Technical Memorandum

To: Nick Tomczik  
District Administrator, RCWD
Cc: Tom Schmidt, RCWD Drainage Inspector  
John Kolb, Rinke-Noonan  
File 5555-103
From: Garrett Monson, PE  
Through: Chris Otterness, PE
Subject: Engineer’s Findings
Date: February 13, 2020
RE: Anoka County Ditch 53-62 Partial Abandonment and Realignment

BACKGROUND

On November 18th, 2019, the Rice Creek Watershed District (RCWD) Board of Managers accepted a petition submitted on behalf of Wellington Management, with the support of the landowner (Alliance Bank), for the partial abandonment and realignment of Anoka County Ditch (ACD) 53-62, including portions of the Main Trunk and Branches 4 and 5. The purpose of the drainage system modifications is to avoid conflict with the proposed non-agricultural land use. The RCWD Board of Managers appointed Houston Engineering, Inc. (HEI) to investigate the effects of the proposed modification under MS 103E.227 and 103E.806 and file a report of findings. This memorandum documents the engineer’s findings.

The co-petitioners have provided a narrative description of the project with associated figures, drainage system rerouting plans, a letter of support from the current property owner, a letter detailing revisions based on comments from District staff, and has coordinated with HEI to ensure adequate system capacity. The following is a summary of the proposed modifications.

Main Trunk

- Abandon the Main Trunk north of 109th Ave NE from approximate STA 128+35 to 151+10 (approx. 2,275 feet). Note – this segment of the ACD 53-62 Main Trunk open channel was designed with zero longitudinal grade.
- Realign the Main Trunk as an open channel, beginning at the Sanctuary Preserve Development and continuing southwest (approximately 1,350 feet), south (along a current
private ditch alignment and across CSAH 12 (109th Ave.), and then east (along the current Branch 5 alignment), reconnecting with the Main Trunk at STA 128+35.

- All portions of the Main Trunk open channel realignment will be constructed at the As-Constructed and Subsequently Improved Condition (ACSIC) grade (891.46') consistent with the existing Main Trunk elevation, with a 10' bottom width and 2:1 side slopes. The Main Trunk will have an easement width of 75-feet in this location, including a 20-foot maintenance corridor adjacent to the top of bank.

Branch 4

- Extend the Branch 4 alignment along the current Main Trunk alignment from STA 128+35 to 132+20.
- Existing cross-sections and grades will be maintained.

Branch 5

- Partially abandon the downstream end of Branch 5 from STA 3+70 to 13+60. (Note: this will become a component of the Main Trunk.)

The proposed realignment & abandonment is shown in Figure 1. All proposed modifications are within the property of the co-petitioners or are within the scope of a District easement and will be constructed to the ACSIC grade and match either the ACSIC or existing capacity, whichever is greater.

**UTILITY OF SYSTEM / OUTLET ADEQUACY**

The co-petitioners are proposing to realign the public drainage system with the same capacity and grade as the existing public drainage system. The outlet of the altered portions of the public drainage system will not be changed. Segments of the public drainage system proposed to be abandoned will no longer be necessary due to the proposed realignment channels. Therefore, the project will not adversely impact the drainage function for upstream benefitting landowners.

The co-petitioners are solely responsible for funding design, construction, and oversight costs associated with the public drainage system abandonment and realignment. The RCWD will retain administrative authority over, and responsibility for, maintenance of the public drainage system, including the realigned portion. The co-petitioners will be responsible for maintenance of any new crossings of private drainage systems within the proposed right-of-way.

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1 All elevations provided herein are based on North American Vertical Datum of 1988 (NAVD’88).
BENEFITS

The proposed realignment will provide benefit for the conceptual North Meadows development. The conceptual development would result in multiple structures and public utilities being constructed over the alignment of the existing public drainage system. Therefore, realigning the public drainage system will accommodate the conceptual development and provide for future maintenance of the public drainage system.

ENVIRONMENTAL IMPACTS

The petitioned partial abandonment and realignment does not impact floodplain or runoff rates. The petitioned partial abandonment and realignment may impact wetlands. The completion of construction activities will need to meet RCWD Rules for land disturbing activity under Rule D and Wetland Conservation Act (WCA) compliance under Rule F. At this time the co-petitioners have not acquired any of the regulatory approvals required for the conceptual North Meadows Development.

EASEMENTS/MAINTENANCE CORRIDOR

The RCWD, in its role as drainage authority under MN Statute 103E, requires the co-petitioners to convey and dedicate easements for the necessary width required to reasonably perform public drainage system maintenance. The width typically necessary to perform maintenance on along an open channel ditch is a minimum of 20 feet on one side of the ditch, and the footprint of the public drainage system from bank to bank. The co-petitioners are proposing to provide a corridor for public drainage system access/maintenance, generally along the west side of the realigned Main Trunk. The maintenance corridor is a minimum of 20’ width from the top of bank, maximum 20% longitudinal grade, and maximum 5% cross slope, and will include a drainage easement for the benefit of ACD 53-62 and authorizing the drainage authority to exercise authority over the realigned portion of the drainage system in a manner consistent with statutes chapters 103B, 103D, and 103E. This maintenance corridor includes crossings with culverts where ditches intersect with the new Main Trunk alignment. At least three crossings of existing lateral ditches are required and will be installed and maintained by the petitioner or its assigns.

While the petition proposes to modify the public drainage system, RCWD’s authority to access the system remains with or without a recorded easement over the unaltered and realigned segments. The petitioner is indicating a 20-foot maintenance alongside the ditch. This corresponds to up to a 75-foot total easement width along the main trunk. No permanent structures, impervious surfaces, or landscape features may be permitted within this easement except for approved road or trail crossings. No property within the public drainage system easement may be used for any alternative use such as wetland replacement, upland buffer, etcetera. An easement must be provided along the public drainage system within the project area at the time of permitting of the work that is being petitioned. An approval of this petition does not constitute an approval of the proposed development plan and any future development will be reviewed at the time of permitting.
Permits

The co-petitioners must apply to the RCWD for approval under Rules D, G, F, and I for the realignment of the public drainage system. The co-petitioners may also need to obtain a permit for other RCWD Rules. Additional RCWD permit requirements will be applicable to construction activities related to any phase the conceptual development.

Additionally, the project may require:

- An NPDES Stormwater Permit for Construction from the Minnesota Pollution Control Agency; and
- A Section 404 permit per the Clean Water Act from the U.S. Army Corps of Engineers.

Note: This is not intended to be an exhaustive list of required permits/permissions. It is the petitioner’s responsibility to confirm permit requirements with the regulatory authorities having jurisdiction over the work.

CONCLUSION

Minnesota Statute 103E.227, Subpart 3, requires the proposed project to provide public or private benefit and not impair the utility of the ditch or deprive affected landowners of its benefit. The Statute also requires that the proposed realignment be feasible, the outlet be adequate, and the public benefit be greater than the adverse environmental impact.

The proposed partial abandonment and realignment of portions of the ACD 53-62 Main Trunk and Branches 4 and 5 will not impair the utility of the ditch or deprive the affected landowners of its benefit. The only property affected by the realignment is the property of the co-petitioner, otherwise the modifications are within the scope of existing District easements. We recommend, at a minimum, the owners of the following properties be notified of the public hearing (by PIN number):

- 14-31-23-42-0011
- 23-31-23-12-0002
- 23-31-23-12-0003
- 23-31-23-21-0001
- Anoka County (Right-of-Way)
- City of Blaine (Right-of-Way)

The proposed realignment, as a component of the North Meadows project, will not result in an adverse environmental impact due to the required mitigation features required through RCWD Rules. The project is to be contingent upon acquiring the required regulatory approvals for the construction of the first phase of the conceptual North Meadows development, construction of the conceptual North Meadows development project features, and formal acceptance by the District.
The co-petitioners have met the requirements of Minnesota Statute 103E.227 and 103E.806. We recommend the RCWD Board of Managers notice, and hold, a public hearing on the partial abandonment and realignment of the ACD 53-62 Main Trunk and Branches 4 and 5.

**ATTACHMENTS**

Petition from Wellington Management
Letter of Support from Alliance Bank
Revisions/Clarifications for ACD 53-62 Partial Abandonment and Realignment
Figure 1: Summary of Modifications

- Abandon as Main Trunk, becomes Branch 4
- Abandon as Branch 5, becomes Main Trunk
- New Main Trunk alignment
- Abandon as Main Trunk
- ACD 53-62 Br 4
- ACD 53-62 Br 5; becomes Main Trunk

Legend:
- Ditch Realignment
- ACD 53-62

Scale: AS SHOWN
Drawn by: TWM
Checked by: Project No.: Date: 1/20/2020
Sheet: N/A

Maple Grove
P: 763.493.4522
F: 763.493.5572
Dear Mr. Schmidt:

With this letter and supporting documentation, Wellington Management, Inc. (Petitioner) formally petitions the Rice Creek Watershed District (RCWD) as the drainage authority for Anoka County Ditch 53-62 and Anoka County Ditch 32, for permission to abandon and relocate portions of the ditches that run through the proposed North Meadows development. This petition is made pursuant to Minnesota Statutes, Section 103E and RCWD Rule I.

Background

This request is made to accommodate a mixed-use commercial/residential development of property by the Petitioner. The development will consist of a combination of commercial and residential lots and associated infrastructure. ACD 53-62 traverses the site from north to south, from the Sanctuary single family development to the north, down to 109th Avenue NE (CSAH 12) to the south. ACD 32 traverses the site from west to east. Portions of both ditches are currently located within the extents of the proposed development, necessitating the abandonment and realignment.

Existing Conditions

The proposed site consists of Outlot E and Outlot G of the Glenn Meadows plat, which is located in Section 14, Township 31, Range 23 west. The site is bounded on the north by the Sanctuary development, on the east by Lexington Avenue (CSAH 17), on the south by 109th Avenue NE (CSAH 12) and on the west by existing residential development. The main trunk of ACD 53-62 traverses the site from north to south in the eastern portion of the property. ACD 32 traverses the site from west to east in the northern portion of the property.

There are several private ditches onsite that connect to the main trunk of ACD 53-62, as well as ACD 32.

RCWD also has a hydraulic model of this ditch system. According to RCWD, the regulatory flood elevation onsite is 897.1.
Proposed Conditions

The proposed plan of development proposes to realign the main trunk of ACD 53-62 further west, to allow for the development of the property. Approximately 1,405 feet of the main trunk of ACD 53-62 will be abandoned, from station 133+65 to station 147+70. The proposed ditch realignment will connect to the existing ditch at station 147+70, and then reroute westerly, then southerly, then easterly and tie back into the existing ditch at station 133+65, at the north end of the culvert under 109th Avenue NE. As a result of the realignment, the ditch will increase in length from 1,405 feet to 3,470 feet.

Additionally, the proposed plan of development proposes to abandon approximately 1,700 feet of the easterly extend of ACD 32. ACD 32 is essentially split in two portions on either side of ACD 53-62. The west portion drains from west to east to ACD 53-62 and the east portion drains from east to west to ACD 53-62. It is proposed to abandon the entire east portion of ACD 32 as it will no longer be needed after the site is development. It is also proposed to abandon approximately 580 feet of the west portion of ACD 32, which is all portions east of the realigned ACD 53-62. Here, ACD 32 will be tied into the realigned ACD 53-62 further west.

Several of the private ditches onsite within the proposed development area will either be filled in or excavated to allow for development of the property.

Funding

The Petitioner will provide 100% funding for design, construction, and oversight costs associated with the ditch realignments and abandonments. No funding from RCWD or other public entities is being requesting for this project.

“Terms of the Funds”

The following language in the petition served as the “terms” of the bond/cash deposit. This is taken directly from state statute:

1. Accompanying this petition is the Petitioner’s escrow deposit of $10,000. Petitioner acknowledges and agrees that additional deposit may be required as additional costs are incurred in the proceedings. Petitioner agrees to pay all costs and expenses that may be incurred if the proceedings are dismissed.
2. Petitioner acknowledges that the costs incurred before the proposed drainage system modification is established may not exceed the amount in the amount of the Petitioner’s deposit.
3. Petitioner acknowledges that a claim for expenses greater than the amount of the deposit may not be paid unless an additional deposit is filed.
4. Petitioner acknowledges that if the drainage authority determines that the cost of the proceedings will be greater than the Petitioner’s deposit before the proposed drainage system modification is established, the drainage authority must require an additional deposit to cover all costs to be filed within a prescribed time.
5. Petitioner acknowledges that the proceeding will be stopped until the additional deposit prescribed by the drainage authority is filed.
6. Petitioner acknowledges that if the additional deposit is not filed within the time prescribed, the proceeding must be dismissed.
7. Petitioner acknowledges that the costs of the Rice Creek Watershed District in the proceedings will be paid from the deposit.

Maintenance

Ownership and maintenance of the ditches will continue to be RCWD. The Petitioner will provide an easement and routes for RCWD access and maintenance.

Closing

We request that RCWD set a time and location for a public hearing on this partial abandonment petition and give notice of the hearing by mail to owners of all property benefited by the drainage system and either in a newspaper of general circulation within the affected drainage area or by publication on the RCWD web site pursuant to Minnesota Statutes, Sections 103E.805 and 103E.806.

Please contact me at (763)489-7912 or jradach@carlsonmccain.com if you have any questions or require any additional information.

Sincerely,

Joseph Radach, PE
Carlson McCain

Petitioner Signature

Steve Wellington
Wellington Management, Inc.

Attachments: Ditch Abandonment/Realignment Exhibit
North Meadows Preliminary Grading Plans
ATTACHMENT B – LETTER OF SUPPORT FROM ALLIANCE BANK
November 18, 2019

Public Ditch Authority
c/o Tom Schmidt, Rice Creek Watershed District
4325 Pheasant Ridge Drive
Blaine, MN 55449

Re: Petition for Partial Removal and Relocation of Anoka County Ditch 53-62 and Anoka County Ditch 32
North Meadows
Blaine, MN

Dear Mr. Schmidt:

With this letter, Alliance Bank (Co-Petitioner) formally supports Wellington Management, Inc. (Petitioner) in their petition to abandon and relocate portions of Anoka County Ditch 53-62 and Anoka County Ditch 32 at the proposed North Meadows development. The Rice Creek Watershed District (RCWD) is the drainage authority for the ditches. The petition is made pursuant to Minnesota Statutes, Section 103E and RCWD Rule I.

Alliance Bank supports Wellington Management, Inc. as a co-petitioner for the ditch abandonment/relocation project. Wellington Management, Inc. will be fully responsible for all fees, construction costs, and permitting related to the project. Alliance Bank is acting as co-petitioner solely to allow for Wellington Management, Inc. to petition for the abandonment/relocation of portions of Anoka County Ditch 53-62 and Anoka County Ditch 32 on the property that is currently owned by Alliance Bank.

Please contact me at (763)489-7912 or jradach@carlsonmccain.com if you have any questions or require any additional information.

Sincerely,

Joseph T. Radach, PE
Carlson McCain

Co-Petitioner Signature
Alliance Bank

Print Name: ______________________________________

Signature/Date: ________________________________
ATTACHMENT C – REVISIONS/CLARIFICATIONS FOR ACD 53-62
PARTIAL ABANDONMENT AND REALIGNMENT
TECHNICAL MEMORANDUM

PROJECT: North Meadows – ACD 53-62 Partial Abandonment and Realignment

DATE: January 10, 2020

TO: Tom Schmidt – Rice Creek Watershed District

FROM: Joseph Radach, PE – Carlson McCain, Inc.

RE: Revisions/Clarifications for ACD 53-62 Partial Abandonment and Realignment

BACKGROUND

On November 18, 2019, Carlson McCain submitted a petition for partial abandonment and realignment of ACD 53-62 on behalf of Wellington Management (petitioner) and Alliance Bank (co-petitioner). The purpose of the partial abandonment and realignment is to avoid conflicts with the proposed improvements associated with a mixed-use development to be known as North Meadows.

The RCWD Board of Managers appointed Houston Engineering, Inc. (HEI) as engineer to review the proposed partial abandonment and realignment of ACD 53-62 as it pertains to Minnesota Statutes 103E.227 and 103E.806. HEI conducted a preliminary review of the petition and summoned Carlson McCain and Wellington Management to a meeting on December 26, 2019 to discuss the proposed alignment of ACD 53-62. The proposed realignment of ACD 53-62 had several sharp bends and created a double ninety degree turn at the 109th Avenue NE crossing. To address the concerns raised by HEI, Carlson McCain revised the proposed plans, including revising the proposed alignment of ACD 53-62. This memorandum addresses the changes made to plan and how it affects the petition.

PLAN REVISIONS

To prevent a relatively sharp bend in the main trunk of the ditch at the proposed connection point at the north end of the project, the connection point was moved further north. This provides a gentler curve as the ditch is realigned further west. Note that the ditch connection now takes place on the adjacent property, however it is understood that RCWD has easement over this property and has the right to make the ditch connection as proposed.

Under the originally submitted petition, the main trunk was proposed to be routed into the proposed lake feature west of the townhome units. HEI requested that the ditch not be routed through the lake feature, but rather in a separate dedicated channel to provide for easier maintenance of the ditch. Additionally, the plans showed the main trunk exiting the lake feature and heading east to the existing main trunk crossing of 109th Avenue NE. The main trunk would then cross 109th Avenue NE and then turn ninety degrees back west to continue down the main trunk. HEI requested that the alignment be reviewed at this location to prevent the double ninety degree turn of the main trunk.
Immediately west of the proposed lake feature is an existing private ditch that drains south through the property and under 109<sup>th</sup> Avenue NE via a 60-inch RCP culvert and connects to Branch 5 of ACD 53-62. Branch 5 then drains east for approximately 990 feet before connecting to the main trunk. The revised plans propose using the existing ditch west of the lake feature as the new main trunk. Then, the 990 feet of Branch 5 would become part of the main trunk. Lastly, approximately 385 feet of the main trunk would become part of Branch 4. Realigning the ditch in this way addresses the concerns raised by HEI and provides for an efficient and maintainable drainage system. See attached plans for further clarification. A summary of the proposed modifications are as follows:

- Abandon Main Trunk from Station 128+35 to 151+10
- Realign Main Trunk approximately 1,350 feet west of existing main trunk
- Abandon Branch 5 from Station 3+70 to 13+60
- Reestablish Main Trunk in Branch 5 alignment from Station 3+70 to 13+60
- Reestablish Branch 4 in Main Trunk alignment from Station 128+35 to 132+20

**JUSTIFICATIONS**

MN Statute 103E.227 & 103E.806

The proposed partial abandonment and realignment of the public ditch will not impair the utility of the drainage system or deprive affected landowners of its benefit. The proposed new ditch will be constructed to the same capacity as the existing system. No additional crossings of the ditch system are proposed. The portions of the ditch system to be abandoned are no longer necessary due to the construction of the new system.

The partial abandonment and realignment of the ditch will provide benefit to the public in that it will allow development of the proposed project in conformance with the City of Blaine’s comprehensive plan for this area. It will also provide for a more accessible ditch system providing easier and safer access for inspection and maintenance activities.

The co-petitioners are proposing to provide a 75-foot easement over the entirety of the realigned ditch system on the subject property. Existing easements are in-place for the proposed reestablished portions of the ditch on the south side of 109<sup>th</sup> Avenue NE.

The co-petitioners will obtain all necessary permits prior to constructing the project, including but not limited to:

- MPCA Construction Stormwater Permit
- USACE Section 404 Permit
- RCWD Permit

As stated in the petition, the co-petitioners are solely responsible for all costs incurred for design, construction, and oversight of the partial abandonment and realignment of the public drainage system.
CONCLUSION

The proposed partial abandonment and realignment of ACD 53-62 will provide public and private benefit as it will allow construction of the North Meadows mixed-use development without multiple crossings and conflicts with the existing ditch system. The project will not impair the utility of the drainage system or deprive landowners of its benefit as the proposed system will be constructed to same capacity as the existing system and thus will provide the same benefit as the existing system.

The proposed partial abandonment and realignment of ACD 53-62 meets the requirements of MN Statues 103E.277 and 103E.806, and should be recommended for approval.

CERTIFICATION

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

This Technical Memorandum was prepared by:

[Signature]
Joseph T. Radach, P.E.
License #: 45889

01/10/20
Date
MAIN TRUNK TYPICAL CROSS-SECTION

PROPOSED CROSS-SECTION

RKI-45 (OFFICIAL PROFILE) 891.0