

# RICE COUNTY COUNTY DITCH NO. 4

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## 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. 4  
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. 4 (CD 4) was established around 1904 and construction completed for a total cost of \$2,376.10. Original dimensions of the ditch included an 8 foot wide ditch bottom and 1 foot vertical to 1 foot horizontal sides slopes. The average grade of the ditch is approximately 2.6 feet per mile or 0.05%.

The established outlet of CD 4 is on the west line SW ¼ NW ¼ Section 4, Morrystown Township at County State Aid Highway No. 16 (Kanabec Avenue).

The legal terminus of CD 4 is on the north side of a private driveway located in the NE ¼ NW ¼ Section 33, Shieldsville Township. Ditch records indicate a timber bridge was originally built at this location but was later replaced by landowners with a 36" CMP culvert. Said culvert was determined to be insufficient in size and was replaced with a double line of 36" CMP culverts during a 1980 repair. Permit 80-5090 was acquired from the Department of Natural Resources to complete said work.

No culverts were included as part of the original construction of CD 4. Existing culverts were supplied by landowners and installed and maintained by the drainage system.

Since the original construction of CD 4, there has been substantial development of the private drainage systems using CD 4 as an outlet.

### FINDINGS

Maps of previous proceedings for CD 4 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 9,014 acres and includes Caron, Cedar and Willing Lakes. The original Viewers Report found benefits for approximately 760 acres or approximately 8% of the watershed. Most of the originally benefitted lands were adjacent to the ditch.

### RIGHT-OF-WAY REQUIRED

It appears adequate right-of-way was granted for the construction of CD 4. 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 4 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. 4.

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. 4  
RICE COUNTY, MN

**ROAD & UTILITY ACREAGE**

Roadway	Acres
<u>Rice County</u>	
210th St W	30.86 *
Geneva Ave	4.97
Cedar Lake Blvd	86.10
Dodd Road	25.01 *
Kent Ave/202nd St W/Kanabec Ave	17.87
Independence Ave	3.94
180th St W	17.92 *
Kanabec Ave	1.08 *
<u>Shieldsville Township</u>	
Kasson Trail	0.24 *
200th St W	6.11
Jackson Ave	11.01 *
Ivanhoe Trail	13.78
Ivanhoe Circle	1.60
Ivanhoe Court	4.87
201st CT W	0.91
Independence Court	1.23
Hinckley Way	2.39
Holt Trail	4.09
Cedar Lake Trail	8.89
Cedar Lake Court	0.85
Cedar Lake Path	3.83
Cedar Lake Trail	3.67
Hennepin Way	4.37
Hamel Way	2.00
Guthrie Way	3.43
209th St W	1.26
206th St W	1.90
Geneva Trail	1.32 *
Geneva Court	1.67 *
190th St W	2.44
Gonvick Ave	5.77
185th St W	8.20
Hlastad Ave	3.94
Garfield Ave	12.38
Garfield Trail	0.77 *

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**ROAD & UTILITY ACREAGE**

<u>Roadway</u>	<u>Acres</u>
<u>Morristown Township</u>	
Halstad Ave	1.96
Independence Ave	3.95
Jennings Ave	2.39 *
215th St W	0.84 *
<u>Wells Township</u>	
Fortune Creek Court	0.24
190th St W	3.78

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

REDETERMINATION OF BENEFITS AND DAMAGES  
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**RIGHT-OF-WAY REQUIRED**

Owner	Location	Pin	Construction Right-of-way (ac)*	One-Rod Grass Strip (ac)	
<b><u>County Ditch No. 4-Main Open Ditch</u></b>					
Dennis Baker	NE NW	33-110-22	0933225001	3.14	0.62
Karl Bohn	SE NW	33-110-22	0933275001	4.60	0.91
Dennis Baker	SW NE	33-110-22	0933225001	0.97	0.19
Karl Bohn	NE SW	33-110-22	0933300001	6.05	1.20
Darlene Spitzak	SE SW	33-110-22	0933375001	2.25	0.44
Darlene Spitzak	SW SW	33-110-22	0933350001	5.06	1.00
Darlene Spitzak	NW NW	4-109-22	1304225001	3.07	0.61
Brian Schulz	NW NW	4-109-22	1304250001	4.04	0.80
Darlene Spitzak	SW NW	4-109-22	1304225001	1.48	0.29

\*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.