

**DUNN TOWNSHIP  
OTTER TAIL COUNTY, MINNESOTA**  
Resolution No. 2020-06

**COPY**

**RESOLUTION ISSUING AN ORDER PROVIDING THE  
INITIAL DESCRIPTION AND SETTING A HEARING DATE  
REGARDING THE VACATION OF A CERTAIN PORTION OF FISH LAKE ROAD**

**WHEREAS**, the board of supervisors (“Town Board”) of Dunn Township (“Town”) received a petition, attached hereto as Exhibit A, requesting the vacation of a certain portion of the platted right-of-way of Fish Lake Road (“Road”), as originally dedicated to the public in the plat of Viken Bay Beach and as depicted in the attached Exhibit B, pursuant to the procedure set out in Minnesota Statute, section 164.07;

**WHEREAS**, the petition seeks to vacate a certain portion of the Road that was originally dedicated in the plat of Viken Bay Beach and which is no longer needed for the current alignment of the Road;

**WHEREAS**, the petition appears sufficient under the statute to be processed as the Town Clerk has reviewed the signatures and has determined it contains the signatures of at least eight voters of the Town who own real estate within three miles of the Road, and it includes a description of the Road and the portions to be vacated;

**WHEREAS**, the hearing will be conducted in accordance with the procedures set out in Minnesota Statutes, section 164.07, subdivisions 2 through 13;

**WHEREAS**, Minnesota Statutes, section 164.07, subdivision 2 requires the Town Board to make an order describing as nearly as practicable the road to be vacated, describing the several tracts of land through which the Road passes, and fixing a time and place when and where the Town Board will meet and act upon the proposed vacation of the Road;

**WHEREAS**, the owners of property directly abutting the Road and who are affected by this proposed vacation are as follows (“Affected Owners”):

<b>Owner Name(s) and Mailing Address</b>	<b>Property Address (if different)</b>	<b>PID Number</b>
Shawn M. and Mary C. Skrove 89 Prairiewood Drive S Fargo, ND 58103-4651	50615 Fish Lake Road Detroit Lakes, MN 56501	17000100115002

**WHEREAS**, the Road does not terminate at, abut upon, and is not adjacent to any public water, and therefore, notice to the Minnesota Department of Natural Resources is not required under Minnesota Statutes, Section 164.07, subdivision 2.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that:

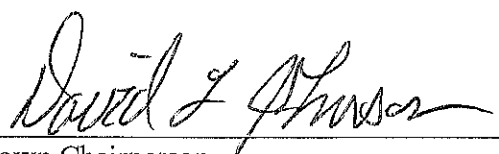
1. The Town Board shall conduct a public hearing at 6:30 p.m. on AUGUST 10, 2020 at the Dunn Town Hall located at 47979 East Lake Lizzie Road, Pelican Rapids, MN 56572 for the purpose of hearing from the public, considering, and acting on the proposed vacation of the Road as depicted in Exhibit B. On the same day, at 6:30 p.m., the Town Board will conduct an on-site inspection of the Road. Interested parties are welcome to attend the on-site inspection and the public hearing.
2. The Town Clerk is hereby authorized and directed to do each of the following:
  - a. Provide the petitioners a signed copy of this Order;
  - b. Post notice of the hearing at the Town's usual posting place at least 10 days before the date of the hearing; and
  - c. Publish notice of the hearing once in the Town's official newspaper so it appears at least 10 days before the date of the hearing.
3. The petitioners shall serve a copy of this Order on all the Affected Owners at least 10 days before the date of the hearing. The petitioners are responsible for submitting an affidavit of service, or waivers of service, to the Town by no later than the hearing, which will serve as proof the Affected Owners were served notice or waived personal service of notice. Failure to provide proper notice to the Affected Owners will delay the process until notice is provided and may require portions of the process to be repeated. The Town Board will not proceed with the hearing if it does not receive sufficient proof of the required notices having been provided.
4. The Town Chairperson, Clerk, and Attorney are hereby authorized to take such actions as may be needed to prepare the Town to conduct the hearing and to act on the proposed vacation and alteration of the Road.

**NOTICE OF RIGHT TO APPEAL**

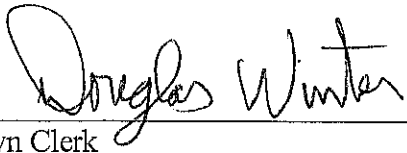
Affected Owners have a right of appeal under Minnesota Statutes, section 164.07, subdivision 7 to seek judicial review of damages, need, and purpose if the Town Board approves the proposed vacation and alteration of the Road as described above.

Adopted this 13 day of July, 2020.

**BY THE TOWN BOARD**

  
Town Chairperson

ATTEST:

  
\_\_\_\_\_  
Town Clerk

**Exhibit A**  
Road Vacation Petition

(attached hereto)

# TOWN ROAD PETITION

To the Town Board of DUNN Township, OTTERTAIL County, Minnesota:

The undersigned legal voters of the Town who own real estate or occupy real estate under the homestead or preemption laws or under contract with the state within three miles of the road described below hereby petition you to vacate the following described road (a petition to vacate a portion of a road must include a specific description of the portion to be vacated):

The purpose and necessity of the requested road vacation are: Repair and Replace cabin and replace holding tank.

The description of the several tracts of land over which the road passes and their owners are as follows:

Owners	Description of Land
<u>Shawn M. Skrove</u>	<u>50615 Fish Lake Rd Detroit Lakes MN</u>
<u>Mary C. Skrove</u>	<u>(please see attached survey from Meadowland Surveying Inc for full legal description)</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

We ask that you proceed with such vacation pursuant to Minn. Stat. § 164.07.

Dated this 1<sup>st</sup> day of June, 2020.

Petitioners	Address/Land Owned
<u>* please see attached sheet</u>	<u> </u>
<u> </u>	<u> </u>

(Note: Only legal voters of the Town who own real estate or who occupy real estate under the homestead or preemption laws or under contract with the state within three miles of the road may sign the petition. At least eight signatures are required. If a husband and wife are both on the title to their property, and are voters of the town, then each can sign separately.)

Petitioners

Address/Land Owned

- ✓ Etaine Beary 25253 Midland Beach Lane Detroit Lakes, MN
- ✓ Phil Beary Ph. I Beary " " " " " "
- ✓ Laury Ivers 25311 Midland Beach Lane Detroit Lakes, MN
- ✓ Harvey Gilbertson Harvey Gilbertson 50125 Fish Lake Rd Detroit Lakes
- ✓ Bonnie Gilbertson Bonnie Gilbertson 50125 Fish Lake Rd. Detroit Lakes
- ✓ Looney Kohls Looney Kohls 50135 Fish Lake Rd. Detroit Lakes
- ✓ Jill Skarvold Jill Skarvold 50135 Fish Lake Rd Detroit Lakes, MN
- ✓ Janel Van Tassel Janel F. Van Tassel 50219 Fish Lake Way, Detroit Lakes, MN
- ✓ Randy Zimny Randy Zimny 50631 Fish Lake Road Detroit Lakes, MN 56501
- ✓ Michelle Zimny Michelle Zimny 50631 Fish Lake Rd Detroit Lakes MN 56501
- ✓ Judy Steffes 50395 Fish LK Rd DL 56501
- ✓ Randy Krause 50201 FISH LAKE WAY DL 56501

**Exhibit B**  
Depiction of Road Vacation

(attached hereto)

# MEADOWLAND SURVEYING INC.

1118 Hwy 59 South, Detroit Lakes, Minnesota 56501  
(office) 218-847-4289 (fax) 218-846-1945  
[www.meadowlandsurveying.com](http://www.meadowlandsurveying.com)

## Shawn & Mary Skrove – Proposed Road Vacation

### Vacation description:

That part of a Public Road as Dedicated in VIKEN BAY BEACH, said plat is on file and of record in the office of the Recorder in Otter Tail County, Minnesota, described as follows:

Commencing at an iron monument which designates the southeasterly corner of Lot 10 in said VIKEN BAY BEACH, from which the easterly line of said Lot 10 bears North 05 degrees 06 minutes 35 seconds West on an assumed bearing; thence South 82 degrees 02 minutes 33 seconds East 100.00 feet along the northerly line of said Dedicated Public Road to an iron monument, said point is the point of beginning; thence continuing South 82 degrees 02 minutes 33 seconds East 51.66 feet along the northerly line of said Dedicated Public Road to an iron monument; thence South 06 degrees 10 minutes 47 seconds West 18.16 feet to an iron monument on the northerly line of a 66.00 foot wide township road per Dunn Township a resolution recorded as Document No. 1193804, on file and of record in the office of the Recorder in said County; thence North 79 degrees 52 minutes 39 seconds West 48.47 feet along the northerly line of said Township Road to a PK nail; thence North 05 degrees 06 minutes 35 seconds West 16.75 feet to the point of beginning. The above described tract contains 861 square feet.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota and that the above legal description was prepared from information on Certificate of Survey T9690-15 dated May 28, 2020, and said legal description is legally sufficient to locate the boundary lines shown on said Certificate of Survey.

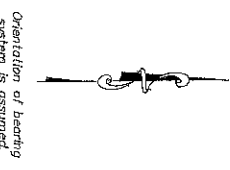
  
Scott R. Walz

Minnesota Licensed Land Surveyor No. 50320



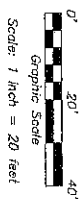
# CERTIFICATE OF SURVEY

IN GOVERNMENT LOT 2, SECTION 10-137-42  
& IN DEDICATED PUBLIC ROAD OF WIKEN BAY BEACH  
OTTER TAIL COUNTY, MINNESOTA



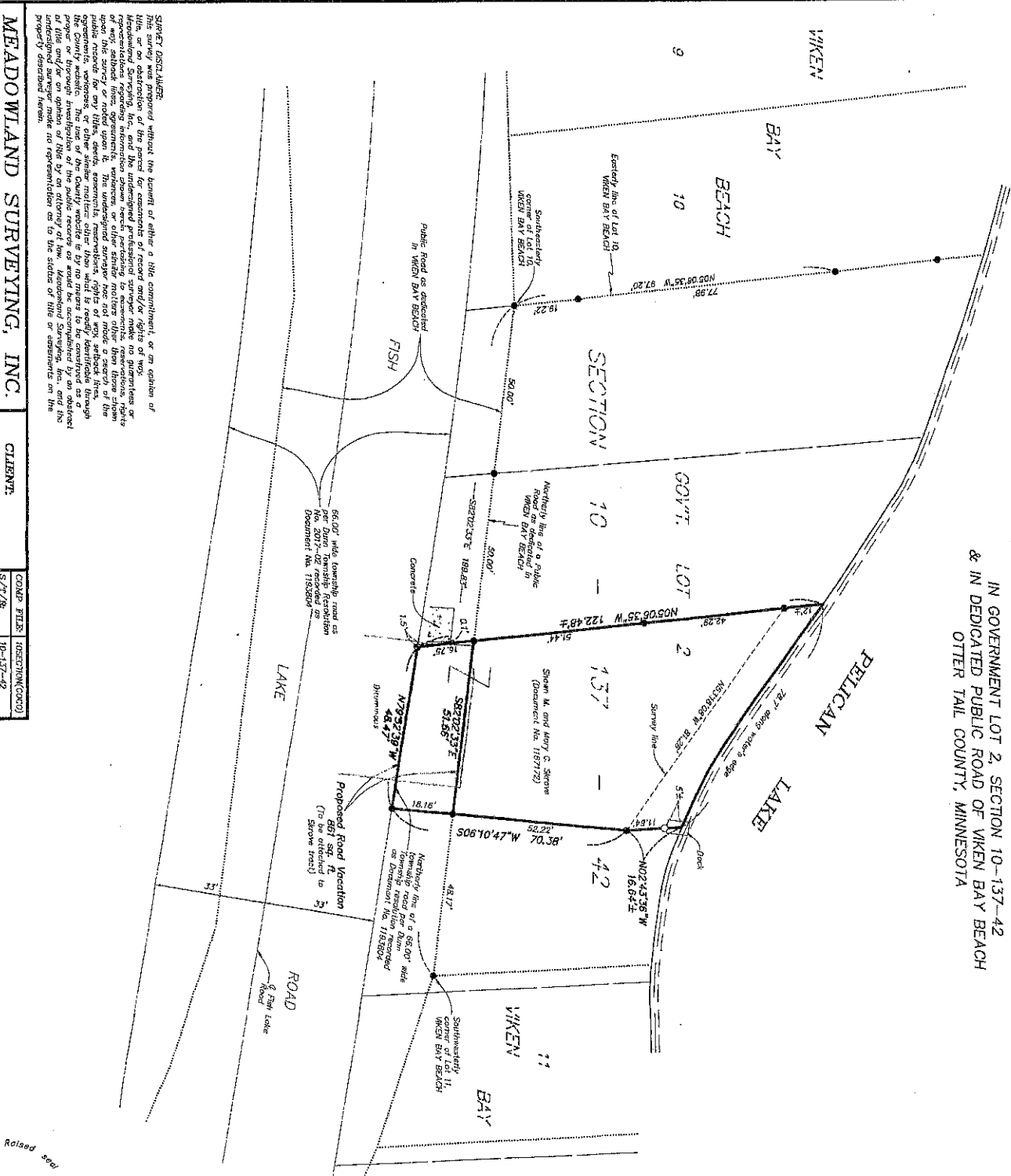
### LEGEND

- = Denotes iron monument found.
- = Denotes aluminum monument set marked with Minnesota License No. 12004/45538/50320/57622.
- ⚡ = Denotes PK nail set.



Total area of Shore tract including proposed road vacation = 5,800 sq. ft.

NOTE: The purpose of this survey is for a proposed road vacation of a portion of the public road dedicated in WIKEN BAY BEACH. The Proposed vacated road area is to be attached to the Ströve property as noted.



**SURVEY DISCLOSURES**  
This survey was prepared without the benefit of either a title commitment, or an opinion of title, or an abstract of title for comments of record and/or rights of way. The surveyor has not conducted a physical inspection of the property or any of the monuments, markers, or other similar matters other than those shown upon this survey or noted upon it. The undersigned surveyor has not made a search of the public records, or other similar matters other than what is readily identifiable through the County website. The use of the County website is by no means to be construed as a proper or thorough investigation of the public records or would be accomplished by an abstract or other similar matters other than what is readily identifiable through the County website. The undersigned surveyor makes no representation as to the validity of the property described herein.

**MEADOWLAND SURVEYING, INC.**  
1118 HWY 59 SOUTH, DETROIT LAKES, MN 56501  
EMAIL: [frontdesk@meadowlandsurveying.com](mailto:frontdesk@meadowlandsurveying.com)  
[www.meadowlandsurveying.com](http://www.meadowlandsurveying.com)  
218-847-4289

<b>CLIENT:</b>		<b>COMP. FILE:</b>	
SHAWN & MARY STRÖVE		10SE27NK(CO2)	
89 PEAVENWOOD DR. S		10-137-42	
FRISCO, MN 55903		DRAWING FILES: 10SK090E.COS	
		COMPT. FILE: JPP	
		DRAWING BY: JPP	

I, hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
Scott R. Weitz  
Print Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: May 28, 2020  
Drawing Number: 19690-15  
50320 License #