

ANOKA COUNTY ATTORNEY

TONY PALUMBO

Government Center • 2100 Third Avenue • STE 720 • Anoka, MN 55303-5025
(763) 323-5550 • attorney@co.anoka.mn.us

http://www.anokacounty.us/departments/co_attorney

June 3, 2013

VIA CERTIFIED MAIL

John Gross
18254 Loyola St. NE
Columbus, MN 55025

**Re: County Ditch 35 – Notice of Repairs and Public Hearing
(Parcel # 35-33-22-21-0002)**

Mr. Gross:

Recently, Anoka County Public Services conducted inspections of County Ditch 35 and its 5 branches in the City of Columbus and Linwood Township, in an effort to identify the cause of drainage problems and complaints occurring within that area. County Ditch 35 and its Branches are in poor repair which has led to decreasing effectiveness in providing the level of drainage that was intended. Several culverts and bridges were observed that are, in fact, obstructions of the ditch. These obstructions affect the hydraulic capacity of the ditch.

Minnesota law provides that, when a county ditch is located on private property, the property owner is responsible to remove or repair the obstructions.¹ The purpose of this letter is to inform you of the identified obstruction(s) on your property, and to request your cooperation in removing or repairing the obstruction.

Regarding your property, the culvert was found to be insubstantial with respect to its size. The county's recommended course of action is as follows:

1. Replace the current culvert with a larger, 30" culvert

You may agree to make the recommended repairs within a reasonable time frame, subject to inspection by the county once the repairs are completed. If you have any questions or wish to discuss a schedule for these repairs, please contact the Public Services Division Manager, Jon Olson, at 763-323-5789.

Please note that a Public Hearing regarding County Ditch 35 has been set before the Anoka County Board of Commissioners on **July 25th, 2013 at 10:00 AM**, at the Anoka County Government Center, 2100 Third Ave., Suite 710, Anoka, Minnesota 55303.

¹ Minnesota Statutes §103E.075 (2012).

If you disagree with the recommendations, you may appear at the hearing on July 25th, 2013, and show the board why you believe the obstruction should not be removed.

Minnesota law also requires that, if the board finds that the drainage system is obstructed and orders repairs to be made, the board will issue a prescribed time frame for the repairs. If the obstruction is not removed or repaired by the prescribed time, the board shall have the obstruction removed and the County shall make a statement of the removal cost. The statement must be filed in the county recorder's office as a lien on the property where the obstruction is located or against the responsible party.⁴

At this point, Public Services intends to recommend to the Board that all culvert replacements and related repairs be completed by owners no later than October 15, 2013. Please feel free to contact Jon Olson at 763-323-5789, or his staff, if you wish to discuss this matter more informally. Thank you for your cooperation.

Sincerely,



Christine V. Carney
Assistant Anoka County Attorney
Civil Law Division

cc: Jon Olson, Anoka County Public Services Manager

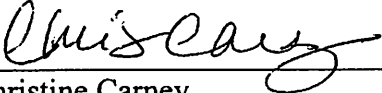
⁴ Minnesota Statutes §103E.075, subd.3 (2012).






PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, pursuant to Minn. Stat. §103E.075, that the Anoka County has determined that the drainage system known as County Ditch 35 and its five branches, located in the City of Columbus and Linwood Township, has been obstructed. The County Board of Commissioners will hold a public hearing on this matter on **July 25, 2013 at 10:00 a.m.** in Room 710 of the Anoka County Government Center, 2100 Third Avenue, Anoka, Minnesota 55303. Pursuant to Minn. Stat. §103E.075, if the board determines that the drainage system has been obstructed, the board shall direct the responsible party to remove the obstruction unless the responsible party shows the board why the obstruction should not be removed. The board shall hear all interested parties and, if removal of the obstruction is ordered, the board will set a reasonable time for removal of the obstruction(s). If the obstruction is not removed within the prescribed time, the board shall have the obstruction removed and the County shall make a statement of the removal cost. The statement must be filed in the county recorder's office as a lien on the property where the obstruction is located or against the responsible party. The lien may be enforced against the party by civil action.



Christine Carney
Assistant Anoka County Attorney



Jerry Soma
Anoka County Administrator