided under sections 103E.325, 103E.335, and 103E.341.

Subd. 3. **Using redetermined benefits and damages.** The redetermined benefits and damages and the redetermined benefited and damaged areas must be used in place of the benefits and damages of record and the benefited and damaged areas of record in all subsequent proceedings relating to the drainage system.

Subd. 4. **Appeal.** A person aggrieved by the redetermination of benefits and damages and benefited and damaged areas may appeal from the order confirming the benefits and damages and benefited and damaged areas under section 103E.091.

History: *1990 c 391 art 5 s 59; 2019 c 24 s 4-6*