

DUNN TOWNSHIP

47979 East Lake Lizzie Road Pelican Rapids, Minnesota 56572, Phone: 218-863-2099 E-mail: Dunntown@loretel.net

DUNN TOWNSHIP
OTTER TAIL COUNTY, MINNESOTA
Resolution No. 2020-08

**RESOLUTION ISSUING AN ORDER VACATING A CERTAIN PORTION OF
PLATTED FISH LAKE ROAD ON VIKEN BAY BEACH AND AWARING DAMAGES**

WHEREAS, the board of supervisors (“Town Board”) of Dunn Township, Otter Tail County, Minnesota, (“Town”) received a petition requesting the vacation of a certain portion of the platted right-of-way of Fish Lake Road (“Road”), as described in the attached Exhibit A and depicted in the attached Exhibit B (“Dedicated Segment”), pursuant to the procedure set out in Minnesota Statute, section 164.07;

WHEREAS, the portion of the Road proposed to be vacated passes over the following described tract of land in Otter Tail County, Minnesota, owned by the following named owners (“Affected Owners”):

Owner Name(s) and Mailing Address	Property Address (if different)	PID Number
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 Dedicated Segment of the platted right-of-way was originally dedicated in the plat and is no longer needed for the current alignment of the Road;

WHEREAS, the Dedicated Segment does not abut public water and does not affect access to public water, and so notice to the Minnesota Department of Natural Resources is not required under Minnesota Statutes, section 164.07, subdivision 2;

WHEREAS, the Town Board conducted a public hearing on the petition on the 10th day of August, 2020, after having provided at least 10 days notice to the Affected Owners and to the public in accordance with Minnesota Statutes, section 164.07, subdivision 2;

WHEREAS, the Town Board previously conducted a number of inspections of segments of the Road secondary to previous road vacation petitions arising out of the alignment of the Road, and therefore, the Town Board was familiar with the Dedicated Segment prior to the August 10, 2020 public hearing;

WHEREAS, the Town Board heard from the Affected Owners, interested parties and the public, considered the matter and hereby finds and determines as follows:

- a. The Dedicated Segment is not needed for the current alignment of the Road;
- b. Vacating the Dedicated Segment is consistent with the described right-of-way of the Road the Town Board recorded for the Road and does not limit access to any properties;
- c. The vacation is consistent with the public interest as the Town Board determines the Town has no present or future need for the Dedicated Segment to be part of the right-of-way for the Road;
- d. The Town Board determines it is not necessary to preserve an easement for ditches through the area covered by the Dedicated Segment;
- e. The Town Board is aware of utilities in the area and in order to avoid leaving any existing utilities within the vacated area without the support of an easement the Town Board determines it is in the best interests of the public and those receiving utility services in the area to preserve an easement for public utilities over the area being vacated to support any public utilities that may currently exist within such area; and
- f. The Town Board has considered whether any damages need to be paid for the vacation of the right-of-way and find no damages will result from the vacation for one or more of the following reasons: (1) the Affected Owners have waived their rights to damages; or (2) any damages are offset by the benefits received from the reversion of the land to the Affected Owners as provided in law or the transfer of other land.

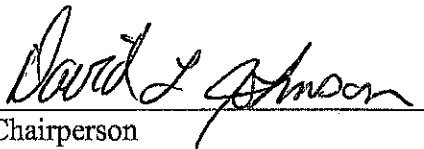
NOW, THEREFORE, IT IS ORDERED, by the Town Board of Dunn Township, Otter Tail County, Minnesota, as follows:

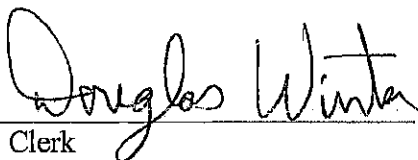
1. The Dedicated Segment described in the attached Exhibit A and depicted in the attached Exhibit B is hereby vacated pursuant to the Town Board's authority under Minnesota Statutes, section 164.07;
2. An easement is hereby reserved for any public utilities that may be located within the portion of right-of-way being vacated by this Order. This reserved easement for public utilities shall expire if it is determined that no public utilities actually exist within the vacated area, or, if public utilities do exist within the vacated area, upon the removal of such utilities from the vacated area.

3. No damages shall be awarded for the vacation of the road for the reasons stated above;
4. The Town Clerk is hereby authorized and directed to provide to the Affected Owners notice of the award of damages, together with a copy of this Order, within 7 days after the award of damages is filed in the Town Clerk's office; and
5. The Town Clerk is hereby authorized and directed to present this Order to the Otter Tail County Auditor to enter it in the transfer records and to note on the order that it has been "entered in the transfer record" as provided in Minnesota Statutes, section 164.07, subd. 11(a) and to then record this Order in the office of the Otter Tail County Recorder.

Adopted this 10th day of August, 2020.

BY THE TOWN BOARD


Chairperson

Attest: 
Clerk

This Document was Drafted By:
Kennedy and Graven, Chartered (JMH)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
612-337-9300

Exhibit A
Legal Description of Vacated Dedicated Segment

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.

Exhibit B
Depiction of Vacated Dedicated Segment

(attached hereto)

MEADOWLAND SURVEYING INC.

1118 Hwy 59 South, Detroit Lakes, Minnesota 56501
(office) 218-847-4289 (fax) 218-846-1945
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.

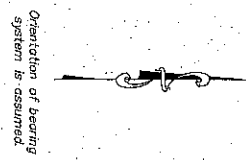
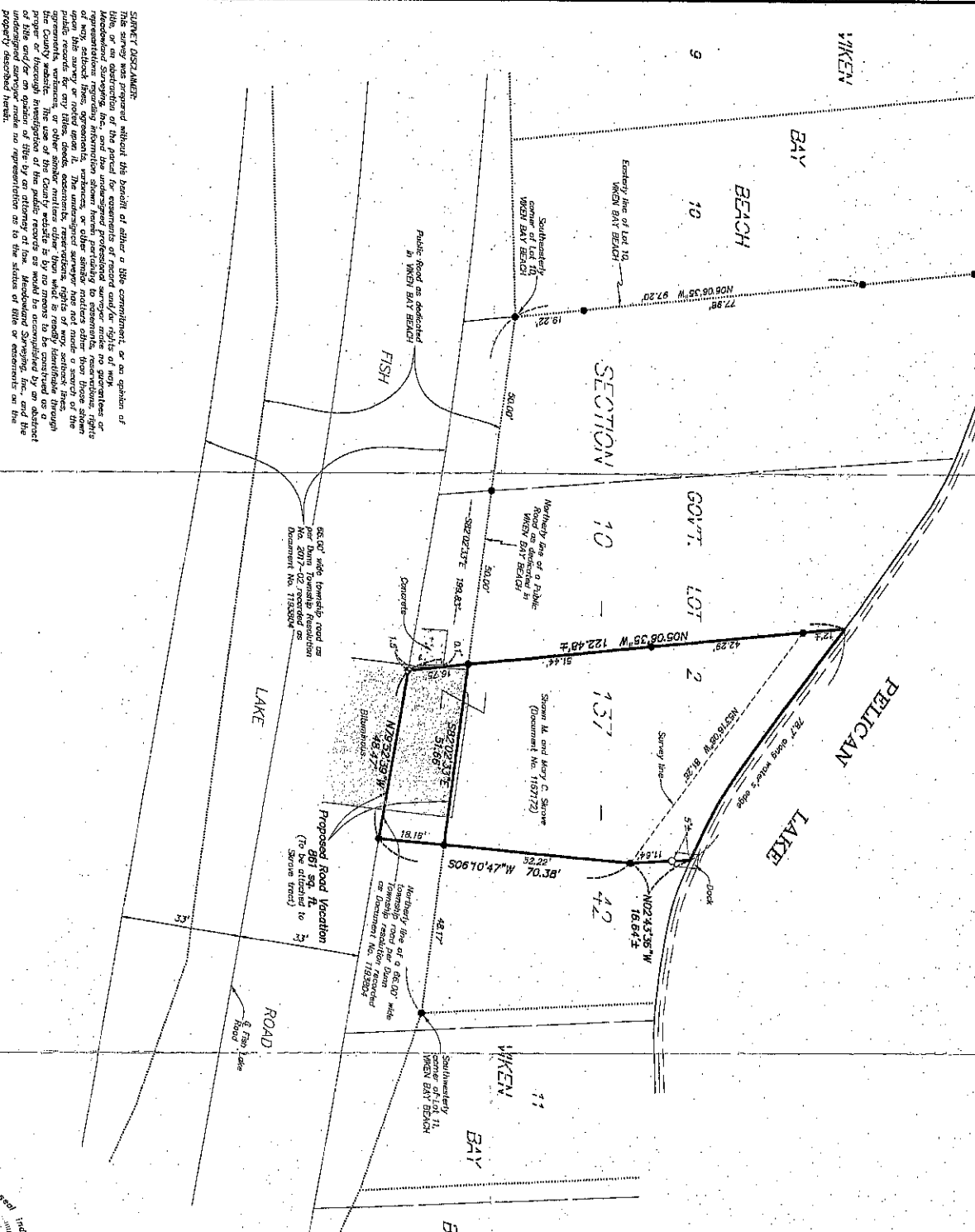


Scott R. Walz

Minnesota Licensed Land Surveyor No. 50320

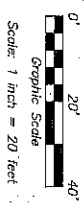
CERTIFICATE OF SURVEY

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



LEGEND

- = Denotes iron monuments found.
- = Denotes iron monuments set marked with Minnesota License No. 12004/48538/20130/57622
- ⊕ = Denotes PK nail set.



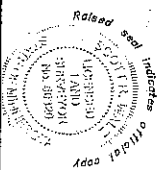
Total area of Shore tract including proposed road vacation = 5,800 sq ft.

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

SURVEY DISCLAIMER:
This survey was prepared without the benefit of either a title commitment, or an opinion of title, or an abstract of the record for encumbrances of record and/or rights of way, easements, or other interests in land. The surveyor has no guarantee or representation regarding information shown hereon, particularly with respect to the location, extent, or other characteristics of any setback lines, easements, 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 records of the County, State, 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 representation or warranty of the accuracy of the information shown on the website. The undersigned surveyor makes no representation as to the status of title or encumbrances on the property described herein.

MEADOWLAND SURVEYING, INC.
1118 HWY 99 SOUTH, DEERHORN LAKES, MN 55901
EMAIL: info@meadowlandsurveying.com
WWW.MEADOWLANDSURVEYING.COM
218-847-4288

CLIENT:	
COALP #11E	INSECTON(COCC)
S/T/7E	10-137-42
DIVE #11E	USRRIVE.CCS
COALP #11	APP
DRAWN BY:	APP



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 professional surveyor under the laws of the State of Minnesota.

Scott R. Weitz

Signature: *[Handwritten Signature]*

Date: May 28, 2020 License # 50330

DRAWING NUMBER: TQ690-15