RESOLUTION 2017-03

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

FINDINGS AND ORDER RECEIVING ENGINEER'S REPORT AND SETTING A DATE FOR HEARING

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

FINDINGS

1. Marvin LaValle (LaValle), by and through his consultant, John Smyth of Santec, petitioned the Board of Managers of the Rice Creek Watershed District (RCWD), Drainage Authority for the Anoka-Washington Judicial Ditch 3 system (JD 3), to impound waters on Branch 2 of JD 3, abandon a portion of Branch 3 of JD 3, re-align a portion of Branch 3 of JD 3 and encroach upon required right of way of the main channel of JD 3. The petitioned actions are for the beneficial purpose of restoring wetland areas adjacent to the ditch and development of a wetland bank.

2. By resolution 2016-36, the Board accepted the petition and appoint its engineer, Houston Engineering, Inc., to conduct review and analysis of the proposed action pursuant to statutes sections 103E.227 and 103E.806.

3. The engineer has submitted its report dated February 1, 2017. Upon review, the report appears complete.

Therefore, the RCWD Board of Managers makes the following:

ORDER

A. The Board of Managers receives the engineer's report for filing and sets a public hearing on the report and the petitioned action for March 8, 2017 at 9:00 a.m. in the Shoreview City Council Chambers, 4600 North Victoria Street, Shoreview, Minnesota.

B. The Board directs its staff to give notice of the hearing as required by statutes sections 103E.227 and 103E.806 by mail to the petitioner and to owners of property and political subdivisions likely to be affected by the proposed action, including the owners of all property benefited by the drainage system, by publication either in a newspaper of general circulation within the affected drainage area or on the RCWD Web site and by any other means directed by local policy.
C. This order is not an approval of the impoundment and partial abandonment proceedings, nor does it modify the drainage system. A decision on the petitioned action will be made following public hearing and according to the standards found in statutes sections 103E.227 and 103E.806.

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

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

Barbara Haake, Acting Secretary

Dated: February 8, 2017

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I, **Barbara Haake**, Acting 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 8th day of February 2017.

Barbara Haake, Acting Secretary