

**DUNN TOWNSHIP
 OTTER TAIL COUNTY, MINNESOTA
 Resolution No. 2022- 07**

**RESOLUTION ISSUING AN ORDER VACATING A CERTAIN
 PORTION OF EAST LAKE LIZZIE LANE AND AWARDED 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 East Lake Lizzie Lane (“Road”) pursuant to the procedure set out in Minnesota Statute, section 164.07;

WHEREAS, the portion of the Road to be vacated is legally described in the attached Exhibit A and is depicted in the survey attached hereto as Exhibit B (“Dedicated Segment”);

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

Owner Name(s) and Mailing Address	Property Address (if different)	PID Number
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 portion of the Road proposed to be vacated are portions of the platted right-of-way originally dedicated in the plat that are not needed for the current alignment of the Road;

WHEREAS, the Dedicated Segment does not terminate at or abut upon, and is not adjacent to, public water, and therefore, 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, including an examination of the Road, on the 10th day of October, 2022, 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 heard from the Affected Owners, interested parties and the public, considered the matter and hereby finds and determines as follows:

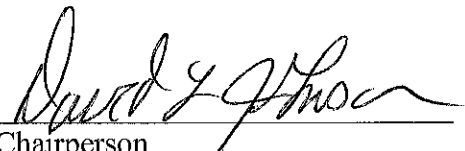
- a. The Town Board has the authority under Minnesota Statutes, section 164.07 to vacate Town roads;
- b. The petitioners provided satisfactory proof of having provided notice to the Affected Owners;
- c. The Dedicated Segment is not needed for the current alignment of the Road;
- d. Vacating the Dedicated 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 or landlock any properties;
- e. 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;
- f. The ditch lateral to the Dedicated Segment is not essential or necessary for surface drainage of adjacent properties and are not essential or necessary for the drainage of public highways in the area of the Road;
- g. It is not necessary to reserve a right of entry for utility companies as the Town Board is not aware of any utility companies that have relied on the area of the Road to be vacated to place their facilities; and
- h. The Town Board has considered whether any damages need to be paid for the vacation of the right-of-way and finds no damages will result from the vacation for one or more of the following reasons: (1) the Affected Owners will continue to have access onto, and the right to use, a public road, (2) the Affected Owners have waived their rights to damages, or (3) 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:

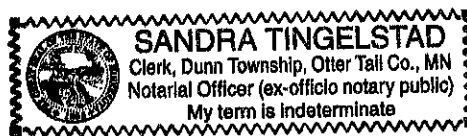
1. The Dedicated Segment described in the attached Exhibit A and depicted in the attached Exhibit B is hereby vacated pursuant to the Town Board's authority under Minnesota Statutes, section 164.07;
2. No damages shall be awarded for the vacation of the Dedicated Segment for the reasons stated above;
3. 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
4. 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 October, 2022.

BY THE TOWN BOARD


Chairperson

Attest: 
Sandra Tingelstad, 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 Portion of East Lake Lizzie Lane ("Dedicated Segment")

That part of the public road, as dedicated in BETTY JOHNSON ADDITION, according to the recorded plat thereof, described as follows:

Commencing at the northerly most corner of Lot 1, Block One, said BETTY JOHNSON ADDITION;

thence North 20 degrees 11 minutes 17 second East, record bearing along the northwesterly line of said BETTY JOHNSON ADDITION, a distance of 66.00 feet;

thence northeasterly, along said northwesterly line and along a tangential curve concave to the southeast, radius 70.00 feet, central angle 39 degrees 11 minutes 11 seconds, for an arc distance of 47.87 feet to a point hereinafter referred to as Point "A";

thence North 59 degrees 22 minutes 27 seconds East 538.52 feet to the westerly line of said dedicated road;

thence South 21 degrees 07 minutes 13 seconds West, along said dedicated road, 105.00 feet;

thence southerly, along said dedicated road and along a tangential curve concave to the east, radius 462.44 feet, central angle 19 degrees 48 minutes 48 seconds, for an arc distance of 159.91 feet;

thence South 01 degrees 18 minutes 25 seconds West, along said dedicated road, 254.57 feet;

thence southwesterly, along said dedicated road and along a tangential curve concave to the northwest, radius 25.00 feet, central angle 112 degrees 57 minutes 11 seconds, for an arc distance of 49.29 feet;

thence northwesterly, along said dedicated road, on a reverse curve concave to the southwest, radius 366.00 feet, central angle 10 degrees 48 minutes 33 seconds, for an arc distance of 69.05 feet to the point of beginning of the land to be described;

thence northwesterly along said dedicated road, on a reverse curve concave to the northeast, radius 227.00 feet, central angle 40 degrees 21 minutes 59 seconds, for an arc distance of 159.93 feet;

thence northwesterly, along said dedicated road, on a reverse curve concave to the southwest, radius 236.62 feet, central angle 15 degrees 43 minutes 15 seconds, for an arc distance of 64.92 feet;

thence northwesterly, along said dedicated road, on a reverse curve concave to the northeast, radius 25.00 feet, central angle 64 degrees 38 minutes 16 seconds, for an arc distance of 28.20 feet;

thence northwesterly, along said dedicated road, on a reverse curve concave to the southwest, radius 70.00 feet, central angle 133 degrees 21 minutes 37 seconds, for an arc distance of 162.93 feet to aforesaid Point "A";

thence continuing, along said curve and along said roadway, central angle 39 degrees 11 minutes 11 seconds, 47.87 feet to a point on a 60.00 foot radius curve, which center of circle bears South 52 degrees 26 minutes 23 seconds East from said point;

thence northeasterly, along said curve, central angle 184 degrees 34 minutes 14 seconds, for an arc distance of 193.28 feet;

thence South 47 degrees 52 minutes 09 seconds East, not tangent, 136.55 feet;

thence South 76 degrees 40 minutes 06 seconds East 128.48 feet to the point of beginning.

The tract contains 11,291 square feet more or less, subject to any easements of record.

Exhibit B

Depiction of Road Vacation

