

RESOLUTION 2013-22

**RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**FINDINGS AND ORDER DIRECTING PROCEEDINGS TO CORRECT DRAINAGE SYSTEM RECORD OF
RAMSEY COUNTY DITCHES 2, 3 AND 5**

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

FINDINGS

1. The Rice Creek Watershed District (RCWD) is the Drainage Authority for Ramsey County Ditches 2, 3 and 5.
2. The Board of Managers has reviewed a history and analysis of the systems which is contained in engineer's historical review dated May 14, 2013. Said history is incorporated by reference into this resolution.
3. The historical review and analysis demonstrates numerous modifications of the drainage systems that are not reflected in the drainage system record and do not match the design alignments and grades of the systems.
4. The systems, as currently functioning, continue to provide beneficial drainage to properties originally benefited by the systems and assessed taxes for their construction.
5. As part of its analysis of the drainage systems, the engineer has identified the existing functional alignments, dimensions and grades of the individual systems which match the functional efficiency of the systems as designed and established.
6. In order to properly manage the drainage systems in a way that recognizes their historic and necessary function, the RCWD must identify the extent of its jurisdiction over the systems as according to their historic function. The RCWD must also reconcile the historical record of the drainage systems with the functional alignment, dimension and grade of the systems as they exist today.
7. Statutes Section 103D.335, subd. 8, allows the Board of Managers to "construct, clean, repair, alter, abandon, consolidate, reclaim or change the course or terminus of any public ditch...within the watershed district."

8. Statutes Chapter 103D does not provide specific guidance on proceedings to implement the powers of the managers under section 103D.335, subd. 8. However, Statutes Section 103E.805 is instructive of a process which will assure proper notice and hearing for the owners of properties affected by correction of the drainage system record.

Therefore, the RCWD Board of Managers makes the following:

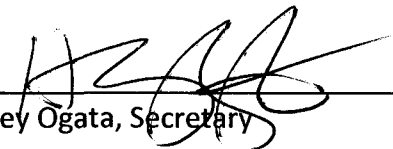
ORDER

- A. The Board of Managers shall initiate proceedings to correct the drainage system record of Ramsey County Ditches 2, 3 and 5 to reflect undocumented alterations of the systems and to identify the functional alignment, dimension and grade of the systems.
- B. The Board of Managers directs continued discussions between its staff and affected landowners and municipalities to identify and resolve any concerns related to the systems.
- C. The Board of Managers further directs the setting of a date and location for an informational meeting on the records correction.
- D. Upon completion of the informational meeting, resolution of concerns and the preparation of a final recommendation of the engineer, the Board of Managers shall set a date and location for a final hearing on the records correction.

The question was on the adoption of the Resolution and there were 4 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
WALLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OGATA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PREINER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution passed.



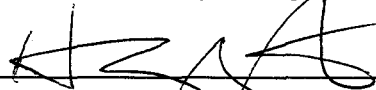
 Harley Ogata, Secretary

Dated: August 28, 2013

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I, Harley Ogata, 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 28th day of August 2013.



Harley Ogata, Secretary