RESOLUTION 2017-21

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS
DRAINAGE AUTHORITY FOR ANOKA COUNTY DITCH 55

FINDINGS AND ORDER ACCEPTING PETITION AND DIRECTING APPOINTMENT OF ENGINEER

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

FINDINGS

1. Mattamy Homes (Mattamy), on behalf of its buyer Lennar Corporation (Lennar), by and through its consultant, Brian Kallio, P.E., of Carlson McCain, Inc., has petitioned the Board of Managers of the Rice Creek Watershed District (RCWD), Drainage Authority for the Anoka County Ditch 55 system (CD 55), to abandon a portion of CD 55, re-align a portion of CD 55 and encroach upon required right of way of CD 55. The petitioned actions are for the beneficial purpose of facilitating development of property owned by Mattamy and platted for development of the Watermark development project – a single family housing development.

2. Lennar has an agreement with Mattamy for the purchase of the property in order to continue the development.

3. Lennar intends to divert the flow of drainage system waters and re-align portions of the drainage system to provide continued drainage to upstream properties. All activities proposed are to occur on Mattamy’s property which Lennar will eventually own.

4. The RCWD’s action on the petition is governed by Minnesota Statutes Sections 103E.227 and 103E.806. Mattamy’s petition, on behalf of Lennar, was accompanied by the required bond and exhibits showing the location of the installation, and plans and specifications for the proposed actions. Upon review, the petition appears complete.

Therefore, the RCWD Board of Managers makes the following:

ORDER

A. The Board of Managers accepts the petition and appoints Houston Engineering to investigate the effect of the proposed action under the standards found in sections 103E.227 and 103E.806 and file a report of findings.
B. The Engineer is directed to include in its investigation an assessment of effects from the proposed action to private property which may require Lennar or Mattamy to acquire flowage or other easements related to the diversion of drainage system waters and realignment of the drainage system, an assessment of the impact of encroachment on right of way of CD 55, an assessment of the impact of the proposed action on the function and integrity of CD 55, and an assessment of the requirements for alternative drainage system easements for the drainage system re-alignment.

C. This order is not an approval of the proposed action, nor does it modify the drainage system. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Sections 103E.227 and 103E.806.

The question was on the adoption of the Resolution and there were 5 yea's and 0 nay's as follows:

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

Michael Bradley, Secretary

Dated: August 23, 2017

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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 23rd day of August, 2017.

Michael Bradley, Secretary