

2005-05

**RESOLUTION VACATING A TOWN ROAD**

**WHEREAS**, the Town Board of Carlos Township, Douglas County, Minnesota received a petition calling for the vacation of the following described road pursuant to Minn. Stat. § 164.07:

**SEE ATTACHED EXHIBIT A;**

**WHEREAS**, said petition was signed by not less than eight 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;

**WHEREAS**, the road passes over the following described tracts of land in Douglas County, Minnesota, owned by the following named owners:

The tract of land through which the proposed vacated portion of the road passes and its owners are:

<u>Owners</u>	<u>Description of Land</u>
K. C. Anderson, LLC	Lots 1 and 2, Block One, Plat of Park Lane

**WHEREAS**, the town board conducted a public hearing on the petition on the 14<sup>th</sup> day of November, 2005, after personal and posted notice provided by the petitioners pursuant to Minn. Stat. §164.07, subd. 2, and published notice provided by the town board;

**WHEREAS**, the petitioners presented the town board with affidavits at the hearing as proof that the required notice was given;

**WHEREAS**, the town board examined the road, heard the interested parties, and considered the matter;

**WHEREAS**, the town board has examined the ditches lateral to the road and determined that said ditches are not essential for surface drainage of adjacent lands or highways in support of the general health and welfare of the public; and

**WHEREAS**, the Owners listed in Appendix A have released in writing all claims for damages from such vacation.

**NOW, THEREFORE, BE IT RESOLVED**, that the town board of Carlos Township, Douglas County, Minnesota hereby vacates a town road legally described as follows:

**SEE ATTACHED EXHIBIT A;**

**BE IT FURTHER RESOLVED**, that the town board does hereby preserve all rights interests in the ditches lateral to the road as provided in Minn. Stat. §164.07, subd. 2a and retains the rights to access the adjacent properties as needed to maintain said ditches;

**BE IT FURTHER RESOLVED**, that the town board chair and town clerk are hereby authorized and directed to execute and record a town road order vacating said town road and to record the same with the county recorder of Douglas County; and

**BE IT FINALLY RESOLVED**, that the town clerk is authorized and directed to provide a copy of this resolution to each of the affected owners listed above.

Adopted this 14<sup>th</sup> day of November, 2005, by the following vote:

<u>Town Supervisor</u>	<u>Yes</u>	<u>No</u>
<u>Lynn Timm</u>	✓	_____
<u>Kevin G. G. G.</u>	✓	_____
<u>Dwayne Waldorf</u>	✓	_____

Attest: Rebecca Anderson

CARLOS TOWN BOARD  
Dwayne Waldorf  
Board Chair

STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

I, Rebecca Anderson, clerk of Carlos Township, Douglas County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the Town Board of said Township with the original record thereof on file with the town clerk, as stated in the minutes of the proceedings of said Board at a public hearing held on the 14<sup>th</sup> day of November, 2005, and that the same is a true and correct copy of said original record and the of the whole thereof, and that said resolution was duly passed by said Board at said hearing.

Witness my hand and seal this 14<sup>th</sup> day of November, 2005.

Rebecca Anderson  
Signature  
Rebecca Anderson  
Rebecca Anderson  
Carlos Township Clerk

EXHIBIT A TO RESOLUTION

*That part of the Service Road as dedicated within the recorded plat of PARK LANE, described as follows:*

*Beginning at the northeast corner of Lot 2, Block One, said PARK LANE;*

*thence South 00 degrees 55 minutes 00 seconds East, record bearing along the east line of said Lot 2, a distance of 132.00 feet to the southeast corner of said Lot 2;*

*thence North 89 degrees 05 minutes 00 seconds East, along the easterly extension of the south line of said Lot 2, a distance of 60.00 feet to the west right-of-way line of Trunk Highway No. 29;*

*thence North 00 degrees 55 minutes 00 seconds West, along said west right-of-way line, 214.84 feet to the northerly most line of said Service Road;*

*thence North 57 degrees 28 minutes 30 seconds West, along said northerly line, 71.90 feet to the east line of Lot 1, Block One, said PARK LANE;*

*thence South 00 degrees 55 minutes 00 seconds East, along the east line of said Lot 1, a distance of 122.46 feet to the point of beginning.*

**APPENDIX A**

K. C. Anderson, LLC  
Mark Lukes  
Betty Lukes  
Frank Gadow  
Karen Gadow  
Daniel Williams  
Karen Williams  
John Elsner  
Beverly Bales