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RESOLUTION NO. 2026-14

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

FINDINGS AND ORDER GRANTING PETITION TO REALIGN DRAINAGE SYSTEM WATERS AND PARTIALLY ABANDON A PORTION OF ANOKA/WASHINGTON JUDICIAL DITCH 3, BRANCH 2

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

FINDINGS

1. The Rice Creek Watershed District (RCWD) Board of Managers (Board) is the Drainage Authority for Anoka/Washington Judicial Ditch 3, Branch 2 (AWJD 3, Branch 2).

2. SPQR Hugo, LLC, filed a petition to realign and partially abandon a portion of the AWJD 3, Branch 2 drainage system waters pursuant to Minnesota Statutes, sections 103E.227 and 103E.806.

3. The request is made to accommodate a mixed-use commercial/residential development of property by the Petitioner.

4. The proposed realignment will provide benefit for the proposed Frenchman Village residential development. The proposed development would consist of multiple homes, paved surfaces, regional BMPs, and utilities being constructed over/under the alignment of the existing public drainage system. Therefore, realigning the public drainage system is necessary to accommodate the proposed development and provide for future maintenance of the public drainage system.

5. The project proposed to partially abandon and realign approximately 1,700 linear feet of AWJD 3, Branch 2.

6. Technical details of the project can be found in the Petition and Engineer's Report.

7. The Drainage Authority's action on the Petition is governed by Minnesota Statutes, sections 103E.806 (partial abandonment) and 103E.227 (realignment of drainage system waters).

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8. The Drainage Authority met on August 24, 2026, and accepted the Petition and appointed Houston Engineering to investigate the effect of the proposed action under the standards found in sections 103E.806 and 103E.227 and file a report of findings.

9. Engineer Chris Otterness from Houston Engineering filed a report of findings with the Drainage Authority dated September 16, 2026, containing his investigation of findings regarding the effect of the proposed project.

10. The Drainage Authority set a public hearing for October 28, 2026, for review of the engineer's report of findings and directed staff to provide at least 10 days' advance notice, by mail of the time and location of the hearing to the Petitioner, political subdivisions, and owners of property likely to be affected by the proposed realignment and partial abandonment and to publish on the Drainage Authority's website.

11. The Drainage Authority held a public hearing on October 28, 2026, at 9:00 a.m. in the Mounds View City Council Chambers, 2401 County Highway 10, Mounds View, Minnesota. At the public hearing, Engineer Otterness presented the proposed project in the Petition and presented a summary of the findings and conclusions in his engineer's report.

12. Engineer Otterness determined that the proposed realignment and partial abandonment as proposed in the Petition will be of public and private benefit; will not impair the utility of the drainage system; and will not deprive affected landowners of their benefits.

13. The Petitioner is proposing to realign the public drainage system with an equivalent cross-section, grade, and capacity as the existing open channel. As a new road is being proposed that crosses the drainage system, a culvert will be provided (48-inches in diameter) to allow flow under the road. The proposed culvert has nearly twice the capacity of the upstream culvert under the railroad (36-inches in diameter). Therefore, the realignment will not adversely impact the drainage function for upstream benefitting landowners. The outlet of the altered portions of the public drainage system will not be changed, and the realignment does not propose to increase overall capacity (i.e. create an "improvement"). Thus, the realignment will not adversely affect downstream drainage function. All proposed modifications are within the development property.

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14. During the public hearing, the Board President called for comments from the public and no comments were submitted. No comments were made at the public hearing that cast substantive doubt on the findings in Engineer Otterness's report or raised any reason why the Drainage Authority should not proceed with approving the Petition.

15. Minnesota Statutes, section 103E.227, subdivision 4 requires the petitioner or drainage authority to obtain all required permits and all necessary rights-of-way and flowage easements from owners of land to be affected by an impoundment, reroute, and diversion petition before installing or constructing a project. The only property affected by the abandonment is the property of the development.

16. Based on the record of proceedings before it, the Drainage Authority finds that the proposed realignment and partial abandonment as described herein will be of public and private benefit by allowing more efficient use of the property.

17. Based on the record of proceedings before it, the Drainage Authority finds that the proposed realignment and partial abandonment as described in these Findings and Order will not impair the utility of the AWJD 3, Branch 2 public drainage system or deprive other landowners of its benefit.

Therefore, the Board makes the following:

ORDER

A. The Petition of SPQR Hugo, LLC to realign drainage system waters is granted subject to all conditions stated in this Order.

B. The original drainage system records shall be modified to reflect the partial abandonment of the drainage system authorized herein and as described in the project concept plans and engineer's report of findings.

C. The Drainage Authority shall have jurisdiction over and shall be responsible for inspecting, maintaining, and repairing all portions of AWJD 3, Branch 2 remaining or modified as authorized herein.

D. Petitioner and future owners of properties underlying the Petitioner's Project shall be solely responsible for the routine inspection, maintenance, and repair of the Petitioner's proposed Project.

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E. Petitioner shall protect the outlets for the project and is prohibited from modifying or allowing any outlet to be modified in any way that would adversely impact lands upstream in the drainage system.

F. This Order is contingent upon the following additional conditions:

a. Partial abandonment and realignment shall be contingent upon approval of a Rice Creek Watershed District permit for the Frenchman Village development under RCWD Rule I.
b. Petitioner shall notify Drainage Authority staff prior to the start of construction of the ditch realignment and coordinate access for inspection of the ditch construction.
c. Petitioner shall provide the Drainage Authority with record (as-built) drawings of the realigned ditch, new culverts (including those proposed on other branches of AWJD 3) and surface water outlets into AWJD 3.

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

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

Upon vote, the President declared the Findings and Order passed.

Signed by:
Janet Hegland
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Dated: October 28, 2026

Janet Hegland, Secretary

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I, Janet Hegland, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Findings and Order 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 28 day of October 2026.

Signed by:
Janet Hegland
BC1A32F96E7B427...

Janet Hegland, Secretary