RESOLUTION NO. 2015-21

GRANTING PETITION OF DRIESEN GROUP, LLC FOR REALIGNMENT OF A PORTION OF BRANCH 1 OF ACD 53-62 AND PARTIALLY ABANDONING THE DRAINAGE SYSTEM REMNANT AFTER REALIGNMENT

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

WHEREAS, the Board of Managers of the Rice Creek Watershed District (the District) is the Drainage Authority for Anoka County Ditch (ACD) 53-62 under Minnesota Statutes Chapter 103E;

WHEREAS, the Board received a petition and bond from Driessen Group, LLC for the realignment of a portion of Branch 1 of ACD 53-62 and to abandon the remnant portion of the drainage system after realignment;

WHEREAS, by Resolution 2015-16, the Board accepted the petition and bond under statutes sections 103E.227 and 103E.806 and appointed Houston Engineering to prepare a report assessing the impact of the proposed action;

WHEREAS, Houston Engineering completed its work and filed a report with the Board;

WHEREAS, Houston Engineering concluded that the proposed realignment would not impair the utility of the drainage system or deprive affected landowners of its benefit and further that abandoning the portion of the drainage system left remnant after the realignment would not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and would not provide substantial public benefit and utility;

WHEREAS, the Board noticed and held a hearing on the petition at its regular meeting on June 10, 2015;

WHEREAS, a public comment portion of the hearing was opened and members of the public were invited to present concerns regarding the proposed actions;

WHEREAS, during the public hearing no members of the public provided comment.;

WHEREAS, based on the proceedings, the engineer’s report and other evidence presented the Board finds:

a. The water surface elevations and peak discharge on Branch 1 upstream and downstream of the proposed realignment are not impacted by the construction;

b. The proposed realignment, as a component of the commercial development project, will not result in an adverse environmental impact due to the proposed mitigation features;
c. the proposed realignment will not impair the utility of the drainage system or deprive affected landowners of its benefit and, further, that the portion of the drainage system left remnant after the realignment will not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and will not provide substantial public benefit and utility.

THEREFORE, BE IT RESOLVED that the Board of Managers directs the following actions:

1. The petition of Driessen Group, LLC for the realignment of a portion of Branch 1 of ACD 53-62 and to abandon the remnant portion of the drainage system after realignment as indicated in the petition and engineer’s reports is GRANTED.

2. The cost of proceedings be charged to the petitioner’s bond. Any deficiency in the bond to cover the cost of the proceedings shall be paid by the petitioner prior to release of this order.

3. Upon payment of costs, the drainage system record shall be amended to reflect the realignment and partial abandonment as petitioned.

4. The petitioner may proceed to make the drainage system modification as petitioned upon release of this order and provided that the petitioner has acquired or obtained all required permits and all necessary rights-of-way and flowage easements from owners of land to be affected by the drainage system modification.

5. The petitioner must proceed and finish the with the drainage system modification as petitioned within three years of this order or this order is null and void

The question was on the adoption of Resolution 2015-21 and there were ___ yea and ___ nays as follows:

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Upon vote, the President declared the Resolution passed.

Michael Bradley, Secretary
Dated: June 10, 2015

* * * * * * * * *
I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution 2015-21 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 10th day of June, 2015.

Michael Bradley, Secretary