

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 10-31-12

Via: Patrick Wussow, County Administrator

From: John Welle

Title of Item:

Partial Vacation of CR 85 Right-of-Way

Requested Meeting Date: 11-06-12 Estimated Presentation Time: 5 minutes

Presenter: John Welle

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute
- Approve under Routine Business
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget?  Yes  No (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

## AITKIN COUNTY COMMISSIONER'S MEMO

**TO:** Aitkin County Commissioners  
Patrick Wussow, County Administrator

**FROM:** John Welle

**DATE:** October 31, 2012

### **Regular Agenda Item:**

Partial Vacation of County Road 85 Right of Way

### **Summary:**

Another landowner adjacent to CR 85 on the northwest side of Mille Lacs Lake recently requested that we vacate the outer 40 feet of the 100-foot right of way that MnDOT reverted to Aitkin County when US Hwy 169 was realigned many years ago. This is the second such request on CR 85 this year. My office has reviewed this request and is agreeable to the proposed vacation. The attached resolution provides for the vacation of right of way as described.

### **Resolution:**

WHEREAS, Aitkin County acquired right-of-way on Aitkin County Road No. 85 as a Trunk Highway Turnback from the Minnesota Department of Transportation, and

WHEREAS, portions of excessively wide right-of-way can restrict a landowner's ability to improve the property, and

WHEREAS, a landowner has requested the vacation of the outer 40 feet of right-of-way through his property to reduce the right-of-way width from 100 feet to 60 feet, measured from the centerline of County Road No. 85, and

WHEREAS, it has been determined that the right-of-way is excessively wide in this area and therefore can be reduced to a width of 60 feet from the centerline of County Road No. 85.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Minnesota Statute 163.11, Subd. 1 and 4 that the portion of Aitkin County Road No. 85 right-of-way hereinafter described is hereby vacated so that the property reverts to the owner of said property.

That portion of the existing right-of-way of County Road No.85 (Pike Avenue) also known as Old US Highway 169, said existing right-of-way having been previously established at 100 feet in width, as per the Final Certificate filed in Book "64" of Deeds, page 53 in the office of the Aitkin County Recorder, that lies within the Northeast Quarter of the Southwest Quarter (NE 1/4 of SW 1/4) of

Section Six (6), Township Forty-four (44), Range Twenty-seven (27), lying East of 455th Avenue (Round Lake Road), as that road is defined and described in the Judgment recorded in Book "59" of Deeds, page 456, and lying Northwesterly of the following described line; Commencing at the Northeast corner of said NE 1/4 of the SW 1/4; thence on an assumed bearing of South 00 degrees 50 minutes 36 seconds East, along the east line of said NE 1/4 of the SW 1/4, a distance of 611.28 feet to the point of beginning of the line herein described; thence South 41 degrees 01 minutes 29 seconds West, 660.31 feet; thence South 42 degrees 36 minutes 57 seconds West, 150.74 feet to the centerline of said Round Lake Road and there terminating.

It is the intent of this vacation to establish a new right-of-way width on the northerly side of this portion of County Road No. 85, said new right-of-way being 60 feet in width, being parallel with and 60 feet northwesterly of the existing centerline of said County Road No. 85.