

**RESOLUTION 2014-07**

**RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**FINDINGS AND ORDER DIRECTING PROCEEDINGS TO REESTABLISH AND CORRECT DRAINAGE SYSTEM  
RECORD FOR RAMSEY COUNTY DITCHES 2, 3 and 5 (Statutes §103E.101, subd. 4a)**

Manager Ogata 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 (RCD) 2, 3 and 5.
2. After thorough investigation of the drainage system record, the Drainage Authority finds that the records establishing the alignment, profile, and right-of-way of RCD 2, 3 & 5 are incomplete.
3. The Board of Managers has reviewed a brief history of the system contained in a draft historical review memorandum dated May 14, 2013. Said history is incorporated by reference into this resolution.
4. By Resolution 2013-22 on August 28, 2013, the Drainage Authority ordered:
  - A. Initiation of 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. Continued discussions between its staff and affected landowners and municipalities to identify and resolve any concerns related to the systems.
  - C. 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, setting a date and location for a final hearing on the records correction.
5. The RCWD continues to perform minor maintenance on portions of the drainage system and is considering a more comprehensive repair of the system.

6. As part of its analysis of the drainage system, the engineer has identified the existing functional alignment and grade of the system which matches the functional efficiency of the system as designed and established.
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. Since originally initiating the process to correct the drainage system records, Statutes Section 103E.101, subd. 4a, has been enacted to allow the Drainage Authority to initiate proceedings to reestablish records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of a drainage system as originally constructed or subsequently improved.

Therefore, the RCWD Board of Managers makes the following:

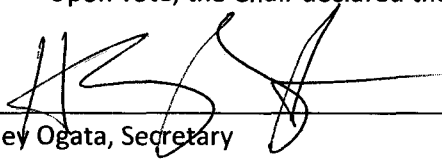
#### **ORDER**

- A. The Board of Managers shall follow the procedures of Statutes Section 103E.101, subd. 4a to reestablish and correct the drainage system record for RCD 2, 3 & 5 to reflect the functional alignment, dimension and grade of the system.
- B. The engineer, to the extent not already accomplished in its analysis supporting the historical review memorandum, shall investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system.
- C. Drainage Authority staff, upon completion of the engineer’s investigation, shall set a date, time and location for an informational meeting on the reestablished and corrected drainage system records.
- D. Drainage Authority staff, upon completion of the informational meeting, shall set a date, time and location for a hearing on the reestablished and corrected drainage system records.
- E. Drainage Authority staff shall give notice of the hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage system and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on Drainage Authority’s web-site and in all other ways as required by Board policy.

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>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Findings and Order passed.

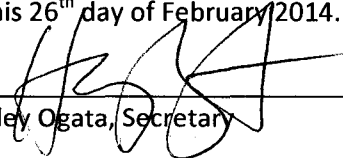
  
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Harley Ogata, Secretary

Dated: February 26, 2014

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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 26<sup>th</sup> day of February, 2014.

  
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Harley Ogata, Secretary