

RESOLUTION 2006-05

RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS

FINDINGS and ORDER DIRECTING PARTIAL ABANDONMENT  
OF ANOKA/RAMSEY JUDICIAL DITCH 1, BRANCH 2,  
WITHIN the CITY of BLAINE

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

FINDINGS

1. The Rice Creek Watershed District is the drainage authority for Anoka/Ramsey County Judicial Ditch 1 (A/R JD 1) and its established branches.

2. On December 14, 2005, a petition was filed with the District by Ramsey County ("petitioner") under Minnesota Statutes §103E.805 for the authority to realign about 650 linear feet of open ditch within A/R JD 1, Branch 2, pursuant to proceedings under Permit No. 05-133. The section to be realigned, and for which partial abandonment is requested, is identified on Attachment A to this Resolution.

3. On March 8, 2006, after due notice, a public hearing was held and all interested parties were given the opportunity to be heard. The District engineer, Carl Almer, and Jim Tolaas, Ramsey County, addressed the Board.

4. The District engineer prepared and submitted a memorandum, dated March 2, 2006, finding that the section of A/R JD 1, Branch 2, described in Attachment A no longer will serve a substantial useful purpose for any property in the system and will not provide any substantial public benefit, provided that: (a) the new section is constructed per the submitted plans, and (b) a flowage and maintenance easement over the new section is conveyed to the District as drainage authority.

5. The petition does not request the removal of any property from the drainage system. Petitioner's property should not be removed from the A/R JD 1 system because it will continue to drain to and benefit from the system.

6. The Board of Managers adopts the findings of the District engineer's memorandum, incorporated as Attachment B to this Resolution. The record of this matter consists of the records regarding Permit 05-133; the March 2, 2006 memorandum of the District engineer; and the comments presented at the March 8, 2006 public hearing.

#### ORDER

A. The section of A/R JD 1, Branch 2, that the petition requests to be abandoned no longer serves a substantial useful purpose to any property remaining in the system and is not of a substantial public benefit or utility, provided that a new ditch section is constructed per plans submitted by petitioner and an acceptable flowage and maintenance easement over the new section is conveyed to the District as drainage authority.

B. Pursuant to Minnesota Statutes §103E.805, subdivision 3(c), on construction of the new ditch section per the referenced plans; the redirection of A/R JD 1, Branch 2, into the new section; and the execution and recordation by petitioner of an easement approved by District counsel, the section of A/R JD 1, Branch 2, proposed to be abandoned shall be deemed abandoned.

C. On abandonment, any rights or easements possessed by the District as ditch authority with respect to the abandoned section shall be deemed vacated.

D. Staff is authorized to take all steps necessary to effect this order.

E. Petitioner's property shall not be removed from the A/R JD 1 system.

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>
CARDINAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LEROUX	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEINKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Resolution adopted.

Donald Steink

Dated: March 22, 2006

~~Barbara Haake, Interim Secretary~~

\* \* \* \* \*

I, Barbara Haake, Interim 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 22nd day of March, 2006.

Donald Steink

~~Barbara Haake, Interim Secretary~~



## Legend

- New Alignment
- Abandoned Section
- A/R JD-1



X:\Clients\WD103\_RCWD\020\_Ditch\_Inspection\_Maintenance\09\_GIS\ARC\011\_pr2.mxd

### Partial Abandonment of Anoka/Ramsey JD-1 Branch 2

ATTACHMENT a