

RICE COUNTY COUNTY DITCH NO. 33

Engineer's Advisory Report Redetermination of Benefits and Damages

October 14 , 2014

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. PENKA
Date: 10-14-14

Lic. No. 43895

STATE OF MINNESOTA
COUNTY OF RICE

IN THE MATTER OF REDETERMINATION OF BENEFITS AND DAMAGES OF
COUNTY DITCH NO. 33
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 December 11, 2012, 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. 33 (CD 33) was petitioned for in 1971 and construction completed in 1973 for a total cost of \$37,753.29. CD 33 consists of approximately 7,850 feet of open ditch and 19,735 feet of tile ranging in size from 6 to 18 inches.

A sediment basin was constructed near the outlet of CD 33 in the NE ¼ SW ¼ Section 13, Wheeling Township, between stations 13+00 and 15+00. The basin was constructed by lowering the channel grade approximately 2 feet.

Permit number 72-1244 was acquired in March 7, 1973, from the Department of Natural Resources (DNR) to alter the course and cross section of CD 33.

Viewers assessed City of Nerstrand and outlet assessment of \$2,800 for drainage.

The established outlet of CD 33 is in the SW ¼ SE ¼ Section 13, Wheeling Township into a tributary to the Little Cannon River.

Since the original construction of County Ditch No. 33 there has been substantial development of private surface and subsurface drainage systems within the watershed. There have also been numerous repairs of County Ditch No. 3 over the years.

FINDINGS

Maps of previous proceedings for CD 33 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 40 years ago.

The current watershed is approximately 2,215 acres, with approximately 600 acres within the City of Nerstrand.

RIGHT-OF-WAY REQUIRED

It appears adequate right-of-way was granted for the construction of CD 33. The 1972 Viewers Report paid landowners \$400 per acre for the area occupied by the ditch but no reference was made to acquisition of the one-rod grass strip or construction right-of-way.

As a condition of DNR Permit 72-1244 a 25 foot wide protective strip on both sides of the ditch was to be established.

As-built plans for CD 33 dated April 1980 contain a note stating the following; "A grass strip 20' in width shall be maintained along each side of the open ditch."

We recommend construction right-of-way be purchased along the alignment of CD 33 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. Damages for the open ditch were acquired during past proceedings.

The right-of-way for the one-rod permanent grass strip adjacent to the top of the ditch bank is considered necessary. We recommend the one-rod grass strip right-of-way be purchased along the alignment of CD 33. 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. 33.

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. 33
RICE COUNTY, MN

RIGHT-OF-WAY REQUIRED

Owner	Location	Pin	Construction Right-of-way (ac)*	One-Rod Grass Strip (ac)	
<u>County Ditch No. 33</u>					
Peterson Bros. LLP	SE SE	13-110-19	1213425001	2.36	0.47
Peterson Bros. LLP	NW SE	13-110-19	1213425001	2.27	0.45
Brian Hanson	NE SW	13-110-19	1213330001	1.40	0.28
Hanson Farm Land LTD	NE SW	13-110-19	1213325001	3.08	0.61
Hanson Farm Land LTD	SE SW	13-110-19	1213375001	0.98	0.19
Hanson Farm Land LTD	NW SW	13-110-19	1213325001	7.45	1.47
Allan Willie	SE SE	14-110-19	1214400001	4.54	0.90
Corey Miller	SE SE	14-110-19	1214475002	0.50	0.10
Corey Miller	SE SE	14-110-19	1214475001	0.14	0.03
Brian Hanson	SE SE	14-110-19	1214475003	1.13	0.22
Our Circle of Friends	SE SE	14-110-19	1214450001	0.41	0.08
Our Circle of Friends	SW SE	14-110-19	1214450001	5.96	1.18
Legacy Tree Farms	SE SW	14-110-19	1214300003	0.20	0.04
Joanne Gess	SE SW	14-110-19	1214375002	2.80	0.55
Joanne Gess	NE SW	14-110-19	1214300002	2.63	0.52
Kirk Sandager	NW SW	14-110-20	1214300003	5.15	1.02

*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
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<u>ROAD & UTILITY ACREAGE</u>				
Roadway		Length (ft)	Width (ft)	Acres
<u>Rice County</u>				
Nerstrand Blvd	CSAH No. 27	3,947	Varies	11.26
Kane Ave	CSAH No. 27	5,195	Varies	11.99
Lamb Ave	CSAH No. 26	6,958	Varies	20.51
<u>Wheeling Township</u>				
Nerstrand Blvd		7,685	66	11.64
Kane Ave		2,850	66	4.32
Kielmeyer Ave		1,355	Varies	1.95
<u>State of Minnesota</u>				
State Highway No. 246	170th St E	8,250	Varies	23.94

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