

RESOLUTION 2023-05

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS AS PUBLIC DRAINAGE AUTHORITY FOR ANOKA COUNTY DITCH 10-22-32

FINDINGS AND ORDER ACCEPTING PETITION AND APPOINTING ENGINEER

Manager Wagamon offered the following Resolution and moved its adoption, seconded by Manager Waller:

FINDINGS

1. Petitioner/landowner Blaine 2022, LLC, in conjunction with its engineer Justin Klabo of AE2S, has petitioned the Board of Managers of the Rice Creek Watershed District (RCWD), Drainage Authority for Anoka County Ditch (ACD) 10-22-32, for an outlet to Branch 3 of ACD 10-22-32 for approximately 4.43 acres of land not currently within the ACD 10-22-32 sub watershed drainage area.
2. The petition is brought pursuant to Minnesota statutes section 103E.401.
3. The addition of lands outletting to Branch 3 of ACD 10-22-32 is part of a development project initiated by the Petitioner.
4. Compliance with statutes section 103E.401 is required to authorize the outlet of new acres to Branch 3 of ACD 10-22-32.
5. The petition recites the Petitioner's commitment to pay all costs related to the outlet proceedings and provide 100% funding for design, construction, and oversight costs associated modification of the drainage area. The Petitioner does not request any funding from RCWD or other public entities for its project.
6. The Petitioner has provided a \$5,000 escrow deposit to cover costs in the proceedings. The Board finds the escrow deposit sufficient to meet its requirements under statute and policy.
7. The petition was accompanied by sufficient information to evaluate the proposed action. Upon review, the petition appears complete.
8. The Board notes that ACD 10-22-32 is within an established Water Management District (WMD) for the purpose of paying drainage system costs. Given the existence of the ACD 10-22-32 WMD and the prior use of WMD charges to fund major repair of the drainage system, the Board will consider, in determining outlet charges or future maintenance benefits, the potential charges to the 4.43 acres of land not currently within the ACD 10-22-32 sub watershed drainage area had they been included within the original WMD.

Therefore, the RCWD Board of Managers makes the following:

ORDER

- A. The Board of Managers accepts the petition and appoints Houston Engineering, Inc., Chris Otterness, P.E., to investigate the effect of the proposed action under the standards found in section 103E.401 and file a report of findings.
- B. The Engineer is directed to include in its investigation an assessment of the capacity of Branch 3 of ACD 10-22-32 to accommodate drainage discharges from the additional acres and to evaluate the overall impact of the development and proposed stormwater management controls on the portions of public drainage conveyance downstream of the development.
- C. The Engineer is further directed to provide an opinion on outlet charge in light of prior WMD charges within the ACD 10-22-32 WMD.
- D. Upon receipt and review of engineer's report of findings, the Board authorizes its staff to set and notice a public hearing on the petitioned action. The hearing may be held in conjunction with a regular meeting of the Board.
- E. This order is not an approval of the proposed action, nor does it modify the drainage area or any portion thereof. Subsequent proceedings on the petition will occur consistent with the requirements of Statutes Section 103E.401.

The question was on the adoption of the Resolution and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BRADLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERTSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WALLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WEINANDT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution passed.

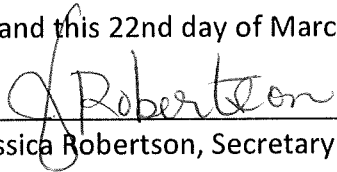
J. Robertson
Jessica Robertson, Secretary

Dated: March 22, 2023

* * * * *

I, Jessica Robertson, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolutions 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 22nd day of March 2023.



Jessica Robertson, Secretary

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Rice Creek
Watershed District

STATE OF MINNESOTA

Before the

Rice Creek Watershed District (RCWD)

SITTING AS THE DRAINAGE AUTHORITY FOR

ACD 10-22-32

In the Matter of:

Petition for Authority to Use ACD 10-22-32 as an Outlet

PETITION

Pursuant to Minn. Stat. § 103E.401, Petitioners seek authority to use ACD 10-22-32 as an outlet for drainage. For their Petition, the undersigned Petitioners state and allege the following:

Findings:

1. Petitioners request express authority from the RCWD acting as the drainage authority for ACD 10-22-32, to use the ACD 10-22-32 as an outlet for a private stormwater discharge installed to benefit the following properties:
 - a. See Preserve at Lexington Waters, ALTA survey and final plat. + 5.20 acres – 0.77 acres = +4.43 acres, see attached exhibit. (Exhibit A – Drainage Pattern – PLW)
2. Petitioners have consulted with AE2S (Justin Klabo), a professional engineer licensed in Minnesota, to evaluate the capacity of ACD 10-22-32 as an outlet for the private drainage system benefitting petitioner's property. A copy of the engineer's report is attached hereto and marked PLW - SWMP.
3. The engineer has concluded that there is capacity in the ACD 10-22-32 for the 4.43 acres proposed to be drained by petitioners' private drainage system to outlet into ACD 10-22-32.


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4. Petitioners request the drainage authority, concurrent with the proceedings on this petition, determine an outlet charge and future charge basis in a manner consistent with the established Water Management District and Water Management District Charge basis for ACD 10-22-32.
5. The Petitioner will provide 100% funding for design, construction, and oversight costs associated with the outlet as it relates to this proposed development. No funding from RCWD is being requested for this project.

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, the Petitioner will provide an escrow deposit of \$5,000. 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 proceedings 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.
Petitioner acknowledges that the costs of the Rice Creek Watershed District in the proceedings will be paid from the deposit.
6. This petition may be signed in counterparts.

Respectfully submitted this ____ day of _____, ____ by:

Owner Signature	Property Owned	Mailing Address	Dated
 Nathan Fair, Chief Manager Blaine 2022, LLC	Preserve at Lexington Waters (60.21 acres) 13101 Lever Street NE Blaine, MN 55449	13432 Hanson Blvd Andover, MN 55304	<u>3/6/2023</u>

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