

RESOLUTION 2006-08

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

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 April 17, 2006, a petition was filed with the District by Blaine Ponds LLC ("petitioner") under Minnesota Statutes §103E.805 for the abandonment of that portion of A/R JD 1, Branch 2, between stations 72+37.95 and 85+28.72 per the official profile/alignment adopted by the District Board of Managers on April 26, 2006. The portion proposed to be abandoned measures 1,290 linear feet and constitutes the furthest upstream portion of Branch 2. The existing wetland areas adjacent to Branch 2 will be utilized for drainage conveyance for Blaine Ponds Development pursuant to proceedings under District Permit No. 06-035. The portion requested to be abandoned is denoted on Attachment A to this Resolution.

3. On May 24, 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, addressed the Board. No interested parties presented comments.

4. The District engineer prepared and submitted a memorandum, dated May 10, 2006, finding that the described section of A/R JD 1, Branch 2, no longer will serve a substantial purpose for any property in the system and will not provide any substantial public benefit. The memorandum presented the engineer's finding that no properties other than petitioner's are served by the portion proposed to be abandoned and no properties upstream of petitioner's are assessed for the A/R JD 1 system.

5. The Board of Managers extended to June 2, 2006, the period for receipt of written comments from interested parties. No comments were received.

6. 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.

7. 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 06-035; the May 10, 2006 memorandum of the District engineer; and the comments presented at the May 24, 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.

B. Pursuant to Minnesota Statutes §103E.805, subdivision 3(c), the portion of A/R JD 1, Branch 2, proposed to be abandoned is deemed abandoned.

C. Any rights or easements possessed by the District as ditch authority with respect to the abandoned section are 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 J. Steinke  
Donald J. Steinke, Secretary

Dated: June 14, 2006

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I, Donald J. Steinke, 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 14<sup>th</sup> day of June, 2006.

Donald J. Steinke  
Donald J. Steinke, Secretary

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# MEMORANDUM



**To:** Board of Managers  
Rice Creek Watershed District

**From:** Greg D. Graske, P.E.

**Subject:** Partial Abandonment of A/R JD-1, Br. 2,  
RCWD Permit 06-035

**Date:** May 10, 2006

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In conjunction with the Blaine Ponds Development located in the City of Blaine (RCWD Permit 06-035), a petition for partial abandonment of a portion of Anoka/Ramsey Judicial Ditch-1, Branch 2 (JD-1, Br. 2) has been submitted.

## DISCUSSION

The section of JD-1 petitioned to be abandoned is the most upstream 1,290± LF of Branch 2 (Stations 72+37.95 to 85+28.72 per the official profile/alignment adopted by the Board on April 26, 2006). This section of ditch is located entirely within the Blaine Ponds Development and is located at the headwaters of Branch 2. There are no upstream properties served by or originally assessed for this section of ditch.

With development of the Blaine Ponds site, existing drainage areas tributary to JD-1, Br. 2 will be routed through the existing wetland areas and will ultimately discharge to JD-1, Br. 2 at the south property line (Station 72+37.95). The development will be situated high enough above the wetland areas that the ditch will no longer be necessary and a flowage/drainage easement will be dedicated over the 100-year floodplain. The onsite wetlands along with interspersed uplands will be placed under conservation easement and be dedicated to the Minnesota Department of Natural Resources. The submitted plans do not call for any physical modification of the existing ditch.

## SUMMARY

In summary, the Blaine Ponds Development should not be removed from the JD-1 system because it will continue to drain to and be served by downstream sections the system. However, the section of the system proposed to be removed may be abandoned on the basis of a finding that, with the construction of the Blaine Ponds Development according to the submitted plans the existing section of ditch will no longer serve a substantial purpose for any property in the system and will not provide any substantial public benefit.

c: Steve Hobbs, District Administrator



