

RESOLUTION 24-058

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

BOARD of MANAGERS

Authorizing the administrator to enter land-use agreements for the Upper Riley Creek Ecological Enhancement Project

Manager Ziegler offered the following resolution and moved its adoption, seconded by Manager Duevel:

Whereas the capital improvements program in the Riley Purgatory Bluff Creek Watershed District's 2018 10-Year Watershed Management Plan includes the Upper Riley Creek stabilization and restoration project (the Project), and after review of the RPBCWD engineer's analysis of the opportunities for resource protection and improvement presented by the Project and receiving supportive comments from the public in a duly noticed December 8, 2021, public hearing, the RPBCWD Board of Managers on January 5, 2022, adopted a resolution ordering the Project and directing the RPBCWD administrator to develop, with the assistance of RPBCWD legal counsel, a cooperative agreement with the City of Chanhassen and such other agreements as necessary to secure land-use rights necessary for successful completion of the Project; and

Whereas while the administrator has completed drafting of agreements with some of owners of the six private parcels for which land-use rights are needed for the Project, the administrator continues to develop a cooperative agreement for the Project with the City of Chanhassen and with the owners of additional private property needed for the Project, as well as the Minnesota Department of Transportation; and

Whereas the administrator wishes to ensure that private-property agreements can be efficiently completed and executed, and therefore recommends that the board authorize execution of same.

NOW, THEREFORE, BE IT RESOLVED that the board authorizes the administrator to execute, on advice of counsel, land-use agreements with private property owners for the Upper Riley Creek Ecological Enhancement Project, unless the administrator determines that a proposed agreement implicates policy considerations for the board or the terms of any such agreement deviates substantively from the Kerber agreement attached hereto.

[Faint signature or stamp]

The question was on the adoption of the resolution and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Crafton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duevel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pedersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ziegler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the president declared the resolution adopted.

September 11, 2024.

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I, Tom Duevel, secretary of the Riley Purgatory Bluff Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 13th day of September, 2024.

Tom Duevel
Tom Duevel, Secretary

[Faint, illegible text]