

# Technical Memorandum

**To:** Nick Tomczik  
District Administrator, RCWD

**Cc:** Tom Schmidt, RCWD Drainage and Facilities  
Manager

John Kolb, Rinke-Noonan

**From:** Chris Otterness, PE

**Subject:** Anoka County Ditch 72 Petition for Partial  
Abandonment – Engineer's Findings

**Date Amended :** July 31, 2025

**HEI Project #:** R005555-0082.011

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.



7/31/2025

Chris Otterness  
Reg. No. 41961

Date

**Note:** This report has been amended from an earlier version to reflect the amended petition received July 29, 2025 from James R. Hill, Inc. and Lennar.

## BACKGROUND

On June 23rd, 2025, the Rice Creek Watershed District (RCWD) Board of Managers accepted for filing a petition submitted by Lennar Corporation for the partial abandonment and realignment of Anoka County Ditch (ACD) 72. This petition was later amended on July 25, 2025 to solely abandon portions of the ACD 72 system. The purpose of the drainage system modifications is to avoid conflict with the infrastructure for the residential development proposed under RCWD Permit #25-046 (currently under review). 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. (Note: due to the modification of the petition, MS 103.227 no longer applies). This memorandum documents the engineer's findings.

The petitioners have provided a narrative description of the project with associated figures and drainage system rerouting plans. The following is a summary of the proposed modifications.

- Abandon ACD 72 Branch 1 Lateral 8 (approx. 600 feet).
- Abandon ACD 72 Branch 1 Lateral 11 (approx. 1,225 feet). Also crush and cap the existing tile on both sides of 20<sup>th</sup> Ave North.

- Abandon ACD 72 Branch 1 from approximately STA 15+45 to approximate STA 27+33 (approx. 1,188 feet).

The proposed abandonment is shown in **Figure 1**. All proposed modifications are within the property of the petitioners, with the exception of the Anoka County Road 54 right of way.

## UTILITY OF SYSTEM / OUTLET ADEQUACY

In reviewing the utility of the system, we consider whether the petitioned modification will result in a decrease of capacity / outlet function for upstream landowners, the likelihood of the project affecting the adequacy of the outlet, and maintainability of the modified system into the future. The petitioners include landowners on both sides of County Road 54, and all of the lands that are currently served by the portions of the system petitioned for abandonment are within proposed developments, namely Peltier Ponds and Erickson Subdivision.

The Peltier Ponds and Erickson Subdivision developments will modify the routing of stormwater throughout the sites, and so the sites will no longer need to utilize the abandoned portions of CD 72 as an outlet. All proposed tile abandonments are within the two developments, with the exception of Branch 1 Lateral 11 where it crosses County Road 54. This tile ends at an outlet of the Watermark development that contains a stormwater pond. The stormwater pond has replaced the function of the portion of the tile east of County Road 54. Therefore, the tile serves no functional purpose. To mitigate the potential for the abandoned Branch 1 Lateral 11 tile to drain and cause the formation of a sinkhole, the tile should be capped near the edge of the County Road 54 right of way. (This work is not currently shown on the proposed plan). The petitioners are solely responsible for funding design, construction, and oversight costs associated with the public drainage system abandonment. The RCWD will retain administrative authority over the remaining public drainage system and the responsibility to inspect and maintain the system.

## BENEFITS

The proposed realignment will provide benefit for the proposed Peltier Ponds and Erickson Subdivision 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, abandoning the public drainage system is necessary to accommodate the proposed developments.

## ENVIRONMENTAL IMPACTS

The petitioned partial abandonment and realignment does not impact floodplain or runoff rates. The petitioned partial abandonment may be occurring within wetlands. The completion of construction activities will need to meet RCWD Rules and the Wetland Conservation Act. At this time, the petitioners have not

acquired regulatory approvals from the RCWD required for the proposed Peltier Ponds and Erickson Subdivision developments.

## PERMITS

The petitioners have applied to the RCWD for approval under multiple RCWD Rules. Additional RCWD permit requirements will be applicable to construction activities related to any phase of the conceptual development.

The projects may require approvals from other agencies, including but not limited to:

- 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.
- A ROW Permit from Anoka County

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.806, requires the system to be partially abandoned only if the drainage system does not serve a substantial useful purposes as part of the drainage system to any property remaining in the system and is not of a substantial public benefit and utility.

The proposed partial abandonment of portions of ACD 72 will not impair the utility of the drainage system or deprive the affected landowners of its benefit. The only property affected by the abandonments is the property of the petitioners. The tile will not provide a useful function once the property is developed. The developments as designed cannot occur without the abandonment of these portions of the system.

The proposed modifications, as components of the Peltier Ponds and Erickson Subdivision residential developments, 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 developments and project features, and formal acceptance by the District.

The petitioners have met the requirements of Minnesota Statute 103E.806. We recommend the RCWD Board of Managers notice and hold a public hearing on the partial abandonment of ACD 72. We further recommend the Board adopt a findings and resolution to partially abandon ACD 72, with the following conditions:

- Petitioners shall notify District staff prior to start of demolition of the tile and coordinate access for inspection of the tile during construction
- The Peltier Ponds development shall include in the plans the capping of the Branch 1 Lateral 11 tile at the County Road 54 right-of-way.

We recommend, at a minimum, the owners of the following properties be notified of the public hearing (by PIN number):

- 13-31-22-22-0002
- 13-31-22-22-0003
- 13-31-22-22-0050
- 13-31-22-23-0054
- Anoka County (Right of Way)
- City of Lino Lakes

## ATTACHMENTS

Petition from James R. Hill, Inc.  
Figure 1 – Lennar ACD 72 Branch 1 Abandonment Exhibit

## ATTACHMENT A – PETITION FROM JAMES R. HILL, INC.



**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

July 25, 2025

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

Re: Petition for Abandonment Branch 1 of Anoka County Ditch 72 Drintile, Peltier  
Ponds & 7590 20<sup>TH</sup> Ave. N, Lino Lakes, MN

Dear Mr. Hughes:

With this letter and supporting documentation, U.S. Home, LLC (Petitioner), property owner Hal Leibel (Co-petitioner), property owner Watermark HOA (Co-petitioner), and property owner Hampton Properties VIII, LLC (Co-petitioner) formally petition the Rice Creek Watershed District (RCWD) as the drainage authority for drintile systems, for permission to abandon portions of the Anoka County Ditch (ACD) 72 system, specifically drintile sections comprising ACD 72 Branch 1; ACD 72 Branch 1, Lateral 8 & ACD 72 Branch 1, Lateral 11. This request is a subsequent amendment to the May 14, 2025 petition submitted by the same petitioner and accepted by RCWD board of managers at its June 23, 2025 meeting. Hampton Properties VIII, LLC joins as Co-petitioner since its recent acquisition of fee title of 7590 20<sup>th</sup> Ave. N (Erickson Property) from the Ericksons, and has interest in developing the property.

**Background**

This request is made to accommodate residential development of the properties by the Petitioner and Co-petitioners. Development of the properties will eliminate the need for these drainage systems.

**Existing Conditions**

The drintile is located on Anoka County Parcel Identification Numbers 143122110001, 143122110002, 133122230054 and 133122220003 in Section 14, Township 31 North, Range 22 West. PID Numbers 143122110001 & 143122110002 are owned by Co-petitioner Hal Leibel, PID Number 133122230054 is owned by the Watermark HOA and PID Number 133122220003 is owned by Co-petitioner Hampton Properties VIII, LLC. 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 Hampton Properties VIII, LLC land and the Watermark HOA land on the east side of CSAH 54 onto the Peltier

Ponds site, respectively. 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 the Hampton Properties VIII, LLC property east of CSAH 54 where it terminates. 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 Watermark land east of CSAH 54 is owned by the Watermark HOA.

The existing draitile alignments and proposed abandonment are shown on the enclosed ACD 72 Branch 1 Draitile Abandonment plan.

#### **Proposed Conditions**

Branch 1, along with Lateral 8, Lateral 11 will be removed or abandoned in entirety within the properties described previously.

#### **Funding**

Petitioners will provide 100% funding for design, construction, oversight and costs associated with the draitile realignment. Petitioners are 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

Since the drainage systems will be completely abandoned within these properties, no future maintenance will be required.

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](mailto:jbender@jrhinc.com) if you have any questions or require any additional information.

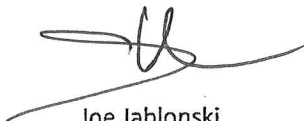
Sincerely,



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

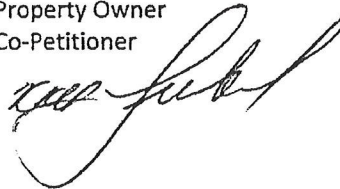


Jon Aune  
Vice President  
U.S. Home, LLC  
Petitioner



Joe Jablonski  
President  
Watermark HOA  
Co-Petitioner

Hal Leibel  
Property Owner  
Co-Petitioner



Joel Larson  
Manager  
Hampton Properties VIII, LLC  
Co-Petitioner



## FIGURE 1 – LENNAR ACD 72 BRANCH 1 REALIGNMENT EXHIBIT

