

STATE OF MINNESOTA

BEFORE THE BOARD OF MANAGERS

RICE CREEK WATERSHED DISTRICT

In the Matter of the Petition of Evergreen Shores, Inc.,
to Improve a Branch of Ramsey County Ditch No. 8.

ORDER APPOINTING ENGINEER

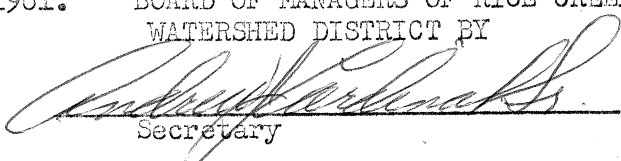
To Greenlee Associates Please take

Notice that you are hereby appointed as engineer in the above entitled matter to make a preliminary survey and report thereof.

Within ten days you shall take and subscribe an oath to faithfully perform the duties assigned to you according to the best of your ability and give a bond in the sum of \$5,000.00 with good and sufficient surety payable to the Rice Creek Watershed District and for the benefit of the said district and for the use of all parties aggrieved or injured by any negligence or malfeasance on your part so long as you are in any manner employed in the proceedings, conditioned that you will diligently, honestly and to the best of your skill and ability during the full term of your employment perform your duties as such engineer in the proceedings; this bond is to be approved by the Secretary of the Board of Managers to the said District.

Dated this 25th day of March, 1981.

BOARD OF MANAGERS OF RICE CREEK
WATERSHED DISTRICT BY


Secretary

82-5-074

STATE OF MINNESOTA

BEFORE THE BOARD OF MANAGERS

RICE CREEK WATERSHED DISTRICT

In the Matter of the Petition of Evergreen Shores, Inc.,
to Improve a Branch of Ramsey County Ditch No. 8

RESOLUTION APPOINTING ENGINEER AND DESIGNATING PROJECT

Mr. HAMILTON offered the following resolution and
moved its adoption:

Whereas, a petition for the Improvement of Ramsey County Ditch No.
8 has been filed with the Board signed by Evergreen Shores, Inc., and

Whereas, it appears to said managers that the petition is sufficient,
that the proposed improvement is for public interest and welfare, and is practic-
able and in conformity with the overall plan for projects and improvements in
the watershed district,

Now Therefore, Be it Resolved, that the said improvement proceedings be
and they are hereby identified and designated as Rice Creek Project No. 77-22
and that at the earliest times possible all necessary surveys and plans for
the construction of the proposed improvement be made.

Be it Further Resolved, that GREENLEE ASSOCIATES
6400 FLYING CLOUD ROAD, EDEN PRAIRIE, MN

be and hereby is designated as the engineer herein, said engineer to make
a preliminary survey and report to the board his findings and recommendations
relative to the proposed improvement. Said engineer shall give bond as
required by M. S. Sec. 106.071, Subd. 2.

The resolution was seconded by Mr. CARDINAL.

The question was on the adoption of the resolution and the roll being
called there were 5 yeas and no nays and so the resolution was adopted.

Dated this 25th day of March, 1981.

(S) ANDREW T. CARDINAL SR.
Secretary

STATE OF MINNESOTA

BEFORE THE BOARD OF MANAGERS

RICE CREEK WATERSHED DISTRICT

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to Improve a Branch of Ramsey County Ditch No. 8

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moved its adoption:

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Whereas, it appears to said managers that the petition is sufficient,
that the proposed improvement is for public interest and welfare, and is practic-
able and in conformity with the overall plan for projects and improvements in
the watershed district,

Now Therefore, Be it Resolved, that the said improvement proceedings be
and they are hereby identified and designated as Rice Creek Project No. _____
and that at the earliest times possible all necessary surveys and plans for
the construction of the proposed improvement be made.

Be it Further Resolved, that _____

be and hereby is designated as the engineer herein, said engineer to make
a preliminary survey and report to the board his findings and recommendations
relative to the proposed improvement. Said engineer shall give bond as
required by M. S. Sec. 106.071, Subd. 2.

The resolution was seconded by Mr. _____.

The question was on the adoption of the resolution and the roll being
called there were 5 yeas and no nays and so the resolution was adopted.

Dated this 25th day of March, 1981.

Secretary

PROCEDURE * IMPROVEMENT PROCEEDINGS

1. Must conform to procedure of M. S. 106.501 (112.65 subd. 2)
2. Sufficient petition, 25 % , of area or owners.
3. Appointment of engineer.
4. Engineer makes preliminary survey and report.
5. Report of DNR Commissioner.
6. Preliminary hearing with notice of same by mail to parties likely to be affected.
7. Detailed survey by engineer.
8. Viewers.
9. Final hearing on engineer's plan and viewers report.
10. Publication, posting and mailing of Notice.
11. Order establishing improvement.
12. Lien statement to Auditor.

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DORSEY, WINDHORST, HANNAFORD, WHITNEY & HALLADAY

2300 FIRST NATIONAL BANK BUILDING

MINNEAPOLIS, MINNESOTA 55402

1468 W-FIRST NATIONAL BANK BUILDING
ST. PAUL, MINNESOTA 55101
(612) 227-8017

(612) 340-2600
CABLE: DOROW
TELEX: 29-0605
TELECOPIER: (612) 340-2868

115 THIRD STREET SOUTHWEST
ROCHESTER, MINNESOTA 55901
(507) 288-3156

BARBARA B. FARRELL
(612) 340-2831

March 20, 1981

Mr. Frank Murray
807 Degree of Honor Building
Fourth and Cedar Streets
St. Paul, Minnesota 55101

Re: Petition to Improve a Branch of County
Ditch No. 8, Ramsey County

Dear Frank:

Enclosed is a photocopy of an Amendment to Petition Pursuant to Minnesota Statutes §106.501. I have sent two originals of the Amendment to the Rice Creek Watershed District today.

I will call you early next week to see if you have any questions or need any further information about the Petition.

Very truly yours,



Barbara B. Farrell

BBF:cmm
Enclosure

AMENDMENT TO PETITION PURSUANT TO
MINNESOTA STATUTES §106.501

Evergreen Shores, Inc., a Minnesota corporation ("Evergreen Shores") and Northway Construction, Inc., a Minnesota corporation (hereinafter collectively called "Petitioners") hereby make this Amendment to Petition Pursuant to Minnesota Statutes §106.501 to improve a branch of County Ditch No. 8, Ramsey County, Minnesota.

WHEREAS, Petitioners heretofore filed a Petition Pursuant to Minnesota Statutes §106.501 ("Petition") with the Rice Creek Watershed District;

WHEREAS, Petitioners desire to amend the Petition as set forth below.

NOW THEREFORE, the Petitioners hereby amend the Petition as follows:

1. Petitioners hereby agree that they will pay all costs and expenses which may be incurred in case the proceedings pursuant to the Petition, as amended by this Amendment to Petition, are dismissed.

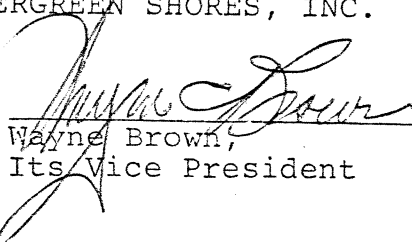
2. Except as herein expressly amended, the Petition shall remain in full force and effect.

Dated: March 9, 1981

Respectfully submitted,

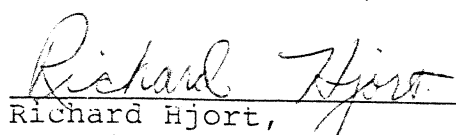
EVERGREEN SHORES, INC.

By


Wayne Brown,
Its Vice President

NORTHWAY CONSTRUCTION, INC.

By


Richard Hjort,
Its Vice President

STATE OF MINNESOTA)
) SS.
COUNTY OF *SCOTT*)

The foregoing instrument was acknowledged before me
this 19 day of March, 1981, by Wayne Brown, the Vice
President of EVERGREEN SHORES, INC., on behalf of the
corporation.

Michael C. Peterson

STATE OF MINNESOTA)
) SS.
COUNTY OF *Ramsey*)



The foregoing instrument was acknowledged before me
this 17th day of March, 1981, by Richard Hjort, the Vice
President of NORTHWAY CONSTRUCTION, INC., on behalf of the
corporation.

Sandra J. Dabe



DORSEY, WINDHORST, HANNAFORD, WHITNEY & HALLADAY

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BARBARA B. FARRELL
(612) 340-2631

March 20, 1981

Rice Creek Watershed District
ATTENTION: Board of Commissioners
Suite 177
3585 Lexington Avenue North
Arden Hills, Minnesota 55112

Re: Petition to Improve a Branch of County
Ditch No. 8, Ramsey County

Dear Ms. Torpee:

Enclosed are two originals of an Amendment to Petition Pursuant to Minnesota Statutes §106.501, to improve a branch of County Ditch No. 8, Ramsey County, Minnesota. Under separate cover, I have sent a photocopy of the Amendment to Frank Murray, your attorney.

If you need any further information about the Petition or the Amendment, please feel free to give me a call at 340-2831.

I look forward to meeting you on Wednesday night.

Very truly yours,



Barbara B. Farrell

BBF:cmm

Enclosures

cc: Mr. Frank Murray ✓
Mr. Mike Peterson
Mr. Jim Horan