RESOLUTION # 2016-32

RESOLUTION OF THE RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS

Authorizing Payment of Monetary Compensation to Resolve Asserted, but Doubtful Claim

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

WHEREAS, Susan J. Moore and Ronald L. Moore (Moore) has asserted a claim of damage to their property (PID 20.032.21.41.0001) in Washington County, Minnesota.

WHEREAS, Moore asserts this damage is related to the function of Branch 1, Lateral 1 of Anoka/Washington Judicial Ditch 4 which is under Rice Creek Watershed District’s (RCWD) jurisdiction; and

WHEREAS, Moore asserts deterioration of drainage from their property has caused wetlands to exist, grow or expand on their property and that the deterioration of drainage and resulting damage arose out of certain alleged acts or omissions of RCWD; and

WHEREAS, Moore is requesting monetary compensation in order to correct the deterioration of drainage from their property; and

WHEREAS, RCWD denies any liability or financial obligation to Moore related to conditions on their property, but acknowledges it is in the public’s interest to resolve this doubtful and disputed claim; and

WHEREAS, Moore and RCWD have reach agreement on terms to settle such claim.

THEREFORE BE IT RESOLVED, that the RCWD Board of Managers approves settlement according to the terms contained in the Agreement and Release; and

FURTHER, the President and Secretary are authorized to execute said Agreement as the voluntary and lawful act of the RCWD; and

FURTHER, upon completion of Moore’s requirements under the Agreement staff is authorized to issue a draft for compensation as detailed in the Agreement.
The question was on the adoption of the Resolution and there were \( \frac{4}{1} \) yeas and \( 0 \) nays as follows:

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Upon vote, the Chair declared the Resolution **passed**.

Michael Bradley, Secretary

Dated: November 9, 2016

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I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Findings and Order 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 9th day of November 2016.

Michael Bradley, Secretary