

**DUNN TOWNSHIP
OTTER TAIL COUNTY, MINNESOTA**

Resolution No. 2018-10

**RESOLUTION ISSUING AN ORDER PROVIDING THE
INITIAL DESCRIPTION AND SETTING A HEARING DATE
REGARDING THE VACATION OF A PORTION OF
THE PETERSON ROAD CARTWAY**

WHEREAS, the town board of supervisors (“Town Board”) of Dunn Township, Otter Tail County, Minnesota (“Town”) received a petition, which is attached hereto as Exhibit A, from Richard Peterson (“Petitioner”) requesting the vacation of a portion of the cartway known as the Peterson Road Cartway pursuant to Minnesota Statutes, section 164.07;

WHEREAS, the Petition seeks the vacation of a portion of a cartway two rods wide over and across Government Lot 2 of Section 26, Township 137, Range 42 and Government Lot 1 of Section 27, Township 137, Range 42 and Sublot 3 of Plat of Sublot of Government Lot 1 of Section 27, Township 137, Range 42, said cartway being 16.5 feet on both sides of centerline described as follows (“Road”):

Beginning on the centerline of County Highway No. 31 at a point which is 167 feet North from the South line of Government Lot 2 in Section 26, Township 137, Range 42; thence Westerly to the East line of Government Lot 1 in Section 27, Township 137, Range 42; thence Northwesterly to the Northeast corner of Sublot 3 of Government Lot 1 in Section 27, Township 37, Range 42, except that portion of cartway in Sublot 3.

WHEREAS, a map of the Road to be vacated is attached hereto as Exhibit B;

WHEREAS, conditioned upon the approval of the attached Petition, Petitioner will dedicate a portion of his property as a road pursuant to Minnesota Statutes, section 164.15, with his dedication application being filed concurrently with the Town’s hearing on the Petition. Attached hereto as Exhibit C is a map of the dedicated road.

WHEREAS, the petition appears to contain sufficient information to be considered complete under the statute;

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 the property adjacent to the Road and who are affected by this proposed vacation are as follows (collectively, the “Affected Owners”):

Owner Name(s) and Mailing Address	Property Address (if different)	PID Number
Richard Peterson, et al. 224 Second Avenue NE Pelican Rapids, MN 56572		17000260330000
Richard Peterson, et al. 224 Second Avenue NE Pelican Rapids, MN 56572		17000270341000
Clifford L. McLain 2710 17 th Street S Moorhead, MN 56560	25488 Peterson Road Pelican Rapids, MN 56572	17000270343000
Jeremy & Kallie Dufault 5401 32 nd Street S Fargo, ND 58104	25472 Peterson Road Pelican Rapids, MN 56572	17000270342000
Wayne & Phyllis Erickson 25460 Peterson Road Pelican Rapids, MN 56572		17000270344000
Parker J. Hillius 2148 14 th Street W West Fargo, ND 58078	25442 Peterson Road Pelican Rapids, MN 56572	17000991898000

WHEREAS, the Road does not terminate at, abut upon, and is not adjacent to any public water and so 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 will conduct a hearing at 7:00 p.m. on October 29, 2018 at the Dunn Town Hall located at 47979 East Lake Lizzie Road, Pelican Rapids, MN for the purpose of hearing from the public, considering, and acting on the proposed vacation of the Road as described above and shown in the petition attached hereto Exhibit A.
2. Earlier the same day at 6:30 p.m. the Town Board will conduct an inspection of the Road.
3. The Affected Owners and any other interested parties are welcome to attend the inspection and the hearing.
4. The Petitioner shall be responsible for personally serving this Order on the Affected Owners at least 10 days before the date of the hearing and must provide the Town Board an affidavit of service as proof of having provided the required 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.


5. The Town Clerk is hereby authorized and directed to, at least 10 days prior to the date of the hearing, publish notice of the hearing once in the Town's official newspaper, and post this Order at the Town's posting places.
6. The Town chairperson and clerk are authorized to contact the Town's attorney as needed for assistance in carrying out the Town Board's obligations under this process.

NOTICE OF RIGHT TO APPEAL

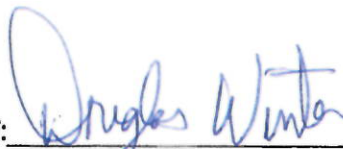
The Affected Owners have a right of appeal under Minnesota Statutes, section 164.07, subdivision 7 to seek judicial review of damages if the Town Board approves the vacation of a portion of the Peterson Road Cartway as described above.

Adopted this 9TH day of October, 2018.

DUNN TOWN BOARD



Town Chairperson

ATTEST: 

Town Clerk