



COUNTY OF ANOKA

OFFICE OF COUNTY ADMINISTRATION

GOVERNMENT CENTER
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(763) 323-5700

December 17, 2003

TIM YANTOS
Deputy County Administrator
Direct #763-323-5692

Ms. Doris Nivala, City Administrator
City of Ham Lake
15544 Central Ave NE
Ham Lake MN 55304

Dear Ms. Nivala:

For your information and file, please be advised that the Anoka County Board of Commissioners, at the most recent meeting of Tuesday, December 16, 2003, adopted the enclosed Resolution #2003-148, Resolution Transferring Jurisdiction Of Branch 9 Of County Ditch #28.

By copy of this letter to Jon Olson, we are requesting that he notify any other appropriate parties.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Tim Yantos
Deputy County Administrator

TY:ts
Enclosure

cc: Gary W. Kirkeide, Ham Lake Mayor
Jon Olson, Public Services Division Manager
Robert M.A. Johnson, County Attorney
Maureen Devine, Property Records and Taxation Division Manager
Doug Fischer, County Engineer
Pam McCabe, Assistant County Attorney
✓ Larry Hoiium, County Surveyor
Spencer Pierce, Environmental Services Manager

BOARD OF COUNTY COMMISSIONERS

Anoka County, Minnesota

DATE: December 16, 2003

RESOLUTION #2003-148

OFFERED BY COMMISSIONER: Lang

RESOLUTION TRANSFERRING JURISDICTION OF BRANCH 9 OF COUNTY DITCH #28

WHEREAS, Minn. Stat. § 103E.812 authorizes a drainage authority to transfer all or part of a drainage system located within a city's jurisdictional boundaries to the city acting as a water management authority; and,

WHEREAS, on November 3, 2003, a petition to transfer a portion of County Ditch #28 was filed by the City of Ham Lake with the Anoka County Property Records and Taxation Division Manager, who performs county auditor duties; and,

WHEREAS, in accordance with Minn. Stat. § 103E.238, the Office of the Anoka County Attorney examined the petition and supporting documents in consultation with the Anoka County Drainage Inspector Jon Olson and determined the petition and engineering documents satisfied the petition requirements contained in Minn. Stat. § 103E.812; and,

WHEREAS, this petition initiated the process requiring the Anoka County Board of Commissioners as drainage authority to hold a public hearing to consider the transfer of jurisdiction of Anoka County Ditch #28 Branch 9 to the City of Ham Lake; and,

WHEREAS, after the public hearing, the Anoka County Board of Commissioners is authorized by Minn. Stat. § 103E.812 to transfer control of Branch 9 of Anoka County Ditch #28 to the City of Ham Lake if the board determines that storm, surface, or flood waters along this part of the drainage system could be better managed by the City of Ham Lake; and,

WHEREAS, after proper notice was mailed to interested persons and published, the public hearing on the transfer of Branch 9 of Anoka County Ditch #28 was held on December 16, 2003, pursuant to the requirements of Minn. Stat. § 103E.812; and,

WHEREAS, no person appeared at the hearing to object to the transfer or to request appointment of a technical panel to examine the drainage system, the property, and the proposed transfer; and,

WHEREAS, the City of Ham Lake, in conjunction with a project developer, has gathered engineering information and is in the process of planning a project to provide drainage in this area; and,

WHEREAS, the transfer of Branch 9 of Anoka County Ditch #28 to the City of Ham Lake would allow expanded options for projects because the city as a water management authority has the ability to undertake drainage system projects in a manner that could not be undertaken by the county board acting as a drainage authority; and,

WHEREAS, upon transfer to the City of Ham Lake, Branch 9 of Anoka County Ditch #28 will cease to be subject to regulation under Minn. Stat. Chap. 103E, except that the City of Ham Lake as the water management authority may be assessed for improvements or repairs to Anoka County Ditch #28 as provided in Minn. Stat. § 103E.812, subd. 8:

NOW, THEREFORE, BE IT RESOLVED that the Anoka County Board of Commissioners determines storm, surface, or flood waters along Branch 9 of Anoka County Ditch #28 could be better managed by the City of Ham Lake according to the laws other than Minn. Stat. Chap. 103E.

BE IT FURTHER RESOLVED that the Anoka County Board of Commissioners as drainage authority orders the transfer to the City of Ham Lake as authorized under Minn. Stat. § 103E.812 of that part of Anoka County Ditch #28 described as Branch 9, which is located within the jurisdictional boundaries of the City of Ham Lake.

BE IT FURTHER RESOLVED that, in accordance with Minn. Stat. § 103E.812, subd. 8, all responsibility of the Anoka County Board of Commissioners as drainage authority for Branch 9 of Anoka County Ditch #28 ends as a result of this transfer.

BE IT FINALLY RESOLVED that a copy of this resolution be sent to the City of Ham Lake, the Anoka County Drainage Inspector Jon Olson, the Anoka County Property Records and Taxation Division Manager, and the Anoka County Attorney.

STATE OF MINNESOTA)
COUNTY OF ANOKA) SS

I, John "Jay" McLinden, County Administrator, Anoka County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Anoka County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on December 16, 2003, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 16th day of December 2003.



JOHN "JAY" McLINDEN
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 – BERG	X	
DISTRICT #2 – LANG	X	
DISTRICT #3 – LANGFELD	X	
DISTRICT #4 – KORDIAK	X	
DISTRICT #5 – MCCAULEY	X	
DISTRICT #6 – SIVARAJAH	X	
DISTRICT #7 – ERHART	X	