

# RICE COUNTY COUNTY DITCH NO. 7

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## 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. 7  
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. 7 (CD 7) was established in 1907 and consisted entirely of open ditch. A total of 645 acres were originally assessed benefits for the construction of the system. It appears most of these acres were low lands adjacent to the ditch.

In 1983, a Repair Petition was filed to repair CD 7 from State Highway No. 246 upstream to the NE ¼ Section 31, Northfield Township. In 1984, an Improvement petition was filed to improve the ditch in the same area. Both projects were controversial and numerous meetings were held. On October 23, 1984 the Drainage Authority approved a Repair and Improvement project.

The established outlet of CD 7 is into Prairie Creek near the north line SW ¼ SW ¼ Section 26, Northfield Township.

Since the original construction of CD 7, there has been substantial development of the private drainage systems using CD 7 as an outlet.

FINDINGS

Maps of previous proceedings for CD 7 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 14,213 acres. The current CD 7 watershed is approximately 14,488 acres, which includes the 2,333 acres in the CD 23 subwatershed.

### RIGHT-OF-WAY REQUIRED

It appears adequate right-of-way was granted for the construction of CD 7 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 7 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. 7.

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  
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**RIGHT-OF-WAY REQUIRED**

Owner	Location	Pin	Construction		
			Right-of-way (ac)*	One-Rod Grass Strip (ac)	
Lawrence Hauer Tr	SW SW	26-111-19	0826350001	3.49	0.69
Willard Estrem	SE SE	27-111-19	0827400002	3.19	0.63
Willard Estrem	NE NE	34-111-19	0834100001	4.68	0.92
Gary Petersmeyer	NE NE	34-111-19	0834175001	0.21	0.04
Willard Estrem	NE NE	34-111-19	0834100001	0.21	0.04
Willard Estrem	NW NE	34-111-19	0834125001	2.70	0.53
William Simon	NW NE	34-111-19	0834125002	2.55	0.50
Willard Estrem	NE NW	34-111-19	0834225001	4.34	0.86
John Trebelhorn	SE NW	34-111-19	0834300001	0.79	0.16
Elaine Hope Family	SW NW	34-111-19	0834250001	0.48	0.09
Willard Estrem	NW NW	34-111-19	0834225001	4.83	0.95
Patrick Lamert	NE NE	33-111-19	0833100001	5.41	1.07
Mark Estrem	NW NE	33-111-19	0833125001	4.78	0.94
Mark Estrem	SW SE	28-111-19	0828400001	0.83	0.16
Rene Koestner	SE SW	28-111-19	0828300001	5.34	1.06
Rene Koestner	SW SW	28-111-19	0828350001	0.94	0.19
William Gruszekski	NW NW	33-111-19	0833225001	5.22	1.03
Rene Koestner	NE NE	32-111-19	0832125001	5.61	1.11
Ken Vesledahl	NW NE	32-111-19	0832125001	0.52	0.10
John Maakestad	SW NE	32-111-19	0832150001	5.11	1.01
John Maakestad	SE NW	32-111-19	0832150001	5.06	1.00
Cornelius Canon	SW NW	32-111-19	0832250001	3.57	0.71
Orlien Halvorson	SW NW	32-111-19	0832200001	1.71	0.34
Ken Geiger	NE NE	31-111-19	0831100003	1.67	0.33
Gale Roush	NE NE	31-111-19	0831175001	1.67	0.33
Ken Geiger	SE NE	31-111-19	0831100003	1.03	0.20
Gale Roush	SE NE	31-111-19	0831175001	1.03	0.20
Gale Roush	NW NE	31-111-19	0831175001	5.16	1.02
Julie Kelsey	NE NW	31-111-19	0831200002	1.33	0.26
Gale Roush	SE NW	31-111-19	0831275001	3.31	0.65
Mach III Partnership	SE NW	31-111-19	0831250001	3.31	0.65
Gale Roush	NE SW	31-111-19	0831300001	3.67	0.73

\*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.

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**ROAD & UTILITY ACREAGE**

Roadway		Acres
<u>Rice County</u>		
135th Street E	CSAH 30	4.73 *
Hall Ave	CSAH 30	2.95 *
Ibson Ave	CSAH 30	23.14
Ibson Ave	CSAH 30	8.46 *
Gates Ave	CR 82	10.04
145th Street E	CR 82	8.97
Falk Ave	CR 84	18.07 *
Nerstrand Blvd	CSAH 27	31.58 *
170th Street E	CSAH 29	17.50 *
Gates Ave	CR 188	9.92
Gates Ave	CSAH 23	7.91
Donaldson Trail	CSAH 29	11.30
Falk Ave	CR 88	3.72
Farmers Trail	CR 88	16.70
155th Street E	CR 88	24.07
Eiler Ave	CSAH 41	29.84
Cannon City Blvd	CSAH 20	32.14 *
Dixon Trail	CSAH 29	2.10 *
 <u>Northfield Township</u>		
Isaacson Trail		4.42
140th Street E		5.08
Hall Ave		7.32
Goodrich Trail		2.15
132nd Street E		3.95
Gieffer Ave		0.90
Gibson Trail		7.73
150th Street E		8.67 *
 <u>Wheeling Township</u>		
150th Street E		8.67 *
160th Street E		6.18
Gieffer Ave		10.05
Hall Ave		15.93

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**ROAD & UTILITY ACREAGE**

Roadway	Acres
<b><u>Bridgewater Township</u></b>	
134th Street E	2.23
Fawn Court	2.17
<b><u>Cannon City Township</u></b>	
Foley Ave	3.40
Elm Court	1.01
Evergreen Court	0.83
154th Street E	4.10
Falk Ave	25.97
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
155th Street E	1.05 *

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