

**DUNN TOWNSHIP
OTTER TAIL COUNTY, MINNESOTA
RESOLUTION NO. 2017-07**

**RESOLUTION ISSUING AN AMENDED ORDER SETTING FORTH
INITIAL DESCRIPTIONS AND SETTING A HEARING DATE**

WHEREAS, the Dunn Township ("Town") board of supervisors ("Town Board") adopted Resolution No. 2017-~~04~~ "Issuing an Order Setting Forth an Initial Descriptions and Setting a Hearing Date" attached hereto as Exhibit A (the "Order"), which set a hearing date in response to a petition received from Rodney J. Spidahl ("Petitioner") requesting the establishment of a cartway pursuant to Minnesota Statutes, section 164.08, subdivision 2 to provide access to Petitioners' property (PID 17000100127000) located in the E ½ of the NW ¼ of the SE ¼, of Section 10, Township 137, Range 42, Otter Tail, Minnesota, which contains approximately 15 acres ("Property");

WHEREAS, the Order set a hearing date for November 15, 2017;

WHEREAS, the Petitioner was required to serve a copy of the Order on to property owners affected by the cartway, as listed in the Order, ("Affected Owners") within 10 days of the hearing;

WHEREAS, the Petitioner was unable to provide timely service to the Affected Owners;

WHEREAS, as a result, the Town Board is required to set a new hearing date for the Petitioner's request for a cartway.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Town Board will conduct a hearing at 3:00 p.m. on the 8th day of JANUARY, 2018 at the Dunn Town Hall located at 47979 East Lake Lizzie Road, Pelican Rapids, MN and then proceed to the site of the proposed cartway, starting where County Road 31 meets Routes A and B, and then moving to Route C, to examine the routes and hear from the Petitioner, the Affected Owners, and any other interested parties as to any physical features they would like to point out as well as any proposed alternative routes, and then will reconvene the hearing immediately following the site inspection to receive additional public comment, consider the proposed cartway, and to possibly act preliminarily on the petition.
2. The Petitioner shall be responsible for serving this Amended Order on the Affected Owners as detailed in the Order, and on each person whose land would reasonably be expected to be affected by the establishment of the proposed cartway given the fact that the Town Board may select an alternative route, at least 10 days before the date of the hearing and must provide the Town Board an affidavit of service as proof of having provided the required notice. In this case, the additional owners to be notified include, but are not limited to, those owning property adjacent to the Petitioner's Property and any other owners of property that could reasonably be crossed by a cartway to provide access to the Property, including those listed in the Order. Failure to provide notice to the Affected Owners or others that may be

affected if an alternative route is selected will delay the process until notice is provided and may require portions of the process to be repeated.

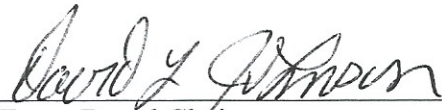
3. All terms and conditions of the original Order remain enforceable, with only the date of the Order being changed by this Amended Order.
4. The Town Clerk is hereby authorized and directed to, at least 10 days prior to the date of the hearing, publish notice of the hearing once in the Town's official newspaper, and post this Order at the Town's posting places.

NOTICE OF RIGHT TO APPEAL

Affected Landowner has right of appeal as provided in Minnesota Statutes, section 164.07, subdivision 7 to seek judicial review of this matter if the Town Board does establish the cartway.

Adopted this 15th day of November 2017.

BY THE TOWN BOARD



Town Board Chairperson

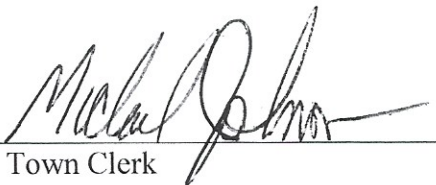
Attest: 
Deputy Town Clerk

Exhibit A Original Order

**DUNN TOWNSHIP
OTTER TAIL COUNTY, MINNESOTA
RESOLUTION NO. 2017-_____**

**RESOLUTION ISSUING AN ORDER SETTING FORTH
INITIAL DESCRIPTIONS AND SETTING A HEARING DATE**

WHEREAS, the Dunn Township ("Town") board of supervisors ("Town Board") received a petition, which is attached hereto as Exhibit A, from Rodney J. Spidahl ("Petitioner") requesting the establishment of a cartway pursuant to Minnesota Statutes, section 164.08, subdivision 2 to provide access to Petitioners' property (PID 17000100127000) located in the E ½ of the NW ¼ of the SE ¼, of Section 10, Township 137, Range 42, Otter Tail, Minnesota, which contains approximately 15 acres ("Property");

WHEREAS, the Petitioner has proposed three different possible routes for the cartway;

WHEREAS, the first route ("Route A") would cross the following parcels at the location described in the attached Exhibit B:

Owner	Property Location	PID
Mark and Sheila Beauchene	South ½ of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-123-000
Mark and Sheila Beauchene	South ½ of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-119-000

WHEREAS, in the alternative, the second route ("Route B") proposed by the Petitioner would cross the following parcels at the location described in the attached Exhibit C:

Owner	Property Location	PID
Terry Kvaré	NE ¼ of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-120-001
Curtis Strom	NW ¼ of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-122-000

WHEREAS, in the alternative, the third route ("Route C") proposed by the Petitioner would cross the following parcels at the location described in the attached Exhibit D:

Owner	Property Location	PID
Esther Larson	SW ¼ of the NW ¼ Section 11 Township 137, Range 42 Otter Tail County, Minnesota	17-000-110-152-001

Terrance Strom and Kevin Strom	SE ¼ of the NE ¼ Section 10, Township 137, Range 42 Otter Tail County, Minnesota	17-000-100-120-000
Terry Kvale	NE 1/4 of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-120-001
Curtis Strom	NW ¼ of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-122-000

WHEREAS, the Petitioner indicates the Property is landlocked because it does not abut a public road;

WHEREAS, the petition appears to contain sufficient information to be considered complete under the statute;

WHEREAS, the Petitioner provided the Town the security related to the requested cartway proceeding as required by a Town Board Resolution adopted pursuant to its authority under Minnesota Statutes, section 164.08, subdivision 2; and

WHEREAS, Minnesota Statutes, section 164.07, subdivision 2 requires the Town Board to make an order describing as nearly as practicable the cartway to be established, describing the several tracts of land through which the cartway passes, and fixing a time and place when and where the Town Board will meet and act upon the petition.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The several tracts of land through which the various cartway options pass and their owners are ("Affected Owners"):

Owner	Property Location	PID
Mark and Sheila Beauchene 4726 Rose Creek Pkwy S Fargo, ND 58104	South ½ of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-123-000 17-000-100-119-000
Terry Kvale	NE 1/4 of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-120-001
Curtis Strom	NW ¼ of the SE ¼ Section 10, Township 137, Range 42, Otter Tail County, Minnesota	17-000-100-122-000
Terrance Strom and Kevin Strom	SE ¼ of the NE ¼ Section 10, Township 137, Range 42 Otter Tail County, Minnesota	17-000-100-120-000
Esther Larson	SW ¼ of the NW 1/4 Section 11 Township 137, Range 42 Otter Tail County, Minnesota	17-000-110-152-001

2. The Town Board will conduct a hearing at _____ p.m. on the _____ day of _____, 2017 at the site of the proposed cartway, starting where County Road 31 meets Routes A and B, and then moving to Route C, to examine the routes and hear from the Petitioner, the Affected Owners, and any other interested parties as to any physical features they would like to point out as well as any proposed alternative routes, and then will reconvene the hearing immediately following the site inspection at the Dunn Town Hall located at 47979 East Lake Lizzie Road, Pelican Rapids, MN to receive additional public comment, consider the proposed cartway, and to possibly act preliminarily on the petition.
3. The Petitioner shall be responsible for serving this Order on the Affected Owners, and on each person whose land would reasonably be expected to be affected by the establishment of the proposed cartway given the fact that the Town Board may select an alternative route, at least 10 days before the date of the hearing and must provide the Town Board an affidavit of service as proof of having provided the required notice. In this case, the additional owners to be notified include, but are not limited to, those owning property adjacent to the Petitioner's Property and any other owners of property that could reasonably be crossed by a cartway to provide access to the Property, including those listed in the attached Exhibit E. Failure to provide notice to the Affected Owners or others that may be affected if an alternative route is selected will delay the process until notice is provided and may require portions of the process to be repeated.
4. The Town Clerk is hereby authorized and directed to, at least 10 days prior to the date of the hearing, publish notice of the hearing once in the Town's official newspaper, and post this Order at the Town's posting places.

NOTICE OF RIGHT TO APPEAL

Affected Landowner has right of appeal as provided in Minnesota Statutes, section 164.07, subdivision 7 to seek judicial review of this matter if the Town Board does establish the cartway.

Adopted this ____ day of _____, 2017.

BY THE TOWN BOARD

Town Board Chairperson

Attest: _____
Town Clerk

EXHIBIT A
Spindahl Cartway Petition

(attached hereto)

EXHIBIT B
Description of Route A

From a point starting at the connection of County State Aid Highway 31 and the most northeasterly corner of the Mark and Sheila Beauchene property, thence running west along to the northerly boundary line of the Mark and Sheila Beauchene property to the first point of connection to the Petitioner's property.

EXHIBIT C
Description of Route B

From a point starting at the connection of County State Aid Highway 31 and the most southeasterly corner of the Terry Kware property, thence running west along the southerly boundary line of the Terry Kware property to the easterly boundary of the Curtis Strom property, thence continuing westerly along the southerly boundary of the Curtis Strom property to the first point of connection to the easterly boundary of the Petitioner's property.

EXHIBIT D
Description of Route C

From a point starting at the connection of County State Aid Highway 31 and the most easterly boundary of the Esther Larson property, thence running southwest to the easterly boundary line of the Terrance Strom and Kevin Strom property thence continuing southwesterly, thence northwesterly, westerly and southwesterly to the northerly line of the Terry Kvale property, thence southwesterly to the easterly boundary line of the Curtis Strom property, thence continuing westerly to the first point of connection to the easterly boundary of the Petitioner's property.

EXHIBIT E
Additional Affected Owners

Property Owner and Address	PID
Donald and Joanne Strom 5043 County Highway 31 Detroit Lakes, MN 56501	17-000-110-152-002
James and Dan Holtgrewe 46988 County Highway 9 Pelican Rapids, MN 56572	17-000-110-150-000 17-000-110-158-000