RESOLUTION NO. 2014-41
RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS
SUPPLEMENTAL ORDER FOR THE REPAIR OF BRANCH 1 OF ANOKA COUNTY DITCH 53-62 BY REALIGNING A PORTION OF THE DRAINAGE SYSTEM TO AVOID WETLAND IMPACTS

Manager Haake offered the following Resolution and moved its adoption, seconded by Manager Ogata:

WHEREAS, on September 11, 2013, the Rice Creek Watershed District Board of Managers ("Board"), Drainage Authority for Anoka County Ditch (ACD) 53-62 adopted Resolution 2013-27 ordering the repair of Branch 1 of ACD 53-62, allocating costs of repair, and establishing and implementing water management district charges for the drainage system;

WHEREAS, the adopted Engineer’s Recommended Repair Alternative dated March 25, 2013, included a realignment of a portion of Branch 1 of ACD 53-62 crossing property owned by Creative Capital Holdings and Bermo, Inc.;

WHEREAS, during the hearing on the repair, the status of proposed development on the property owned by Creative Capital Holdings was uncertain and the Board determined to reserve the final location of the drainage system realignment until the necessary rights of way could be obtained from the underlying property owners;

WHEREAS, the purpose of the realignment was to avoid impacts to Minnesota State listed Public Water Wetland (Unnamed # 586) caused by the repair;

WHEREAS, the Board has acquired the necessary rights of way to finally locate the realignment.

THEREFORE, the Rice Creek Watershed District Board of Managers makes the following:

ORDER

A. The realignment of Branch 1 of ACD 53-62 consistent with the previously adopted Engineer’s Recommended Repair Alternative dated March 25, 2013, shall be constructed within the right of way indicated in document numbers 2091015.006 (Abstract), 525872.005 (Torrens); 2091015.007 (Abstract), 525872.006 (Torrens); and 2092171.004 (Abstract).

B. The engineer shall revise its plan set for the repair to include realignment of the drainage system within the new right of way.

C. The engineer shall draft and file a final, as-built plan for Branch 1 of ACD 53-62, including the realignment, after the repairs are complete.
D. Upon completion of construction of the realignment, the former alignment of that portion of Branch 1 of ACD 53-62 passing over the Creative Capital Holdings and Bermo properties is deemed abandoned by operation of statutes section 103E.701.

The question was on the adoption of the Resolution and there were 5 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Harley Ogata, Secretary

Dated: November 12, 2014

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I, Harley Ogata, 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 have hereunto set my hand this 12th day of November, 2014. 

Harley Ogata, Secretary