

RICE COUNTY COUNTY DITCH NO. 20

Engineer's Advisory Report

Redetermination of Benefits and Damages

April 16, 2012

Prepared by:
Jones, Haugh & Smith Inc
515 South Washington Avenue
Albert Lea, MN 56007

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

Date: 4-16-12

Lic. No. 43895

STATE OF MINNESOTA
COUNTY OF RICE

IN THE MATTER OF REDETERMINATION OF BENEFITS AND DAMAGES OF
COUNTY DITCH NO. 20
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 October 26, 2010, 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. 20 (CD 20) was established around 1905 and consisted of a Main Open Ditch and Spur A Open Ditch. The Main Open Ditch was approximately 13,500 feet in length and Spur A Open Ditch was approximately 1,500 feet in length.

A Petition was filed to Improve CD 20 around 1975. Said Improvement cleaned the lower 5,700 feet of the Main Open Ditch and all of Spur A, extended the established outlet to CD 20 downstream, and replaced three culverts on the Main Open Ditch and 2 culverts on Spur A. A water control structure was also installed at the outlet of Logue Lake. Said structure was part of the CD 20 drainage system but was built with funds from government agencies.

In 2002 the water control structure at Logue Lake failed and was replaced at no cost to the drainage system. The outlet elevations of Logue Lake were unchanged as part of the construction.

In 2010 a Petition was filed and approved to abandon a portion of CD 20 between stations 37+75 to 98+30 located in the SW ¼ Section 11 and SE ¼ Section 10 all of Erin Township. Said area was enrolled into a wetland restoration program and restored by the Board of Water and Soil Resources.

The original outlet of CD 20 was at County Road No. 62 near the southeast corner Section 11, Erin Township. In 1977 the outlet was extended downstream 800 feet as part of an Improvement project. Therefore the established outlet of CD 20 is 800 feet downstream of County Road No. 62 in the NW ¼ Section 13, Erin Township.

Since the original construction of CD 20, there has been substantial development of the private drainage systems using CD 20 as an outlet.

FINDINGS

Maps of previous proceedings for CD 20 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 current watershed is approximately 4,588 acres. The watershed area upstream of the Main Open Ditch is approximately 1,228 acres and the area upstream of Spur A Open Ditch is 3,130 acres.

RIGHT-OF-WAY REQUIRED

It appears adequate right-of-way was granted for the construction of CD 20. 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 along the alignment of CD 20 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. Previous Engineer's Reports make note of seeding a one-rod grass strip adjacent to the ditch but no evidence of damages being paid for said one-rod grass strip were found. We recommend the one-rod grass strip right-of-way be purchased along the alignment of CD 20. 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. 20.

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.

Exhibit B: Right-Of-Way Required & Roads and Utilities acreages in the watershed.

REDETERMINATION OF BENEFITS AND DAMAGES
COUNTY DITCH NO. 20
RICE COUNTY, MN

RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	Construction Right-of-way (ac)*	One-Rod Grass Strip (ac)	
<u>County Ditch No. 20-Main Open Ditch</u>					
Arnold Nerud	NW NW	13-111-22	0513225001	3.07	0.61
Gilbert Laurent	SE SE	11-111-22	0511400001	6.30	1.25
Francis Vosejka	SW SE	11-111-22	0511450001	5.51	1.09
Francis Vosejka	NW SE	11-111-22	0511450001	0.81	0.16
James Komarek	NE NE	14-111-22	0514100001	0.63	0.13
<u>County Ditch No. 20-Spur A</u>					
Francis Vosejka	SW SE	11-111-22	0511450001	3.83	0.76
James Komarek	NW NE	14-111-22	0514100001	0.93	0.18
Jerome Sevcik	SE SW	11-111-22	0511375001	0.61	0.12
Wayne Frey	NE NW	14-111-22	0514200001	0.61	0.12

*Construction Right-of-way based on width of 200 feet, 100 feet either side of centerline.
Area does not include one-rod grass strip acreage.

REDETERMINATION OF BENEFITS AND DAMAGES
COUNTY DITCH NO. 20
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ROAD & UTILITY ACREAGE

Roadway		Acres
<u>Rice County</u>		
Halstad Ave	CR 62	10.28 *
Independence Ave	CSAH 4	41.90
Jasper Trail	CR 58	4.82
130th St W	CR 57	7.43 *
Millersburg Blvd	CSAH 1	15.44
<u>Erin Township</u>		
Hennepin Ave		0.17
125th St W		7.37
135th St W		4.91 *
100th St W		1.54 *
110th St W		4.70 *
103rd St W		0.23 *
115th St W		1.44
Jasper Ave		1.11
120th St W		1.56
117th St W		2.11
Ingot Trail		2.11
<u>State of Minnesota</u>		
Shieldsville Blvd	SH 21	51.01

*Area includes only one side of road if watershed divide follows center of roadway.