RESOLUTION 2025-04

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS
DRAINAGE AUTHORITY FOR ANOKA COUNTY DITCH 72

FINDINGS AND ORDER ACCEPTING PETITION AND DIRECTING APPOINTMENT OF ENGINEER

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

FINDINGS

1. U.S. Home Corporation, Hal Leibel and Watermark Homeowners Association (Petitioners), with its consultant, John Bender, P.E., of James R. Hill, Inc., have petitioned the Board of Managers of the Rice Creek Watershed District (RCWD), Drainage Authority for the Anoka County Ditch 72 system (CD 72), to abandon re-align portions of CD 72. The petitioned actions are for the beneficial purpose of facilitating development of property owned by Petitioner and platted for development of the Peltier Ponds development project – a single-family and townhome housing development.

2. Petitioner intends to divert the flow of drainage system waters, re-align portions of the drainage system and abandon portions of the drainage system in order to both facilitate orderly development of the property and to provide continued drainage to upstream properties. All activities proposed by Petitioner are to occur on Petitioner's property.

3. The RCWD's action on the petition is governed by Minnesota Statutes Sections 103E.227 and 103E.806. The petition recites the required surety commitments for the petitioned action. The petition 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 Petitioner 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 72, an assessment of the impact of the proposed action on the function and integrity of CD 72, 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 4 yeas and 0 nays as follows:

	Yea	Nay	Absent	Abstain
BRADLEY	☒	☐	☐	☐
ROBERTSON	☐	☐	☒	☐
WAGAMON	☒	☐	☐	☐
WALLER	☒	☐	☐	☐
WEINANDT	☒	☐	☐	☐

Upon vote, the President declared the Resolution passed.

Steve Wagamon
Steve Wagamon, Pro Tem Secretary

Dated: June 23, 2025

* * * * * * * * * * * *

I, Steve Wagamon Pro Tem 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 June, 2025.

Steve Wagamon
Steve Wagamon, Pro Tem Secretary

JAMES R. HILL, INC.
PLANNERS ENGINEERS SURVEYORS
Serving our Clients since 1976

2999 WEST COUNTY ROAD 42, SUITE 100
BURNSVILLE, MINNESOTA 55306
PH. (952) 890-6044 FAX (952) 890-6244

May 14, 2025

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

Re: Petition for Partial Removal and Replacement of Draintile, Peltier Ponds, Lino Lakes, MN

Dear Mr. Hughes:

With this letter and supporting documentation, U.S. Home, LLC (Petitioner), property owner Hal Leibel (Co-petitioner) and property owner Watermark HOA (Co-petitioner), formally petitions the Rice Creek Watershed District (RCWD) as the drainage authority for draintile systems, for permission to abandon and relocate portions of the Anoka County Ditch (ACD) 72 system, specifically draintile sections comprising ACD 72 Branch 1; ACD 72 Branch 1, Lateral 8 & ACD 72 Branch 1, Lateral 11. This petition is made pursuant to Minnesota Statutes, Section 103E and RCWD Rule I.

Background

This request is made to accommodate a residential development of the property by the Petitioner. The development will consist of single-family and townhome residences and associated infrastructure. The existing draintiles lie under the planned development, necessitating the realignment.

Existing Conditions

The draintile is located on Anoka County Parcel Identification Numbers 143122110001, 143122110002 & 133122230054 in Section 14, Township 31 North, Range 22 West. PID Numbers 143122110001 & 143122110002 are owned by Co-petitioner Hal Leibel and PID Number 133122230054 is owned by the Watermark HOA. ACD 72 Branch 1 (henceforth referred to as "Branch 1") and ACD 72 Branch 1, Lateral 11 (henceforth referred to as "Lateral 11") convey water from the east side of CSAH 54 onto the site. Both tile lines merge onsite and ultimately drain offsite to the north. ACD 72 Branch 1, Lateral 8 (henceforth referred to as "Lateral 8") begins onsite and merges with Branch 1 before it drains offsite to the north. Branch 1 is 6-inch diameter where it enters the site from the east, increases in size to 8-inch diameter approximately 410 lineal feet

downstream and increases in size again to 10-inch diameter where it merges with Lateral 8. Lateral 8 is all 8-inch diameter and Lateral 11 is all 6-inch diameter.

Branch 1 drains onsite land as well as private property east of CSAH 54. Lateral 8 drains only onsite area, no offsite area. Lateral 11 drains onsite area and formerly drained land east of CSAH 54 prior to construction of the Watermark development, but has been rendered unnecessary by the surface water management constructed with that development. The land east of CSAH 54 is owned by the Watermark HOA. Multiple onsite private draintiles connect to Branch 1. These private laterals do not drain any offsite area.

The existing draintile alignments and approximate elevations are shown on the enclosed ACD 72 Branch 1 Draintile Realignment plan.

Proposed Conditions

The proposed realignment of Branch 1 is shown on the enclosed ACD 72 Branch 1 Draintile Realignment plan. The new pipe will be dual-walled HDPE per current standards and will be of similar size and grades to the existing lines to maintain equal flow. Matching the pipe characteristics will ensure that the modifications do not adversely impact upstream or downstream land use. The proposed realignment will consist of approximately 1,018 feet of 6-inch draintile and five clean-outs for access and maintenance. Lateral 8, Lateral 11 and all onsite private draintile will be removed or abandoned.

Funding

Petitioner will provide 100% funding for design, construction, and oversight, costs associated with the draintile realignment. Petitioner is not requesting any funding from RCWD or other public entities for this project.

"Terms of the Funds"

The following language in the petition served as the "terms" of the funds. 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 responsibility of the draintile will continue to be with the RCWD. Petitioner will provide an easement and routes for RCWD access and maintenance.

We request that RCWD set a time and location for a public hearing on this 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) 657-0010 or jbender@jrhinc.com if you have any questions or require any additional information.

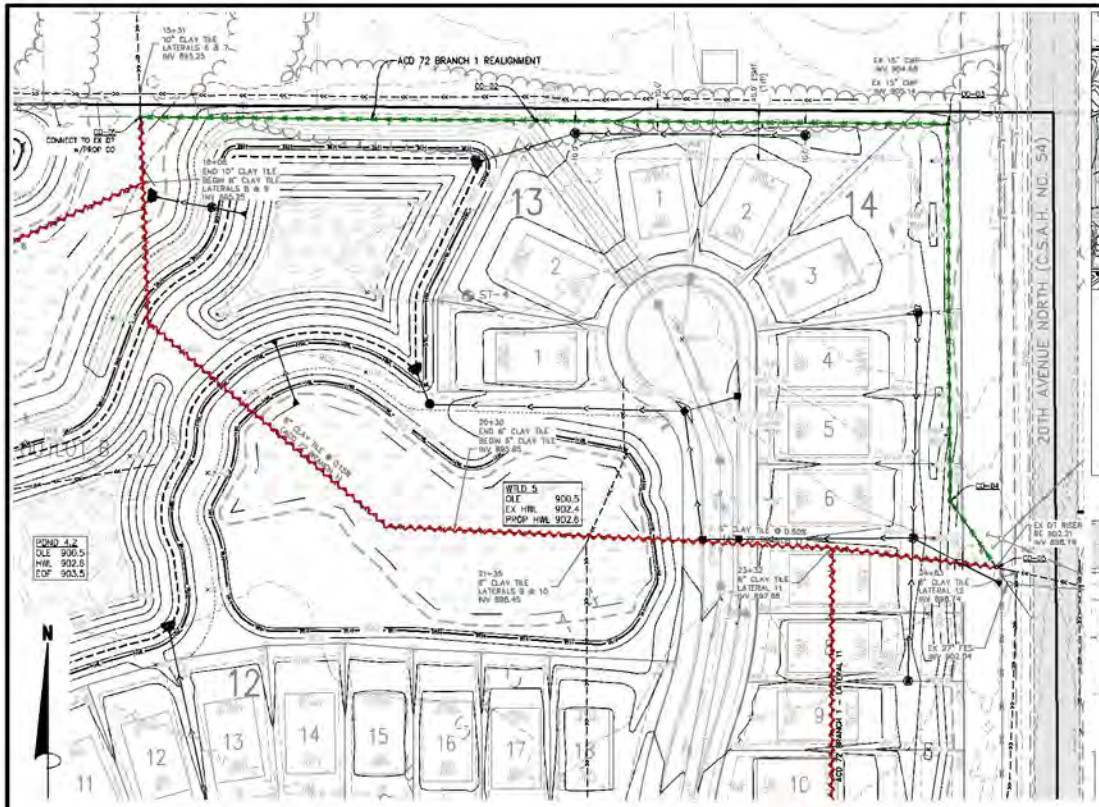
Sincerely,

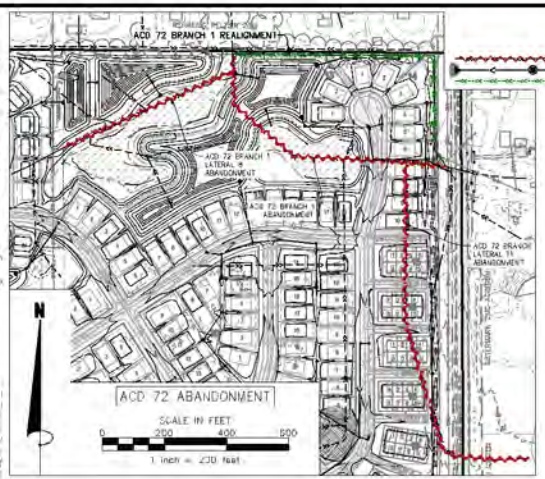
John Bender, P.E.
James R. Hill, Inc.
Petitioner's Consultant

Jon Aune
Vice President
U.S. Home, LLC
Petitioner

Joe Jablonski
President
Watermark HOA
Co-Petitioner

Hal Leibel
Property Owner
Co-Petitioner

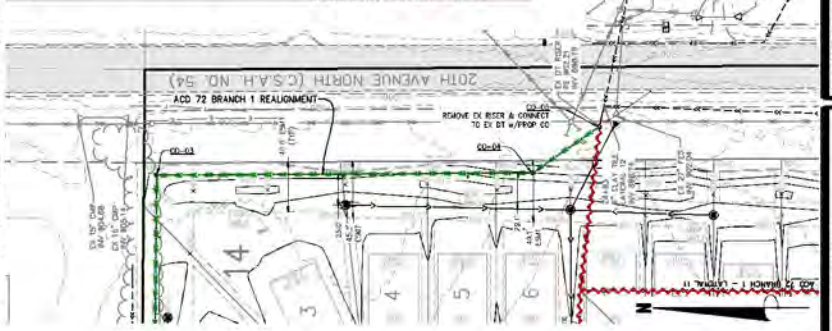


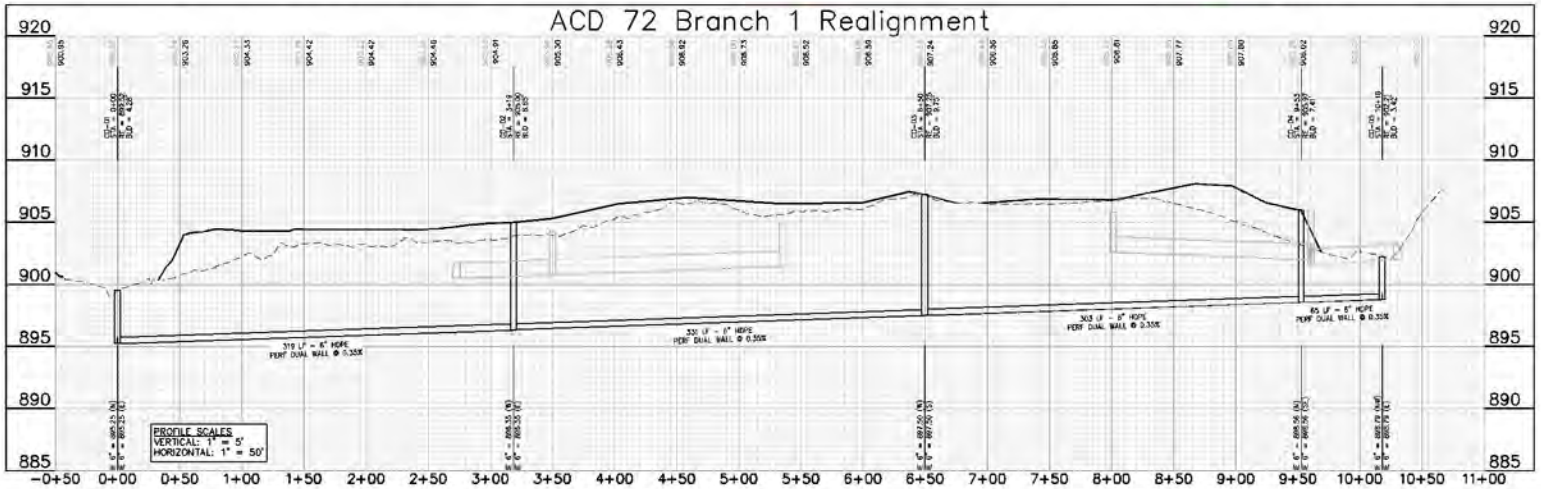


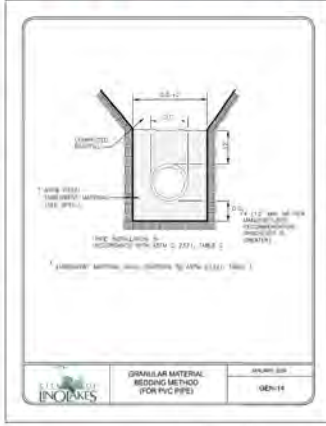
LEGEND

EXISTING DRAINTILE TO BE ABANDONED
PROPOSED STORM SEWER
PROPOSED DRAINTILE

NOTE:
CLEANOUTS (CO) SHALL HAVE A WYE WITH 6" RISER PIPE TO SURFACE AND BAR GRATE







SCALE IN FEET
0 50 100 150
1 inch = 50 feet

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2999 W. CTY. RD. 42, SUITE 100, BURNSVILLE, MN 55306
PHONE: (952)890-6044 FAX: (952)890-5241

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.

Date: 05/09/25 Reg.No. 43566

PELTIER PONDS
LINO LAKES, MINNESOTA
ACD 72 BRANCH 1 DRAINTILE REALIGNMENT
FOR
LENNAR
10355 36TH AVE N #100, PLYMOUTH, MN 55441

DRAWN BY
CTY
DATE
05/09/2025
REVISIONS

CAD FILE
24205 STM-DT
PROJECT NO.
24205
1 OF 1

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