

Article 25 - County Commissioners

53.

(A) [Whenever a] A petition signed by not less than one third of the landowners or by the owners of not less than one third of the land in a watershed [is] MAY BE filed with the clerk of the board of county commissioners of the county in which all or any part of such body of land is located, [setting forth that such body of land, described] DESCRIBING THE AREA in such a way as to convey an intelligent idea of its location, [is in] BOUNDARIES AND THE need of drainage for optimal crop production and that the public benefit or utility, or the public health, convenience or welfare would be promoted by draining or ditching the same, or by changing or improving the natural watercourses, and asking for the establishment of a public drainage association for such purposes [,]. [It shall be the duty of the board of county commissioners forthwith to appoint a board of drainage viewers, to be composed of three or more judicious and impartial citizens, residing in the vicinity of the watershed provided, however, that no member of the board of drainage viewers shall be the owner of any land which will be affected by the proposed improvements. No person appointed as a member of the board of drainage viewers shall act in that capacity until he has given the board of county commissioners written notice of his acceptance of his appointment.

If any member of the board of viewers appointed by any order of the county commissioners shall die, or remove from the county or counties in which the watershed is situated, or otherwise be or become unable to act, the county commissioners shall appoint another person in his stead as soon as practicable, and such appointment shall in nowise affect the validity of any of the work of the board of viewers theretofore done.]

(B) THE PETITION SHALL BE ACCOMPANIED BY A REPORT FROM THE LOCAL SOIL CONSERVATION DISTRICT OR DISTRICTS LYING IN WHOLE OR IN PART WITHIN THE PROPOSED ASSOCIATION WHICH SHALL SHOW THE FOLLOWING:

(1) THE SIZE AND LOCATION OF THE PROPOSED DRAINAGE ASSOCIATION;

(2) THE NATURE OF THE PROBLEM;

(3) THE TYPE OF TREATMENT BELIEVED NEEDED AND THE BENEFITS ANTICIPATED;

(4) WHETHER THE PROPOSED PUBLIC DRAINAGE ASSOCIATION IS PRACTICABLE AND FEASIBLE AND IS GENERALLY SUPPORTED BY THE LANDOWNERS IN THE AREA;

(5) WHETHER IT WILL PROMOTE THE PUBLIC BENEFIT, AND BE CONDUCTIVE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(6) THE NAME OF THE PROPOSED ORGANIZATION SHALL BE STYLED THE " _____ PUBLIC DRAINAGE ASSOCIATION"; AND

(7) THE NUMBER OF MANAGERS, NOT LESS THAN THREE TO SERVE AS THE GOVERNING BODY.