

**LOGAN TOWNSHIP
AITKIN COUNTY, MINNESOTA
Resolution No. 3-2012**

**RESOLUTION DENYING A PETITION
TO VACATE A PORTION OF 499TH LANE**

WHEREAS, the board of supervisors ("Town Board") of Logan Township ("Town") received a petition pursuant to Minnesota Statutes, section 164.07 requesting the vacation of the following described portion of 499th Lane ("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 Road Segment runs east to west, is located adjacent to the line between Section 9 and Section 16, and is adjacent to property to the south owned by Gregory Ries and Sara Ries (PID 19-0-025300) and property to the north owned by the State of Minnesota (PID 19-0-014100);

WHEREAS, the Town Board issued a hearing order following its receipt of the petition, the affected owners were notified, and the Town Board examined the Road Segment and conducted a hearing on February 27, 2012 to hear from the petitioners and the public, review any submitted information, and to consider the requested vacation of the Road Segment;

WHEREAS, the Town Board continued the hearing until April 9, 2012 at which time the Town Board received additional information, considered the same, and acted to direct the Town Attorney to prepare a resolution denying the petition for review and action by the Town Board at an upcoming board meeting;

WHEREAS, the Town Board finds and determines the following with respect to the requested vacation of the Road Segment:

- a. The Road Segment is located in the Town and it has been regularly maintained by the Town as part of its system of maintained town roads for more than the last 6 years;
- b. The road, of which the Road Segment is a part, was include in the map of town roads recorded by the Town a number of years ago pursuant to Minnesota Statutes, section 164.35;
- c. If by no other means, the Town has acquired an interest in the Road Segment and established the same as a town road by prescription under Minnesota Statutes, section 160.05, subdivision 1;
- d. The Road Segment does not abut or end at public waters;

- e. Gregory Ries and Sara Ries executed a quit claim deed offering to convey the following described segment of their property to the Town to ensure access to the State's property ("Quit Claim Deed"):

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;

- f. The Town Board has the authority under Minnesota Statutes, section 164.07 to consider an act on a petition to vacate the Road Segment;
- g. The owners affected by the proposed vacation were notified of the public hearing and were given an opportunity to be heard regarding this matter;
- h. A representative from the Minnesota Department of Natural Resources ("DNR") attended the hearing and indicated the DNR is opposed to the vacation because:
- (1) The access is needed to accommodate timber sales occurring on its property. There were 4 timber sales within the last 5 years;
 - (2) The DNR and the Forest Service use the road to access the State's property for management purposes;
 - (3) The public uses the Road Segment to access the State's property for hunting, trapping, wildlife viewing, and to access the lake;
 - (4) The DNR's position is that the Road Segment has been established at a sufficient width to provide direct access to the State's property and it has been used to access the property by the State and the public for a number of years;
 - (5) The DNR believes it has acquired a right by prescription to continue to use the Road Segment as access to the State's property;
 - (6) The Road Segment was there when Mr. Ries purchased his property and that if people are going off of the right-of-way and trespassing on his land he can report that to local law enforcement officials;
- i. The Road Segment has been used for a snowmobile trail by the Palisade Super Sledders snowmobile club and the club opposes the vacation;
- j. Mr. Ries indicated that the snowmobile trail could be moved into the State's land and that he wanted the privacy that would come from the vacation of the Road Segment;
- k. The Road Segment is not the only access to the State's property; and
- l. The Town Board determines, given the use of the Road Segment by the State and the public to access the State's land, that it is not in the best interests of the public to grant the requested vacation of the Road Segment.

NOW, THEREFORE, the Town Board, based on the examination of the Road Segment, the information presented it prior to and at the hearing, its knowledge of the area and the use of the Road Segment, and the findings contained herein, hereby resolves as follows:

1. The petition submitted to the Town Board requesting the vacation of the Road Segment is hereby denied;
2. The Town Clerk is hereby authorized and directed to note the denial on the back of the petition, provide a copy of the denied petition and this Resolution to Mr. Ries and the DNR, and to file a copy of both in the Clerk's office;
3. The Quit Claim Deed is hereby rejected and the same shall have no effect, or limitation, on the Town's interest in the Road Segment;
4. The documents submitted to the Town regarding this matter are included in, and are made part of, the record of these proceedings; and
5. No petition requesting the vacation of the Road Segment, or any portion thereof, shall be considered by the Town Board within one year from the date of this Resolution;

Adopted this 9th day of May, 2012.

BY THE TOWN BOARD



Town Chairperson

Attest: 

Town Clerk