

DUNN TOWNSHIP
OTTER TAIL COUNTY, MINNESOTA
Resolution No. 2018-08

RESOLUTION TERMINATING CARTWAY VACATION PROCEEDINGS

WHEREAS, Richard Peterson ("Petitioner") submitted a petition dated July 11, 2016 to Dunn Township ("Town") requesting the vacation of a cartway located on his property in Sections 26 and 27 pursuant to Minnesota Statutes, section 164.07;

WHEREAS, the Town Board conducted a public hearing and acted on August 8, 2016 by Resolution No. 2016-03 to vacate the cartway;

WHEREAS, the Town Board subsequently discovered that proper notice of the hearing was not provided and acted by Resolution No. 2018-06 to repeal the vacation order;

WHEREAS, in 2018 the Petitioner requested the Town reinstate the vacation proceedings, which it did without requiring the Petitioner to submit a new petition;

WHEREAS, the Town provided notice and conducted a public hearing concerning the proposed vacation on July 2, 2018;

WHEREAS, at its July 9, 2018 meeting the Town Board passed a motion directing a resolution be drafted to vacate the cartway upon the satisfaction of a list of conditions; and

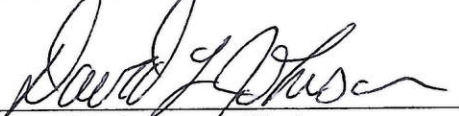
WHEREAS, the Town sought assistance from the Town Attorney who advised against relying on the 2016 petition, recommended terminating the current proceedings, and informing the Petitioner that if he wished to seek the vacation of the cartway he would need to submit a new petition.

NOW, THEREFORE, the Town Board, based on the advice of the Town Attorney, resolves as follows:

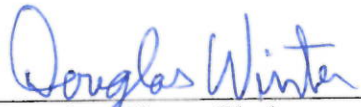
1. The current proceedings related to vacating the cartway that crosses the Petitioner's property are hereby terminated and no further actions will occur based on the 2016 petition.
2. The motion adopted by the Town Board at its July 9, 2018 meeting which set out the conditions under which it would consider vacating the cartway is hereby repealed.
3. If the Petitioner desires to seek the vacation of any portion of the cartway he will need to submit a new petition that satisfies the requirements of Minnesota Statutes, section 164.07.
4. The Town Clerk is hereby authorized and directed to provide a copy of this Resolution to the Petitioner and other owners who were notified of the vacation hearing.

Adopted on the 13th day of August, 2018.

BY THE TOWN BOARD



David L. Johnson, Chairperson

Attest: 

Douglas Winter, Clerk