RESOLUTION NO. 2018-34

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION REQUESTING CHANGE OF BOUNDARY WITH
BROWN’S CREEK WATERSHED DISTRICT

Manager Haake offered the following resolution and moved its adoption, seconded by Manager Walle:

WHEREAS as a result of the recent generation of more precise topographic data, the hydrologic boundary of the Rice Creek watershed can be more precisely ascertained; and

WHEREAS these improved data and the ongoing subdivision and development of land allow for more accurate differentiation of properties lying within the hydrologic boundary of the watershed and, therefore, more accurate inclusion of properties within the Rice Creek Watershed District’s legal boundary; and

WHEREAS the purpose of Minnesota Statutes Chapters 103B and 103D is to facilitate water resource management on a watershed basis, and that legal boundaries of watershed management organizations should conform as closely as is practicable to hydrologic boundaries; and

WHEREAS certain land parcels presently within the boundaries of the Brown’s Creek Watershed District have been identified as falling within the hydrologic boundary of the Rice Creek watershed; and

WHEREAS these parcels are shown on Exhibit A and are proposed on that exhibit to be included within a revised legal boundary of the Rice Creek Watershed District; and

WHEREAS certain land parcels presently within the boundaries of the Rice Creek Watershed District have been identified as falling within the hydrologic boundary of the Brown’s Creek watershed; and

WHEREAS these parcels are shown on Exhibit B and are proposed on that exhibit to be included within a revised legal boundary of the Brown’s Creek Watershed District (and excluded from a revised legal boundary of the Rice Creek Watershed District); and

WHEREAS the parcels to be exchanged are represented on a map, attached herein as Exhibit C; and

WHEREAS the parcels affected by this boundary change are contiguous to the Rice Creek Watershed District, are entirely within the corporate limits of the Cities of Hugo and Grant, Minnesota, and adjustment of the District’s legal boundary will advance the purposes of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS Pursuant to Minnesota Statutes § 103B.215, subdivision 2(c), the Rice Creek Watershed District obtained letters of concurrence from both the Brown’s Creek Watershed District and the Cities of Hugo and Grant, attached herein as Exhibits D, E and F, and that all three entities support the proposed boundary change; and
WHEREAS Rice Creek Watershed District and BCWD have agreed that Rice Creek Watershed District will continue to administer permits that have been issued by it for work on properties subject to this resolution at the time of its adoption, and will notify BWCD on completion of all work and satisfaction by the permittee of obligations under the permit, at which point regulatory jurisdiction will no longer be administered by the Rice Creek Watershed District over properties transferred to BCWD.

THEREFORE BE IT RESOLVED that the Board of Managers, Rice Creek Watershed District, authorizes the Board President, on advice of counsel and with any further non-material changes, to sign a petition for boundary change pursuant to Minnesota Statutes 103B.215, on behalf of the Board, adjusting the District boundary in accordance with Exhibits A, B and C hereto.

The question was on the adoption of the Resolution and there were 6 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Michael Bradley, Secretary

Dated November 14, 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 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 14th day of November, 2018.

Michael Bradley, Secretary