

## Constitutional rights denied

Written by Ron Klein  
Thursday, 19 May 2011 21:42 -

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Your May 4 article reporting actions by the Dawson County Commissioners on April 29 is incomplete and incorrect regarding one item. The full and correct story needs to be told.

Dawson County has trampled all over my rights as a landowner. If it happened to me, it could happen to anyone else. Other property owners need to be aware of how these people behaved.

My request was based upon the estimated replacement cost of the fence destroyed by Dawson County on my farm near Willow Island.

Any notice of this action was essentially after the fact. While we were traveling out of state in September 2010, the district commissioner left a phone message at my home which said “.. I have told the crew to remove the fence.... and to expedite it.” This is improper. By the time I heard this message it was too late. If there was an issue regarding the fence location—which was there at least 60 years—I should have been given an opportunity to address it. I was not provided any such opportunity. I was denied due process required under the constitution. This is an illegal “taking” under the constitution.

Why this ditch cleaning was needed is important. It illustrates the neglect by Dawson County.

For literally decades, the county road ditch next to our farm was not cleaned. It was plugged with dirt, debris, and vegetation and was not draining at all. As a result water was backing up on my property flooding the crop and destroying it. It harmed both the farmer and the property owner. The county was simply not doing their job. Only after my polite urging over several years did the county finally agree to solve the problem they caused.

The destroyed fence had been in place at least 60 years. In the last 15 years, the area had been surveyed several times by the Dawson County surveyor. We were never told our fence was in the right of way. After destroying our property, they now claim it was. It is now impossible to prove that, but I believe they are wrong.

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Those several surveys should have caused some notice to the property owners if it was actually in the county right of way. Since we were not notified it clearly must not have been. Their lack of prior actions would suggest there was not a problem. The new county surveyor may have made an error. This smells really bad.

Our founding forefathers (ancestors of both my wife and I are included in that group) made it clear in our constitution that this kind of action by government is not acceptable. The Dawson County Commissioners don't seem to "get it." It is time they do. They need to start meeting their obligations to taxpaying property owners and stop behaving like the British tyrants of long ago.

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