RESOLUTION NO. 2017-13

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS
ORDER ADOPTING/CONFIRMING REPAIR AREA FOR THE REPAIR OF BRANCH 2 OF ANOKA
COUNTY DITCH 53-62

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

WHEREAS, By Resolution 2011-28, the Board initiated proceedings to consolidate ACDs 53 and 62 (into ACD 53-62 as a single system) and to correct the drainage system record of ACD 53-62, to include defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system as originally constructed or subsequently improved; and

WHEREAS, by Resolution 2012-06, after duly noticed public hearing, the Board adopted a resolution consolidating ACDs 53 and 62 and correcting the drainage system record for ACD 53-62; and

WHEREAS, by Resolution 2015-33, the Board adopted findings and an order directing proceedings for the repair of Branch 2 of ACD 53-62; and

WHEREAS, by Resolution 2017-09, the Board adopted findings and an order directing the repair of ACD 53-62; and

WHEREAS, the engineer’s repair plan recommends a construction corridor consistent with the right-of-way adopted in the record correction proceedings and consistent with the area contemplated and included in the original establishment of ACD 53-62; and

WHEREAS, the engineer has recommended an area reasonably necessary to accommodate the repair and the safe passage of equipment; and

WHEREAS, the area to be occupied and impacted during the repair will require the removal of trees, vegetation, structures and other obstructions to the ditch within the established right of way; and

WHEREAS, on May 15, 2017, upon notice to all owners of property traversed by Branch 2 of ACD 53-62, the Board held an informational meeting to explain the repair process to the landowners and to inform them of the impacts to trees, vegetation and structures on their property that will be impacted by the repair; and

WHEREAS, at the meeting, the Board’s staff explained the various easements and rights of entry associated with the drainage system and the Board’s obligations of maintenance and inspection as Drainage Authority, took questions and comments from the public in attendance, gave
answers and coordinated for site visits in order to structure the repair in a way to minimize disturbance and inconvenience to the landowners; and

WHEREAS, the engineer has developed plan sheets identifying the areas necessary for entry and occupation during the repair of the drainage system – including identification of the specific work to be performed and identification of the owner of property impacted by the repair.

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

FINDINGS

A. The Board of Managers finds that the areas necessary for entry and occupation during the repair of the drainage system as reflected in the engineer’s memorandum and plan sheets, as amended, lie within the established right of way of the drainage system and within the area contemplated and included in the original proceedings establishing the drainage system.

B. The Board of Managers finds that the trees, vegetation and structures in the work area constitute obstructions to the drainage system in that they limit access for statutorily required maintenance and inspection.

ORDER

The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for implementation of the repair in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval.

The question was on the adoption of the Resolution. After discussion, the President called for a vote and there were 5 yeas and 2 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Michael Bradley, Secretary

Dated: May 24, 2017
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 24th day of May, 2017.

Michael Bradley, Secretary