

RICE COUNTY COUNTY DITCH NO. 23

Engineer's Advisory Report

Redetermination of Benefits and Damages

July 31, 2015

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: 7-31-15

Lic. No. 43895

STATE OF MINNESOTA
COUNTY OF RICE

IN THE MATTER OF REDETERMINATION OF BENEFITS AND DAMAGES OF
COUNTY DITCH NO. 23
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 8, 2013, 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. 23 (CD 23) was established in 1947 and consisted entirely of open ditch. The watershed is located in Sections 14, 15, 21, 22, 23 and 24 of Cannon City Township.

The established outlet of CD 23 is into Prairie Creek at a field crossing located in the SE ¼ NW ¼ Section 14, Cannon City Township.

Repair petitions were filed in 1962 and 1976 to clean out the ditch. Since the original construction of CD 23, there has been substantial development of the private drainage systems using CD 23 as an outlet.

FINDINGS

Maps of previous proceedings for CD 23 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 years ago. The watershed shown on the 1984 plans is approximately 2,300 acres. The current CD 23 watershed is approximately 2,333 acres.

RIGHT-OF-WAY REQUIRED

It appears adequate right-of-way was granted for the construction of CD 23 but records are unclear on the 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 23 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. 23.

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. 23
RICE COUNTY, MN

RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	Construction Right-of-way (ac)*	One-Rod Grass Strip (ac)	
TR Gravel Properties	SE NW	14-110-20	1114275001	2.45	0.48
Kathy Stubbs	SW NW	14-110-20	1114250001	1.44	0.28
Gordon Glende	NEW SW	14-110-20	1114300001	2.63	0.52
Allen Bauer	SE SW	14-110-20	1114375001	1.19	0.23
Allen Bauer	SW SW	14-110-20	1114350004	2.88	0.57
Allen Bauer	NE SW	14-110-20	1114325003	2.63	0.52
Allen Bauer	SE SW	14-110-20	1114350004	1.19	0.23
Brian Crombie	SE SW	14-110-20	1114350005	2.88	0.57
Kevin Kolterman	SE SE	15-110-20	1115475005	5.19	1.03
Kevin Kolterman	SW SE	15-110-20	1115376057	1.09	0.22
David Caron	SW SE	15-110-20	1115376028	0.49	0.10
David Caron	NW NE	22-110-20	1115376032	0.78	0.15
Michael Rohlfen	NE NE	22-110-20	1122175001	6.46	1.28
Michael Rohlfen	SE NE	22-110-20	1122175001	5.53	1.09
Dean Trahan	NW NW	23-110-20	1123225003	0.85	0.17
Marie Ernste	SW NE	22-110-20	1122425001	3.16	0.62
Marie Ernste	NW SE	22-110-20	1122425001	4.47	0.88
Gerald Rohlfen	NE SW	22-110-20	1122275003	5.16	1.02
Beverly Nauman	NW SW	22-110-20	1122250001	5.16	1.02
Gordon Glende	NE SE	21-110-20	1121400002	4.67	0.92
James Conn	NE SE	21-110-20	1121425005	0.40	0.08
Farryl Kluis	NE SE	21-110-20	1121425006	0.40	0.08
Farryl Kluis	NW SE	21-110-20	1121425006	2.00	0.40
James Conn	NW SE	21-110-20	1121425005	2.00	0.40
James Bongers	SW NE	21-110-20	1121150001	4.37	0.86

*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
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ROAD & UTILITY ACREAGE

Roadway	Acres
<u>Rice County</u>	
Nerstrand Blvd CSAH 27	11.02 *
Donaldson Trail CSAH 29	1.59 *
Eiler Ave CSAH 41	29.84
Cannon City Blvd CSAH 20	13.33 *
Gates Ave CSAH 23	4.93
 <u>Cannon City Township</u>	
Falk Ave	4.30
Crystal Lake Trail	0.30 *
Decker Trail	2.63
Dayton Circle	0.50
Cagger Trail	1.52 *
Davis Ave	6.30
190th Street E	4.80
Dixon Ave	2.86

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