

# COUNTY OF ANOKA

Public Services Division

HIGHWAY DEPARTMENT

1440 BUNKER LAKE BLVD. N.W., ANDOVER, MINNESOTA 55304

(612) 862-4200 FAX (612) 862-4201

**JON G. OLSON, PE., COUNTY ENGINEER**  
DIRECT DIAL NUMBER (612) 862-4213

May 4, 1999

The Corps of Engineers  
St. Paul District  
190 5<sup>th</sup> Street East  
St. Paul, MN. 55101-1638

Attention: Tim Felt

Regarding: John Trost Request to Remove Obstruction in a part of County Ditch #53-62

Dear Tim:

It has been some time since we discussed this issue at your office and I apologize for that, the subject matter is relatively complicated and just have not had the time to spend on it that I should have. In any event, I have submitted to you, approximately 93 pages of documentation; some of which is redundant but I wanted you to have full copies of the letters that I have attached. For the purposes of this letter, please refer to the page numbers in the upper right hand corner of the attachments.

Attached for your information are the following documents.

- 1) A copy of the final memorandum of agreement between the Rice Creek Watershed District, the Cities of Lexington, Circle Pines and Blaine, Mr. & Mrs. Preiner and Mr. & Mrs. Hentges. Pages 1 - 8.
- 2) A letter dated July 7, 1998 from myself to the Rice Creek Watershed District. Pages 9, 10 and 11.
- 3) A copy of a letter from myself to the Rice Creek Watershed District dated 4-23-97. Pages 12 - 60. This letter formed the basis for the Memorandum of Agreement (Pages 1-8)
- 4) A copy of a letter from myself to the Rice Creek Watershed District in regards to a Public Hearing dated 5-1-96. Pages 61 - 87. Finally, a portion of a ditch map dated 7-7-98. Page 88.

The reason for the request on Mr. Trost's behalf, is found on Page 42 of the document, which is Page 4 of the actual Department of the Army Permit for the construction of 109<sup>th</sup> Avenue (CR 112) between Radisson Road and Lexington Avenue. Permit Number 87-1345-30. Under Special Condition Number 3, the permit indicates that at Station 134, a ditch berm shall be installed to maintain a water level of 897.3. On Page 35 of the document, you find a copy of

Sheet Number 8 for the construction of said CR 112 (109<sup>th</sup> Avenue). Project Number 84-19-112 you will note that at Station 134+10, a ditch block is called out with an elevation of 897.3. (See highlighted area). It is my understanding that the Trost property is immediately to the south and west of this ditch block. Also on Page 35, note that Lateral 2 of Branch 5 goes south from CR 112 approximately 70 feet to the west of the ditch block constructed at Station 134+10. On Page 89 & 90 note that Lateral 2 of Branch No. 5 goes south and then west 1600 feet from the ditch block and Branch 5 goes west another 1860 feet. On Page 35 and 37, you will note that Lateral 2 Branch 5 has a ditch plan grade of 895.15 or approximately 2.15 feet lower than the ditch block which was installed under the Permit; again, please refer to Page 42 of the attached.

The object of all the attachments that you have, is to provide sufficient evidence for you to determine that the original ditch grade at the subject location is in fact 2.15 feet lower than the ditch block that was installed as a part of the project. Note that in the April 23, 1997 letter (Pages 12 - 15) particularly Item 14 which relates directly to the 1987 Corps Permit and the Trost property. The attachments to the April 23, 1997 letter are on Pages 16 - 60 and are similar to those on Pages 61 - 88. The attachments on Pages 16 - 60 were used to convince the Rice Creek Watershed District Staff that the elevation of 891.46 was the most probable elevation of the original culvert under the Ellwell grade now known as Lexington Avenue (CSAH 17). Please follow through my July 7, 1998 letter and the appropriate page numbers for reference have been added to that letter in the right hand margin.

I have arrived at the adjustment factors by coming at it from a couple of different directions. The first is use of original notes, which are on file in the office of the Anoka County Surveyor Pages 16 - 22. These field notes indicate elevations at which the concrete retaining wall which is still in place was shot, and the adjustment to the grades in the field book was determined to be 798.5 feet based on current elevations of a portion of the concrete wall referenced on the attached Page 16 as elevation 100.

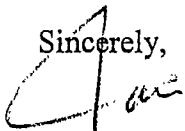
In addition, the Anoka County Highway Department during the reconstruction of County State Aid Highway Number 23 (previously TH 8), we located a culvert installed in the late '20's or early '30's, which had an elevation of approximately 888.32. The ditch grades from the plans at Station 147+00, is approximately 89.91 feet and adjusting that by the same 798.50 yields a grade of 888.41 at this location, or within 1/10<sup>th</sup> of a foot of the actual location of the invert of this culvert. Extending the ditch grades upstream to Lexington Avenue results in an elevation of 891.46 for the ditch bottom at Lexington Avenue, and consequently to the same elevation at the ditch bottom at the intersection of Branch 5 with the main ditch. (See Page 30 and 87). The grade on the main ditch from Lexington Avenue north was apparently 0% as included in the grades on the ditch plan as well as the percentage shown on the profile.

Third, during the cleaning of the ditch down stream from Lexington Avenue, several pile tops were encountered right at the grade we selected for finished grade based on the original plans. The pipe removed in 1917 (see Sheet 25) apparently was placed on the piling. Just another piece of evidence that 891.46 is the correct elevation of the ditch from Lexington Avenue (Station 103+\_\_ ) to Station 0+00 on the main ditch.

We then come to the County Surveyors Certification on July 26, 1919 regarding the ditch and its construction and the Ditch Engineer certified that the ditch was constructed according to the contract plans and specifications which would lead me to believe that the ditch was constructed as per the plans. Consequently, utilizing the portions of the plan found on Page 37 and 87 and comparing it with the ditch block found on Page 35 and 85, it could be concluded that the ditch block east of Lateral 2 to Branch 5 is approximately 2.15 feet higher than it should be and that the properties originally assessed for drainage for the construction of CD #53-62 are entitled to drainage to an elevation of 895.15. It appears as though removal of the ditch block could be accomplished quickly, but of course, because of the Corps of Engineers Permit conditions found in the document on Page 42 we would be unable to accomplish that work without permission from your office. Consequently as a result of the above information and the attachments, I respectfully request that Permit 87-1345-30 be amended to change ditch block elevation to 895.15. We also request that Branch 5 west of Station 134+10 be lowered to an elevation of 895.33. (See Sheet 37). This would involve removal of approximately 1.8 feet of material between Station 132+00 and 135+00. (See Sheets 93 & 93).

Tim, I would be happy to meet with you regarding this issue; I understand that it's complex to follow it through all the paperwork attached here, and I can assure you that we have many more reams of paper in our office regarding this matter. Please advise me at your earliest convenience of our ability to reach a conclusion to this issue.

Sincerely,



Jon G. Olson, PE  
County Engineer

xc: Mr. John Trost, 12760 Hanson Blvd. Coon Rapids, MN. 55448

xc: Commissioner Dan Erhart

xc: Kate Drewry, Rice Creek Watershed District



DEPARTMENT OF THE ARMY

Memorandum of Agreement

ST. PAUL DISTRICT, CORPS OF ENGINEERS  
ARMY CORPS OF ENGINEERS CENTRE  
190 FIFTH STREET EAST  
ST. PAUL, MN 55101-1638

RECEIVED

JUL -1 1999

JUL 02 1999

ANGKA COUNTY  
HIGHWAY DEPT



REPLY TO  
ATTENTION OF

Construction-Operations  
Regulatory (87-1345-TJF)

Mr. Jon Olson  
Anoka County Highway Department  
1440 Bunker Lake Boulevard NW  
Andover, MN 55304

Dear Mr. Olson:

This is in regard to your May 4, 1999, letter concerning Department of the Army permit 87-1345-30, which was issued on June 29, 1988. You asked that we consider the supporting information in your letter when we evaluate your request to modify Special Condition 3 of the permit to allow adjusting of the ditch plug elevation.

Special Condition 3 required that a ditch plug/berm be installed at Station 134 along Branch 5 with a top elevation of 897.3 feet. Based on the information you provided, we concur that the ditch plug may be lowered to elevation 895.15 feet, which would more appropriately reflect the historic drainage conditions prior to the construction of 109th Avenue (County Road 112) and its adjacent roadside ditch system. Therefore, you are hereby authorized to remove material at the ditch plug (Station 134) to establish the bottom elevation of the ditch at 895.15 feet.

Your letter also requests approval to excavate material from Branch 5, between Stations 132 and 135. You have estimated that about 1.8 feet of sediment would be removed from the ditch to lower this segment down to elevation 895.33. We have determined that this cleanout activity is ditch maintenance, and is therefore exempt from Corps of Engineers permit requirements. The ditch shall not be widened beyond its original dimensions. In order for the County to be in compliance with the Memorandum of Agreement regarding the ditch plug modification and the ditch cleanout activity, you should contact the Rice Creek Watershed District (RCWD) to ensure that all necessary RCWD approvals have been granted.

Please be aware that this permit modification letter does not allow any other ditch excavation activities such as work along Lateral 2 of Branch 5. Further information must be provided before we would be able to determine the permit requirements for work in this area.

All other terms and conditions of the permit remain unchanged.

This document should be retained as part of your record.

Sincerely,



Char M. Hauger  
Chief, Regulatory Branch

CF: John Trost  
Kate Drewry

\*\* Transmit Conf. Report \*\*

P.1

Sep 17 '03 16:39

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# COUNTY OF ANOKA

## OFFICE OF COUNTY ADMINISTRATION

GOVERNMENT CENTER

2100 3RD AVENUE • ANOKA, MINNESOTA 55303-2265

(763) 323-5700

### FAX TRANSMITTAL MEMO

Date: 9-17, 2003

Number of Pages Including Header: 6

TO: Tim Fell - U.S. Army Corp of

Fax #: (651) Engineers

E-Mail: 290-5330

FROM: Jon Olson SENDER: \_\_\_\_\_

Fax #: (763) 323-5682 Phone #: (763) 323-5789

E-Mail: \_\_\_\_\_@co.anoka.mn.us

MESSAGE: \_\_\_\_\_  
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