

**DUNN TOWNSHIP**  
**OTTER TAIL COUNTY, MINNESOTA**  
 Resolution No. 2022- 06

**RESOLUTION ISSUING AN ORDER, PROVIDING THE  
 INITIAL DESCRIPTION AND SETTING A HEARING DATE  
 REGARDING THE VACATION OF A CERTAIN PORTION OF  
 EAST LIZZIE LAKE LANE**

**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 East Lizzie Lake Lane (“Road”), as originally dedicated to the public in the plat of Betty Johnson Addition 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 Betty Johnson Addition, which is not needed for the alignment of the Road and which would assist in the improvement of a currently vacant lot;

**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>
James P. Jacobs, et al. 25496 Crystal Spring Drive Pelican Rapids, MN 56572-7558	Unassigned Section 20, Township 137, Range 42	17000200253011
Robert Johnson Family Limited Partnership Attn: David Johnson 553 Hawthorne Woods Drive Eagan, MN 55123-3060	Unassigned Section 20, Township 137, Range 42	17000200253909

**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 6:00 p.m. on Oct 10<sup>th</sup>, 2022 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 6:00 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 12<sup>th</sup> day of September, 2022.

**BY THE TOWN BOARD**

David Z. Johnson  
Town Chairperson

ATTEST:

Sandra Tingelstad  
Town Clerk

