

was filed with the Town Clerk, and the Application subsequently considered concurrently with the public hearing upon the Proposed Vacation;

WHEREAS, the public hearing was continued from January 13 to April 13, 2020 due to concerns raised by adjacent property owners and by a representative of Otter Tail County (“County”) with regard to improvements that had been constructed in the area of the Dedicated Road and to allow the Town to gather additional information and to coordinate with the County;

WHEREAS, the public hearing was continued from April 13 to July 14, 2020 due to indoor gathering restrictions imposed by the State of Minnesota as a result of the COVID-19 pandemic;

WHEREAS, the concerns raised by adjacent property owners and the County were further addressed at the continued public hearing on July 14, 2020, and the Town received additional information from the Town’s maintenance personnel. Specifically, adjacent property owners Mark and Carol Bement expressed concerns about the Proposed Vacation and the concurrent dedication of land and whether it would include sufficient right-of-way to allow maintenance and emergency vehicles to turn around without traveling onto their property adjacent to Ottoson Trail. The County’s concerns with regard to the location of road improvements were resolved in the event the improvements necessary to construct a sufficient turnaround area were located entirely within the Town’s right-of-way;

WHEREAS, the Applicants confirmed at the July 14, 2020 continued public hearing that they would be responsible for constructing improvements in the Dedicated Road, including the construction of a retaining wall that would be located entirely within the Town’s right-of-way;

WHEREAS, the public hearing was continued from July 14 to August 10, 2020 to allow the Town and the Town’s maintenance personnel to confirm the area of the proposed dedication would be sufficient to allow maintenance and emergency vehicles to turn around without having to travel on adjacent property or out of the right-of-way. The public hearing was concluded onsite on August 10, 2020;

WHEREAS, the Town Board has reviewed the Application and found that the Dedicated Road is directly adjacent to a public road, specifically Ottoson Trail, and therefore, the dedication is consistent with the public interest;

WHEREAS, the Town Board has also found that the Dedicated Road provides access to adjacent properties, and a turnaround area exists within the Dedicated Road to allow maintenance and other vehicles to turn around;

WHEREAS, the Applicants will construct certain improvements on the Dedicated Road, at their own expense, to place it in a condition sufficient for conditional acceptance by the Town Board and the Applicants have agreed to be responsible for satisfying certain conditions of acceptance as indicated herein; and

WHEREAS, the Town Board conditionally approved the corresponding and concurrent Proposed Vacation on August 26, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the dedication of the Dedicated Road as shown and described in the Application and the attached Exhibits B and C, and hereby declares the entire described area to part of, and to be established as, a Town Road, subject to the owners complying with all of the following conditions to the satisfaction of the Town Board:

1. All of the owners of any portion of the properties on which the Dedicated Road is located must fully execute the easement agreements the Town will have prepared in order to formally convey the Dedicated Road to the Town;
2. The Applicants will be required to agree to the following as part of the easement agreement in addition to such other terms and conditions as the Town Board determines are appropriate:
 - a. The Town will inspect the Dedicated Road upon the completion of the construction of the proposed improvements to determine whether the improvements to the Dedicated Road meet the standards set forth in the Town's Road Policies and Standards;
 - b. The Applicants shall present the Town with lien waivers from all of the contractors that performed work on the Dedicated Road to demonstrate the Applicants have paid in full for the work; and
 - c. The Applicants shall be responsible for fully reimbursing the Town for its costs related to the dedication and acceptance of the Dedicated Road including, but not limited to, its Town Board meeting costs and the costs to record the easement agreement with the County Recorder.
3. The Applicants who signed the Application are representing and warranting to the Town that they are the fee owners of the property subject to the Dedicated Road and that they have the authority to dedicate and convey the property to the Town for a public road.

BE IT FURTHER RESOLVED, in accordance with Minnesota Statutes, section 164.15, subdivision 1, no damages shall be assessed or allowed for the dedication or the establishment of the above described land as a Town Road;


BE IT FURTHER RESOLVED, the Dedicated Road will not be treated as a town road until all of the conditions of this Resolution are satisfied and the easement agreements are recorded at the County Recorder's office. If Applicants fail to complete all of the conditions contained herein, this Resolution shall be rendered null and void and the Applicants shall be billed for any unpaid portion of the legal and administrative costs. If the Applicants fail to pay the amount billed, the unpaid amount will be certified against his property under Minnesota Statutes, section 366.012 for collection together with the property taxes;

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to provide a copy of this Resolution to the Applicants, to record this resolution with the Otter Tail County Recorder's Office, and to retain a copy for the Town's records; and

BE IT FINALLY RESOLVED, that the Town Chairperson, Town Clerk, and Town Attorney are hereby authorized and directed to take such actions as may be required to carry out the intent of this Resolution including, but not limited to, the execution of the easement agreements on behalf of the Town.

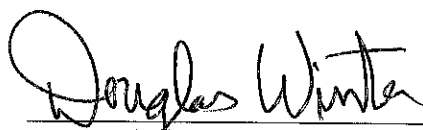
Adopted on the 26th day of August, 2020.

BY THE TOWN BOARD



Town Chairperson

ATTEST:



Town 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
Copy of Dedication Application

(attached hereto)

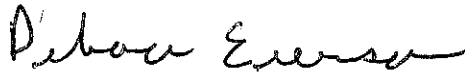
DEDICATION APPLICATION

Michael G. and Deborah B. Evenson hereby submit this dedication application pursuant to Minnesota Statutes, section 164.15.

Michael G. and Deborah B. Evenson hereby dedicate a portion of their property (PID 17000020019001) as a road for purpose of allowing the snowplow operator turnaround locations to properly remove the snow from the roadway. The specific legal description are attached as exhibits.



Michael G. Evenson
Michael G. Evenson

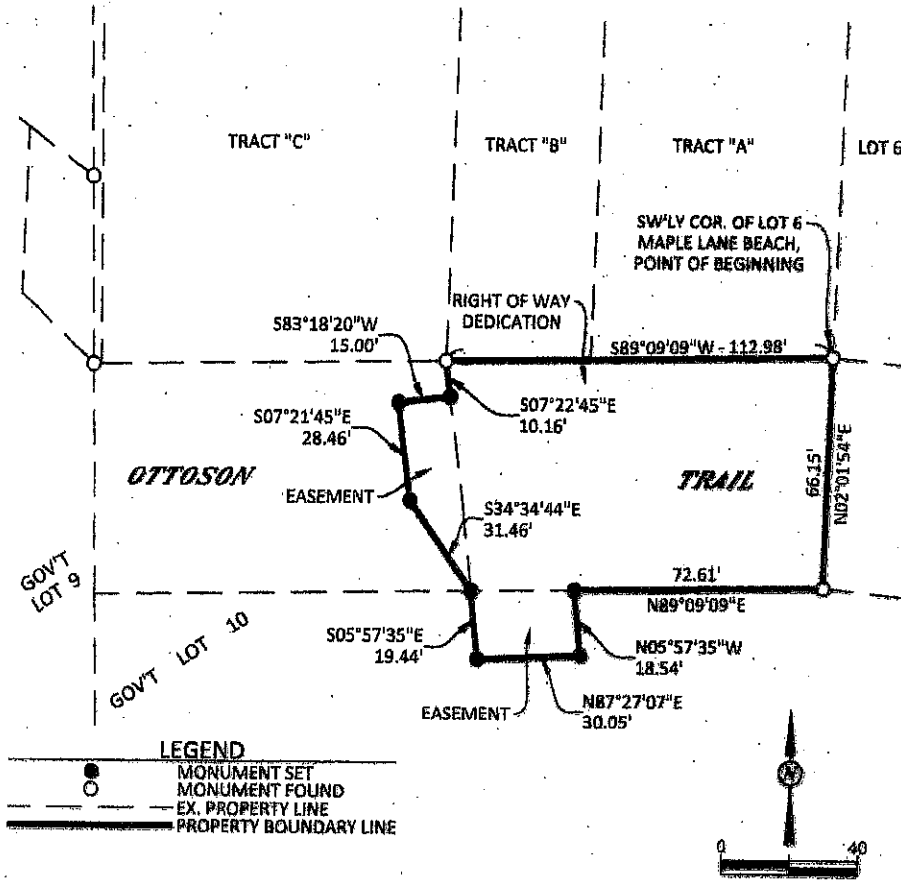


Deborah B. Evenson
Deborah B. Evenson

EXHIBIT B
Survey of Dedicated Road

(attached hereto)

EASEMENT EXHIBIT AND RIGHT OF WAY DEDICATION
 PART OF GOVERNMENT LOT 10, SEC. 2, T137N, R42W,
 OTTER TAIL COUNTY, MINNESOTA.



DESCRIPTION

PART OF GOVERNMENT LOT 10, SECTION 2, TOWNSHIP 137 NORTH, RANGE 42 WEST OF THE 5TH PRINCIPAL MERIDIAN, OTTER TAIL COUNTY, MINNESOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6 OF MAPLE LANE BEACH; THENCE S89°09'09"W A DISTANCE OF 112.98 FEET; THENCE S07°22'45" E A DISTANCE OF 10.16 FEET; THENCE S83°18'20"W A DISTANCE OF 15.00 FEET; THENCE S07°21'45"E A DISTANCE OF 28.46 FEET; THENCE S34°34'44"E A DISTANCE OF 31.46 FEET; THENCE S05°57'35"E A DISTANCE OF 19.44 FEET; THENCE N87°27'07"E A DISTANCE OF 30.05 FEET; THENCE N05°57'35"W A DISTANCE OF 18.54 FEET; THENCE N89°09'09"E A DISTANCE OF 72.61 FEET; THENCE N02°01'54"E A DISTANCE OF 66.15 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ± 8,319 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEYORS CERTIFICATE

I COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN, AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Cole A. Neset
 COLE A. NESET
 PROFESSIONAL LAND SURVEYOR
 MINNESOTA LICENSE No. 49984

8-31-20
 DATE:



DRAWN BY: DAT
 CHECKED BY: CAN
 DATE: 8-31-20

EXHIBIT C
Legal Description of Dedicated Road

EXHIBIT C

Legal Description of Dedicated Road

Part of Government Lot 10, Section 2, Township 137 North, Range 42 West of the 5th Principal Meridian, Otter Tail County, Minnesota, more particularly described as follows:

Beginning at the Southwest corner of Lot 6 of Maple Lane Beach; thence S89°09'09"W a distance of 112.98 feet; thence S07°22'45"E a distance of 10.16 feet; thence S83°18'20"W a distance of 15.00 feet; thence S07°21'45"E a distance of 28.46 feet; thence S34°34'44"E a distance of 31.46 feet; thence S05°57'35"E a distance of 19.44 feet; thence N87°27'07"E a distance of 30.05 feet; thence N05°57'35"W a distance of 18.54 feet; thence N89°09'09"E a distance of 72.61 feet; thence N02°01'54"E a distance of 66.15 feet to the point of beginning.

Said tract of land contains ± 8,319 square feet more or less and is subject to easements and rights of way of record.

EXHIBIT D
Petition to Vacate a Portion of Ottoson Trail

(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: *To provide dedicated TURN AROUND AT A location approximately 109± feet TO THE EAST.*

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

Owners	Description of Land
<i>Michael G. & Deborah</i>	<i>SEE ATTACHED SURVEY</i>
<i>B. EVENSON</i>	

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

Dated this *30th* day of *September*, 20*19*.

Petitioners	Address/Land Owned

(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

✓ Linda Blaszczok, Linda Blaszczok 26449 Lake Hills Rd, Detroit Lakes, MN 56501

✓ John Blaszczok, William Blaszczok " " " " " " " "

✓ Kurt Lackmann 26195 Ottoson Rd.

Kurt Lackmann

✓ DAVID RAMAGE 25759 Ottoson Rd

Timothy DeSautel 25699 Frieda Dr, Detroit Lakes

✓ Linda Pirdwill 51241 Cty Hwy 31, Detroit Lakes, MN 56501 Linda Pirdwill

✓ Fred Suppes, Paul Suppes 51341 Cty Hwy 31, D. L. Mn.

DARLENE STROM 25855 OTTOSON Rd. DL

✓ Mary C. Manuef 26291 Ottoson Rd. DL Mn 56501

✓ Fred Manuef 26291 Ottoson Rd. Detroit Lakes, MN 56501

✓ Danny Ottoson 26319 Ottoson Rd. Detroit Lakes, MN 56501

✓ Merilee Ottoson 26319 Ottoson Rd. Detroit Lakes, MN 56501

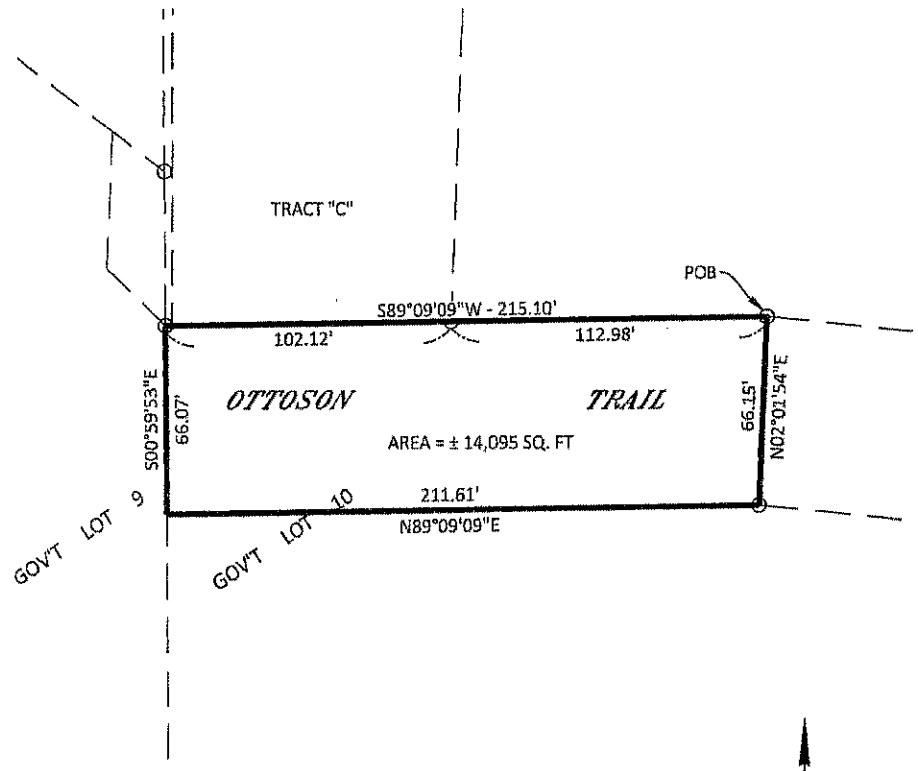
✓ Debra Lackmann 26195 OTTOSON Rd DL MN 56501

✓ Douglas Winter DOUGLAS WINTER 50053 FISH LAKE RD, DETROIT LAKES, MN

EXHIBIT E
Survey of Proposed Vacation

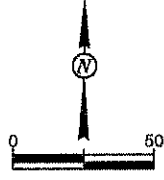
(attached hereto)

VACATION EXHIBIT
 PART OF GOVERNMENT LOT 10, SEC. 2, T137N, R42W,
 OTTER TAIL COUNTY, MINNESOTA.



LEGEND

●	MONUMENT SET
○	MONUMENT FOUND
---	EX. PROPERTY LINE
---	PROPERTY BOUNDARY LINE



DESCRIPTION

PART OF GOVERNMENT LOT 10, SECTION 2, TOWNSHIP 137 NORTH, RANGE 42 WEST OF THE 5TH PRINCIPAL MERIDIAN, OTTER TAIL COUNTY, MINNESOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6 OF MAPLE LANE BEACH; THENCE S89°09'09"W A DISTANCE OF 215.10 FEET; THENCE S00°59'53"E A DISTANCE OF 66.07 FEET; THENCE N89°09'09"E A DISTANCE OF 211.61 FEET; THENCE N02°01'54"E A DISTANCE OF 66.15 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ± 14,095 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEYORS CERTIFICATE

I COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN, AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

 COLE A. NESET
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