RESOLUTION 2015-08

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS AS PUBLIC DRAINAGE AUTHORITY

FINDINGS AND ORDER ACCEPTING PETITION AND APPOINTING ENGINEER

Manager Hoake offered the following Resolution and moved its adoption, seconded by Manager Walter:

FINDINGS

1. Pulte Homes (Petitioner) has 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 for the purpose of a proposed residential development riparian to the ditch.

2. Though the petition, by letter dated March 3, 2015, states, “Pulte Homes . . . petitions . . . for permission to abandon and replace a portion of ACD 53-62 pursuant to Minnesota Statutes, Sections 103E.805 and 103E.806 . . .”, the action requested by Petitioner is realignment of the drainage system under Section 103E.227 with partial abandonment of the remnant under Section 103E.806.

3. A prior, similar request was made in 2007 by Centex Homes and action of the Board is reflected in Resolution 2007-04. However, the action requested in 2007 was never implemented and the Current Petitioner is requesting a revised action.

4. The property involved in the proposed realignment is owned by the Petitioner along with portions of public drainage easements and street right-of-way. The local government unit, City of Blaine, having authority over the public drainage easements and street right-of-way has provided notice for the vacation of these areas.

5. The RCWD’s action on the petition is governed by Minnesota Statutes Sections 103E.227 and 103E.806. The Petitioner has provided $10,000 bond. The petition is accompanied by exhibits showing the location of the realignment, and plans and specifications for the proposed ditch route. However, the petition does not contain a model of the proposed hydrologic condition in the realigned public drainage system. This defect 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.

6. Notwithstanding the minor defect 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 defect and provide a hydrologic model of the proposed public drainage realignment.

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. To the extent the Board’s approval of an action related to ACD 53-62 was never implemented under Resolution 2007-04, Resolution 2007-04 is hereby vacated.

E. This order is not an approval of the realignment proceedings, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Section 103E.227.

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

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

Michael Bradley, Secretary

Dated: March 11, 2015


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 11th day of March, 2015.

Michael Bradley, Secretary