RESOLUTION NO. 2018-11

GRANTING PETITION OF WELLINGTON MANAGEMENT, INC., AND UNITED HOSPITAL FOUNDATION FOR REALIGNMENT AND PARTIAL ABANDONMENT OF A PORTION OF ACD 53-62 AND PARTIALLY ABANDONING THE DRAINAGE SYSTEM REMNANT AFTER REALIGNMENT

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

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; and

WHEREAS, Board received a petition and bond from Wellington Management, Inc., (Petitioner) and United Hospital Foundation (co-Petitioner) to realign and partially abandon a portion of ACD 53-62 Main Trunk and branches 4 and 5 for the purpose of a proposed mixed-use commercial/residential use of property riparian to the ditch; and

WHEREAS, by Resolution 2018-06, 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; and

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

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; and

WHEREAS, by Resolution 2018-10, the Board accepted the Engineer’s Report and set the public hearing for April 25, 2018 and directed proper notice of the public hearing; and
WHEREAS, the Board noticed and held a hearing on the petition at its regular meeting on April 25, 2018; and

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

WHEREAS, during the public hearing the received and considered all comments and testimony provided; and

WHEREAS, based on the engineer's reports and other evidence presented, the Board finds that the proposed realignment will make beneficial use of the adjacent property, 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 Wellington Management, Inc., and United Hospital Foundation to realign and partially abandon a portion of ACD 53-62 Main Trunk and branches 4 and 5 for the purpose of a proposed mixed-use commercial/residential use of property riparian to the ditch 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 and the actions completed, the drainage system record shall be amended by the District Engineer 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, if any.
The question was on the adoption of Resolution 2018-11 and there were 5 yeas and 0 nays as follows:

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Upon vote, the President declared the Resolution passed.

Michael Bradley, Secretary

Dated: April 25, 2018

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I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution 2018-11 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 25th day of April, 2018.

Michael Bradley, Secretary