

RICE COUNTY COUNTY DITCH NO. 9

Engineer's Advisory Report Redetermination of Benefits and Damages

August 11, 2016



**JONES
HAUGH
SMITH**
Engineers + Surveyors

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I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Steven J. Penkava

STEVEN J. PENKAVA

Date: *8-11-16*

Lic. No. 43895

STATE OF MINNESOTA
COUNTY OF RICE

IN THE MATTER OF REDETERMINATION OF BENEFITS AND DAMAGES OF
COUNTY DITCH NO. 9
RICE COUNTY, MINNESOTA

ENGINEER'S ADVISORY REPORT

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS:

The undersigned Licensed Professional Engineer, Steven J. Penkava, representing Jones, Haugh & Smith Inc., Consulting Engineers, duly appointed by Order of said Board of County Commissioners, dated June 23, 2015, having qualified as provided by law and assumed the duties of the office of Engineer, would now respectfully report on the investigation and examination of said drainage system as follows:

ORDER

The Rice County Board of Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values; or that the benefited or damaged areas have changed.

HISTORY

County Ditch No. 9 (CD 9) was established in 1913 and is located in Sections 15-22 and 26-35 of Webster Township and Sections 13, 24, 25 and 36 Wheatland Township all of Rice County. The 1913 Viewers Report lists total benefits of \$14,571 for 427 acres with the average farmland benefit of \$34 per acre.

The established outlet of CD 9 is into Knowles Creek on the south line SW ¼ NE ¼ Section 26, Webster Township approximately 5,000 upstream of Union Lake.

A Redetermination of Benefits and Damages was approved by the Drainage Authority in 1991. The Viewers Report lists 8,297 acres in the watershed and found total benefits of \$393,167.80. The one-rod grass strip was not acquired during the proceedings.

Between 2000 and 2004 numerous informational meetings were held discussing the condition of the ditch and what if any repairs were necessary. A detailed topographic survey of the ditch was completed in March of 2004 and recommended the ditch be cleaned and trees removed. The total estimated cost of said work was \$57,335. It appears the work was not done.

Since the original construction of CD 9, there has been substantial development of private surface and subsurface drainage systems within the watershed. There have also been numerous repairs of CD 9 over the years most notably in 1959 and 1977. A repair and cleanout of the upper end of Branch B to Spur 1 was completed during the fall of 2015.

FINDINGS

Maps of previous proceedings for CD 9 were reviewed and used to determine watershed divides and current drainage use of the system. Aerial photography, U.S. Geological Survey contour maps, Lidar and other technological advances provide more accurate location of watershed divides than methods used over 100 years ago. The CD 9 watershed is approximately 8,349 acres of which approximately 90.6 acres are located within the City of Lonsdale.

RIGHT-OF-WAY REQUIRED

It appears adequate right-of-way was granted for the construction of CD 9. Records are unclear on the exact area and amount if any were paid for said right-of-way. We recommend construction right-of-way be purchased to facilitate any future repair and maintenance. Construction right-of-way should be acquired based on a width of 200 feet, 100 feet either side of centerline.

The right-of-way for the one-rod permanent grass strip adjacent to the top of the ditch bank is considered necessary. A list of tracts for which the one-rod grass strip and construction right-of-way is needed is listed in Exhibit B under the "RIGHT-OF-WAY REQUIRED". The list contains the description of each tract, the name of the recorded owner, and the area required for right-of-way.

Damages for acquisition of the one-rod grass strip should be shown separately in the Viewer's Report.

Approximate acreages of public roads and utilities traversing the watershed are listed in Exhibit B under the heading "ROAD AND UTILITY ACREAGE".

RECOMMENDATIONS

Landowners should realize that no construction is proposed and that benefits determined will be the basis for future repair and maintenance of County Ditch No. 9.

Hearings should be held to consider the Viewer's Report and watershed modifications shown on Exhibit A to this report. Subject to discussions during the hearings, the Ditch Authority should adopt the Engineer's Report and the Viewer's Report as accepted or amended during these proceedings.

ATTACHMENTS

Exhibit A: Title Sheet, Watershed Map.

REDETERMINATION OF BENEFITS AND DAMAGES
COUNTY DITCH NO. 9
RICE COUNTY, MN

RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	Construction Right-of-way (ac)*	One-Rod Grass Strip (ac)	
<u>County Ditch No. 9 - Main Open Ditch</u>					
Silas Peterson	SW SE	26-112-21	0226450004	2.55	0.42
Gary Lynch	SW SE	26-112-21	0226450003	5.61	0.93
Gary Lynch	NW NE	26-112-21	0235125004	2.20	0.36
James Dausg	NE NW	26-112-21	0235200001	1.19	0.20
Union Lake Properties	SE SW	26-112-21	0226375001	1.27	0.21
Dennis Garvey	SE SW	26-112-21	0226375002	2.64	0.44
Dennis Garvey	SW SW	26-112-21	0226375002	0.98	0.16
Union Lake Properties	SW SW	26-112-21	0226375001	3.03	0.50
Sugar Farms LLC	SW SW	26-112-21	0226350001	3.03	0.50
Beverly Wendland	SE SE	27-112-21	0227475003	7.02	1.16
Gary Schutte	NE SE	27-112-21	0227400003	2.60	0.43
Anthony Fisher	NW SE	27-112-21	0227425001	2.60	0.43
State Highway 19		27-112-21		2.36	0.39
Patrick Malay	SW NE	27-112-21	0227150005	4.19	0.69
Eric Ekstrand	SW NE	27-112-21	0227150002	1.40	0.23
State Highway 19		27-112-21		1.69	0.28
Dwayne Harnack	NE SW	27-112-21	0227300001	7.87	1.30
Jose Perez-Gonzales	NW SW	27-112-21	0227325001	4.72	0.78
Margaret Grabinger	SW SW	27-112-21	0227350001	1.43	0.24
Jose Perez-Gonzales	SW SW	27-112-21	0227325001	1.43	0.24
Wallace Grabinger	SE SE	28-112-21	0228475003	0.17	0.03
Larry Coffing	SE SE	28-112-22	0228475002	6.93	1.14
John Jirik	SW SE	28-112-23	0228425001	6.22	1.03
Raymond Jirik	SE SW	28-112-24	0228375001	6.22	1.03
Raymond Jirik	SW SW	28-112-24	0228375001	5.70	0.94
Raymond Jirik	NW SW	28-112-24	0228375001	5.20	0.86
Mervynn Curran	NE SW	29-112-21	0229400003	6.15	1.01

*Construction Right-of-way based on width of 200 feet, 100 feet either side of centerline.
Construction Right-of-way includes the area occupied by the ditch and the one-rod grass strip.

REDETERMINATION OF BENEFITS AND DAMAGES
COUNTY DITCH NO. 9
RICE COUNTY, MN

RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	Construction Right-of-way (ac)*	One-Rod Grass Strip (ac)
<u>County Ditch No. 9 - Spur 1</u>				
Raymond Jirik	SE SW	28-112-24 0228375001	3.16	0.52
Thomas Dokken	NW NW	33-112-21 0233225001	6.27	1.03
Thomas Dokken	SW NW	33-112-21 0233200001	6.22	1.03
Ralph Michel	NW SW	33-112-21 0233300001	3.57	0.59
Ralph Michel	NE SW	33-112-21 0233300001	6.64	1.10
Thomas Dokken	NW SE	33-112-21 0233425001	5.58	0.92
Thomas Dokken	SW SE	33-112-21 0233425001	6.25	1.03
<u>County Ditch No. 9 - Spur 2</u>				
Raymond Jirik	SE SW	28-112-24 0228375001	5.62	0.93
<u>County Ditch No. 9 - Spur 3</u>				
Wallace Grabinger	SE SE	28-112-21 0228475003	0.98	0.16
Margaret Grabinger	SW SW	27-112-21 0227350001	3.22	0.53
<u>County Ditch No. 9 - Spur 4</u>				
State Highway 19			1.16	0.19
Patrick Malay	SE NE	27-112-21 0227175001	3.75	0.62
Patrick Malay	SE NE	27-112-21 0227150005	1.20	0.20
Rosalyn Pautzke	NW NE	27-112-21 0227125002	7.67	1.27
<u>County Ditch No. 9 - Branch A to Spur 1</u>				
Thomas Dokken	SW SE	33-112-21 0233425001	4.31	0.71
<u>County Ditch No. 9 - Branch C to Spur 1</u>				
Raymond Jirik	SE SW	28-112-24 0228375001	3.65	0.60
<u>County Ditch No. 9 - Branch B to Spur 1</u>				
Thomas Dokken	NW NW	33-112-21 0233225001	3.47	0.57
Richard Lorang	NE NE	32-112-21 0232100002	6.29	1.04

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REDETERMINATION OF BENEFITS AND DAMAGES
COUNTY DITCH NO. 9
RICE COUNTY, MN

ROAD & UTILITY ACREAGE

	Roadway	Acres
<u>Rice County</u>		
Elmore Ave	CSAH 34	10.5
Union Trail	CR 59	7.3
Dent Ave	CSAH 5	36.4
Farwell Ave	CR 54	16.7
60th Street W	CR 54	10.5
 <u>Webster Township</u>		
Canby Court		4.5
Dalton Ave		2.4
85th Street W		7.4
Chester Ave		13.4
70th Street W		3.0
Canby Trail		0.5
65th Street W		7.3
80th Street W/Benton Ave		9.9
Farwell Ave		9.7
Elmore Ave		17.2
57th Street W		11.2
60th Street W		8.1
Garfield Ave		4.7
 <u>State of Minnesota</u>		
Lonsdale Blvd/State Highway No. 19		121.0