

**LOGAN TOWNSHIP
AITKIN COUNTY, MINNESOTA**

Resolution No. 1-2012

**RESOLUTION ADOPTING AN ORDER TO SET A HEARING
ON THE PETITION TO VACATE A PORTION OF 499th LANE**

WHEREAS, the board of supervisors ("Town Board") of Logan Township ("Town") received a petition, attached hereto as Exhibit A, pursuant to Minnesota Statutes, Section 164.07 requesting the vacation of a portion of 499th Lane described as follows ("Road Segment"):

That part of Logan Township Road (499th Lane) lying westerly of the East line of Section 16, Township 49, Range 25, Aitkin County, Minnesota;

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 Segment;

WHEREAS, those owning property directly abutting the Road Segment proposed for vacation are as follows (hereinafter collectively referred to as the "Affected Owners"):

OWNERS	PROPERTY ADDRESS	PROPERTY DESCRIPTION AND PARCEL NUMBER
State of Minnesota	None	SE 1/4, Section 9, Township 49, Range 25, Aitkin County 19-0-014100
Gregory & Sara Ries 17680 Marystown Road Shakopee, MN 55379	31359 499 th Lane	NE 1/4, Section 16, Township 49, Range 25, Aitkin County 19-0-025300

WHEREAS, Gregory & Sara Ries propose to quit claim deed the following described portion of their property to the Town to provide the public access to the south east corner of the State's property:

That part of the Northeast Quarter of the Northeast Quarter (NE ¼ of NE ¼) of Section 16, Township 49, Range 25, Aitkin County, Minnesota described as follows: The North 33.00 feet of the East 33.00 feet of said NE ¼- NE ¼;

WHEREAS, Minn. Stat. § 164.07, subd. 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 petition; and

WHEREAS, the Town Board hereby finds and determines the following with respect to the notice that must be provided at the hearing called for by the Order:

- a. As required by Minn. Stat. § 164.07, subd. 2(a), the petitioners are responsible for serving a copy of this Order and the vacation petition on the Affected Owners at least 10 days before the date of the hearing;
- b. The Road Segment proposed for vacation leads to land owned by the State, but does not terminate at, abut upon, and is not adjacent to any public water;
- c. The Town will post notice of the hearing at its usual posting place at least 10 days before the date of the hearing; and
- d. The Town will publish notice of the hearing once in its official newspaper at least 10 days before the date of the hearing.

NOW, THEREFORE, the Town Board hereby orders as follows:


1. The Town Board shall conduct a hearing on the petition at 6 p.m. on Feb 27, 2012 at the Logan Town Hall, Palisade Community Center Palisade MN for the purpose of receiving public input and for the Town Board to consider and act on the petition to vacate the Road Segment.
2. The Town Board shall conduct an on-site inspection of the Road Segment prior to the hearing at 5 30 p.m. on Feb 27, 2012 to examine the Road Segment as required by Minn. Stat. § 164.07, subd. 3.
3. The petitioners are responsible for providing notice of the hearing consistent with the Town Board's findings and determinations indicated above and for providing the Town an affidavit of having provided the required notices at or before the beginning of the hearing. If the Town does not receive sufficient proof of the required notices having been provided, the Town will not proceed with the hearing.
4. The Town Clerk is hereby authorized and directed to provide the petitioners a signed copy of this Order, to provide at least 10 days' published notice of the hearing, and to post a copy of this Order at the Town's posting place at least 10 days before the date of the hearing.
5. If the Town Board determines to grant the requested vacation, the petitioners shall be responsible for preparing a revised legal description of the Road Segment if the present description is not acceptable to the County Recorder to record the vacation order.
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

Any persons affected by this process have the right of appeal as provided in Minn. Stat. § 164.07, subd. 7 to seek judicial review of the Town Board's decision if it does decide to vacate the Road Segment.


Adopted this 8th day of February, 2012.

BY THE TOWN BOARD



Town Chairperson

ATTEST:



Town Clerk

[Stamp]

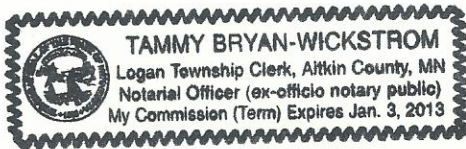


EXHIBIT A
Copy of Road Vacation Petition

(attached hereto)

PETITION FOR THE VACATION OF A TOWN ROAD

TO THE TOWN BOARD OF LOGAN TOWNSHIP, AITKIN COUNTY, MN

The undersigned legal voters of the town who own real estate or occupy real estate under the homestead or pre-emption laws or under contract with the State within three (3) miles of the portion of the road described below hereby petition to vacate that portion of the following described road:

That part of Logan Township Road (499th Lane) lying westerly of the East line of Section 16, Township 49, Range 25, Aitkin County, Minnesota.

We ask that you proceed with such vacation pursuant to Minn. Stat. §164.07.

Dated this 11 day of January, 20 12.

PETITIONERS

ADDRESS/LAND OWNED

Gregory Ries
Gregory Ries

31359 499th Lane Palisade, MN

Sara Ries
Sara Ries

31359 499th Lane Palisade, MN

Jason Sherman
Jason Sherman

51270 Nature Ave palisade, MN
56469

Ann Sherman
Ann Sherman

51270 Nature Avenue Palisade

David Warweg
David Warweg

30008 499th Ln W Palisade

Charles Olson
Charles Olson

49602 334th Place Palisade

Linda Olson
Linda Olson

49602 334th Place Palisade

Dustin W. Gist
Dustin W. Gist

31708 49th Lane Palisade

Paul Spolarich

Paul M. Spolarich

~~Paul Spolarich~~

PAUL SPOLARICH

Vi Spolarich

Vi SPOLARICH

Angela Spolarich

Angela Spolarich

Robert Meger

~~Robert Meger~~

Scott Weiner

~~Scott Weiner~~

Chad Weiner

Chad Weiner

48953 334TH PL

47796 - 334TH PL

47796 - 334TH PL

48953 334TH PL

49512 NATANE AV.

32315 495TH ST.

Palisade Box 44