

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 5-6-14

Via: Roxy Traxler, Interim County Administrator

From: John Welle

Title of Item:

County Ditch 4/38 Partial Abandonment Petition

Requested Meeting Date: 5-13-14 Estimated Presentation Time: 20 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion with possible action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes  No  (attach explanation)
- What type of expenditure is this? Operating  Capital  Other  (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No

_____
HR Review

**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

## AITKIN COUNTY COMMISSIONER'S MEMO

**TO:** Aitkin County Commissioners  
Roxy Traxler, Interim County Administrator

**FROM:** John Welle

**DATE:** April 11, 2014

**Regular Agenda Item: County Ditch 4/38 Partial Abandonment Petition**

**Summary:**

On March 31, 2014, U.S. Steel Corporation submitted the enclosed petition for partial abandonment of portions of County Ditch 4 and 38 on property they own in Sections 27, 28, 29, 31, 32, and 33 of Workman Township. The abandonment request is to facilitate their plan to restore much of this area for wetland credits to mitigate mining impacts in Itasca and St. Louis Counties. The partial abandonment request consists of 5 miles of public drainage ditches as shown on the attached map.

Also enclosed is M.S. 103E.806 that outlines the statutory process for partial abandonment.

This agenda item is being scheduled to allow staff to receive Board direction relative to the processing of this petition.



U. S. Steel Corporation  
Minnesota Ore Operations  
P.O. Box 217  
Keewauwin, MN 55753

March 31, 2014

Mr. Kirk Peysar  
Aitkin County Auditor  
209 2<sup>nd</sup> Street NW  
Room 202  
Aitkin, MN 5643-1292

**RE: Petition for Partial Ditch Abandonment of a Drainage System  
within Sections 27, 28, 32, 33 and 34 of Workman Township (T.49N.-R.24W.)  
Aitkin County, Minnesota**

Dear Mr. Peysar:

United States Steel Corporation (U. S. Steel) is submitting this petition for ditch abandonment at the locations referenced above pursuant to Minnesota Statute 103E.806, "*Partial Abandonment of a Drainage System.*" Per Minnesota Statutes 2010 103E.806, this petition is being filed with the Aitkin County Auditor.

This ditch abandonment request is a part of U. S. Steel's wetland mitigation project where many miles of private and Fire Relief Commission (FRC) ditches flow through the mitigation site. The project site encompasses approximately 1,416 acres owned by U. S. Steel. Note that all ditch assessments and historical ditch liens have been recently removed and recorded for the entire agricultural property.

Please review the regulatory ditch map showing what U. S. Steel believes to be the original Ditch Authority's ditching system (including a ditch section that no longer exists on the NE corner of Section 34 that would still have to be abandoned). The mapping is based on field conversations conducted during a June 26, 2013 site visit between Hatch Mott McDonald (HMM), U. S. Steel staff and John Welle. The map also shows private ditches that have been altered, and re-piped resulting in the present day conditions.

Based on a July 15<sup>th</sup>, 2013 email from John Welle to U. S. Steel's consultant, HMM, the County likely does not have authority over the FRC ditches shown on the map. U. S. Steel will take ownership of these ditches along with the private ditches until further notice.

U. S. Steel is requesting permission to abandon the following ditch segments, which are further described in the attached supporting documents:

The ditch segment bounding the north side of the NE quadrant of the NE quadrant. (This is the segment through which the local segment of FRC-A drains into CD-38, as mentioned above).

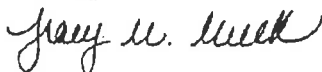
Section 34: The ditch segment bounding the north side of the NW quadrant.

The E/W-oriented ditch segment dividing the NW and SW quadrants of the NE quadrant.

The ditch segments bounding the east and south sides of the south half of the Section.

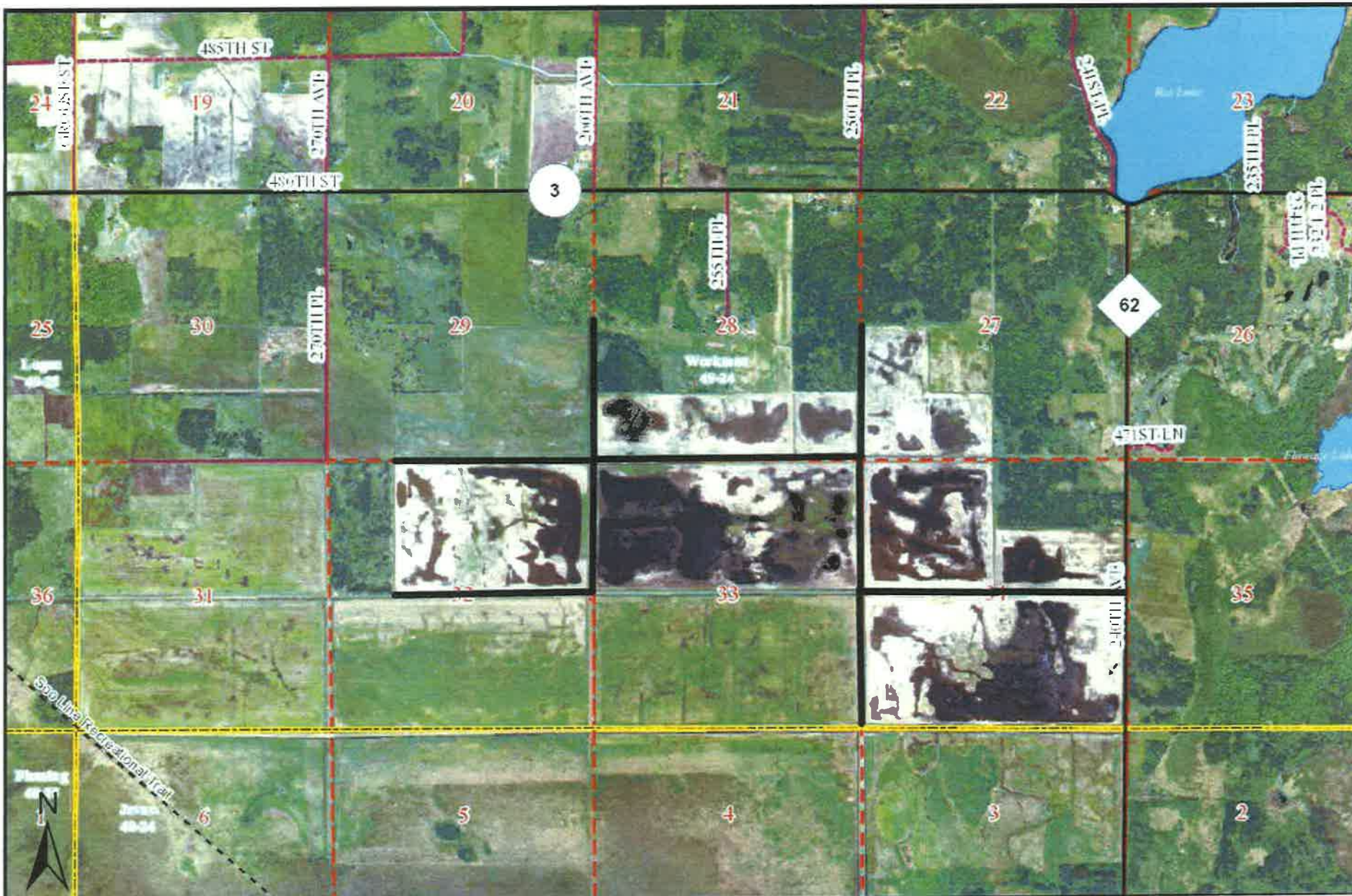
Should there be any questions about this submittal or if you require additional information, please contact me at (218) 778-8672 or via email at [tmmuck@uss.com](mailto:tmmuck@uss.com)

Sincerely,



Tracy M. Muck  
Minnesota Ore Operations  
United States Steel Corporation

cc: John Welle, Aitkin County Engineer  
Nathan Campbell, U. S. Army Corps of Engineers  
Barbara Walther, U.S. Army Corps of Engineers  
Tim Smith, U.S. Army Corps of Engineers  
Chrissy Bartovich, U. S. Steel  
Josh Zika, U. S. Steel



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

### County Ditch 4/38 Proposed Abandonment



0 1,375 2,750 ft 1 inch = 3,844 feet

Date: 5/6/2014

## 2013 Minnesota Statutes

### 103E.806 PARTIAL ABANDONMENT OF A DRAINAGE SYSTEM.

Subdivision 1. **Petition.** After construction of a drainage system, an owner of benefited property may petition the drainage authority to abandon any part of the drainage system that is not of public benefit and utility and does not serve a substantial useful purpose to property remaining in the system.

Subd. 2. **Filing.** If the drainage system is under the jurisdiction of a county drainage authority, the petition must be filed with the auditor of the county. If the drainage system is under the jurisdiction of a joint county drainage authority, the petition must be filed with the county having the largest area of property in the drainage system, where the primary drainage system records are kept. If the system is under the jurisdiction of a watershed district, the petition must be filed with the secretary of the district.

Subd. 3. **Hearing.** (a) When the petition is filed, the drainage authority, in consultation with the auditor or the secretary, shall set a time and location for a hearing on the petition and shall give notice of the hearing by mail to the owners of all property benefited by the drainage system, and either in a newspaper of general circulation within the affected drainage area or by publication on a Web site of the drainage authority.

(b) At the hearing, the drainage authority shall make findings and direct, by order, that part of the drainage system be abandoned, if the drainage authority determines that part of the drainage system does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of a substantial public benefit and utility.

Subd. 4. **Effect of partial abandonment.** After partial abandonment of a drainage system, a repair petition may not be accepted for the abandoned part of the drainage system and the responsibility of the drainage authority for that part of the drainage system ends.

Subd. 5. **Liens and assessments on property involved in partial abandonment.** An order under this section does not release the property from a drainage lien filed on account of the drainage system before the date of the order. An order under this section does not release the property from any assessment or a drainage lien filed on or after the date of the order for costs incurred on account of the drainage system before the date of the order.

**History:** 2010 c 298 s 9

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