RESOLUTION 2018-06

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS AS PUBLIC DRAINAGE AUTHORITY

FINDINGS AND ORDER ACCEPTING PETITION AND APPOINTING ENGINEER

Manager [Signature] offered the following Resolution and moved its adoption, seconded by Manager [Signature]:

FINDINGS

1. Wellington Management, Inc., (Petitioner) and United Hospital Foundation (co-Petitioner) have petitioned the Board of Managers of the Rice Creek Watershed District (RCWD), Drainage Authority for the Anoka County Ditch 53-62 system (ACD 53-62), to realign a portion of ACD 53-62 Main Trunk and branches 4 and 5 for the purpose of a proposed mixed-use commercial/residential use of property riparian to the ditch.

2. The property over which the identified portions of ACD 53-62 passes is owned by United Hospital Foundation.

3. The action requested by Petitioner is re-alignment of the drainage system under Section 103E.227 with partial abandonment of the remnants under Section 103E.806.

4. The RCWD's action on the petition is governed by Minnesota Statutes Sections 103E.227 and 103E.806. The Petitioner has provided $10,000 cash deposit bond. The petition is accompanied by exhibits. However, the exhibits do not adequately show the location of the realignment, and plans and specifications for the proposed ditch route. The petition does not contain a model of the proposed hydrologic condition in the realigned public drainage system. These defects in the petition can be remedied and should not delay the RCWD in assuming jurisdiction of these proceedings. In all other respects, the petition appears complete.

5. Notwithstanding the defects in the petition, the RCWD Board of Managers makes the following:

ORDER

A. The Board of Managers accepts the petition and directs the Petitioner to correct the defects and provide a more detailed diagram of the proposed modifications to the drainage system and a hydrologic model of the proposed public drainage realignment. The detailed, supplemental information shall include:
• Alignment (provide and label lines on the map indicating the proposed alignment of public drainage system and portions proposed to be abandoned. Labels must include the names of the branches)
• Open channel Profile (elevations and grades for all proposed modifications and description of how they relate to the as constructed condition of the system)
• Cross section (bottom width, side slope, and top of bank width)
• The proposed public drainage system right of way (in the form of a legal description that can be included in a permanent easement). This right-of-way must provide for a continuous access corridor for maintenance along at least one side of the open channel per the following, minimum performance standards:
  o 20' width, permanently vegetated, with no more than 5% cross-slope
  o Less than 5:1 longitudinal slope at any location
  o Culvert at crossings of the access corridor with the public drainage system open channel
  o Access from a public roadway

B. The Board of Managers appoints Houston Engineering to investigate the effect of the proposed realignment and file a report of findings.

C. The Engineer is directed to include in its investigation an assessment of effects from the realignment on benefitted property owners of the public drainage system.

D. This order is not an approval of the realignment or partial abandonment proceedings, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Sections 103E.227 and 103E.806.

The question was on the adoption of the Resolution and there were 4 yeas and 4 nays as follows:

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Upon vote, the Chair declared the Findings and Order passed.

Michael Bradley, Secretary

Dated: February 28, 2018
I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 28th day of February, 2018.

Michael Bradley, Secretary