



# Board of County Commissioners Agenda Request

**2H**  
Agenda Item #

**Requested Meeting Date:** 6/23/15

**Title of Item:** Soo Line trail crossing 16-49-25

<input type="checkbox"/> REGULAR AGENDA	<b>Action Requested:</b>	<input type="checkbox"/> Direction Requested
<input checked="" type="checkbox"/> CONSENT AGENDA	<input type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input checked="" type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing* <i>*provide copy of hearing notice that was published</i>

<b>Submitted by:</b> Land Commissioner	<b>Department:</b> Land
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<b>Presenter (Name and Title):</b>	<b>Estimated Time Needed:</b> n/a
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**Summary of Issue:**

Charles and Linda Olson of Palisade, MN have requested a crossing on the North Soo Line Trail in 16-49-25 (Logan) as they have property on both sides of the old railroad grade. They have been getting annual crossing permits for a number of years but now decided to get a permanent crossing with the conditions outlined in the attached draft resolution. They have submitted the required fees. I recommend approval.

**Alternatives, Options, Effects on Others/Comments:**

**Recommended Action/Motion:**

**Financial Impact:**

Is there a cost associated with this request?  Yes  No

What is the total cost, with tax and shipping? \$

Is this budgeted?  Yes  No *Please Explain:*

By Commissioner: xx

20150623-0xx

**Soo Line Trail Crossing 16-49-25**

**WHEREAS**, Charles E. Olson and Linda L. Olson, husband and wife, of 49602 334<sup>th</sup> Place Palisade, Mn. 56469 made application to obtain a crossing easement on the old Soo Line Railroad R/W for access to their property which is located on both sides of the old railroad line in Section 16 Twp 49 Range 2, and to obtain an easement to use this crossing over and across the following described County fee lands, to wit:

**LEGAL DESCRIPTION –crossing easement in the Northwest Quarter of the Northwest Quarter of Section 16, in Township 49, Range 25, Aitkin County, Minnesota**

An easement for driveway crossing purposes over and across the old Soo Line Railroad right-of-way, said right-of way now owned by Aitkin County, Minnesota. Said easement being 33 feet in width, lying 16.5 feet on each side of the following described centerline: Commencing at the southwest corner of said Northwest Quarter (W ¼ Cor.) 364 of said Section 16; thence North 00 degrees 24 minutes 20 seconds West, assumed bearing, 2050.40 feet along the west line of said Northwest Quarter to the center of said old Soo line Railroad right-of-way; thence South 44 degrees 29 minutes 50 seconds East 1058.63 feet along the center of said right-of-way to the point of beginning of the centerline of the driveway easement; thence North 45 degrees 30 minutes 10 seconds East 50.00 feet along said centerline to the northerly line of said old Soo Line Railroad right-of-way line. Also: beginning at the previously described point of beginning of said centerline; thence South 45 degrees 30 minutes 10 seconds West 50.00 feet along said centerline to the southerly line of said old Soo Line Railroad right-of way line. It is intended to extend or shorten the sidelines of said easement so as to terminate at the northerly and southerly right-of way lines.

**WHEREAS**, said applicant will be charged a four hundred dollar (\$400.00) fee as appraised by the County Land Commissioner, and

**WHEREAS**, the Aitkin County Land Commissioner, after making an investigation of such application, has advised that he finds no objection to granting such easement.

**NOW THEREFORE, BE IT RESOLVED**, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor be and is hereby authorized to issue to Charles E. Olson and Linda L. Olson, their heirs and assigns, a perpetual crossing easement to use said strip of land, if consistent with the law, as in the special conditions set forth herein, over and across the before mentioned legal descriptions.

**BE IT FURTHER RESOLVED**, that said easement be granted, subject to the following terms, and conditions:

1. This crossing easement will be valid only if the property on both sides of the Old Soo Grade is owned by the same entity. This crossing easement is not to be used as a permanent driveway easement for the property on the northeast side of the old Soo Line railroad. If at any time the two properties become owned by separate entities, this crossing easement will terminate.
2. Aitkin County manages County owned and tax-forfeited lands to produce direct and indirect revenue for the taxing districts. This management includes the harvesting and extraction of timber, gravel, minerals, and other resources. The issuing and use of this easement shall not adversely affect the management and harvesting of timber and other resources on County owned and tax forfeited land. If for any reason, including township or county road construction or reconstruction, the easement needs to be relocated, the county and township will not be responsible for any relocation costs.

3. Any such easement may be canceled by resolution of the County Board for any substantial breach of its terms or if at any time its continuance will conflict with public use of the land, or any part thereof, on which it is granted, after ninety (90) days written notice, addressed to the record owner of the easement at the last known address.
4. Land affected by this easement may be sold or leased for any legal purpose, but such sale or lease shall be subject to this easement and excepted from the conveyance or lease, while such easement remains in force.
5. Failure to use the right of way described in this document for the purpose for which this easement is granted for a period of five years, shall result in the cancellation of this easement and any rights granted to the grantee by this easement shall cease to exist and shall revert to the grantor.
6. All Federal, State, and local laws, ordinances rules, and regulations regarding wetlands, construction of road, placement of fill material, and disposal of excavated material shall be followed and are the responsibility of the grantee.
7. Upon termination of this easement, the grantee shall promptly remove all lines, wires, poles and other personal property and restore said lands to proper condition at no cost to the lessor. If the lessee fails to do so within 60 days of termination, the lessor shall have the right to remove said personal property and restore said land in which event the lessee shall promptly reimburse the lessor for all costs incurred plus 15%.
8. Any land survey markers or monuments, disturbed, moved or destroyed during the construction or maintenance of this easement area shall be replaced and restored at the expense of the applicant. If not replaced or restored by the applicant, the County may restore said monument and the applicant shall be responsible for all costs of said replacement and restoration plus 15%.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA)  
 County of Aitkin ) ss.  
 Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 23<sup>rd</sup> day of June A.D., 2015, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 23<sup>rd</sup> day of June A.D., 2015

KIRK PEYSAR, County Auditor

BY \_\_\_\_\_, Deputy



# Request for Access Across Tax-Forfeited Lands In Aitkin County

August 29, 2006

Before completing this request, read the accompanying instructions to determine the type of easement that you are requesting. Please attach a map showing the proposed easement that you are requesting. A non-refundable application fee of \$400.00 must accompany this application. If approved, the application fee will be applied to the easement fee.

- ① Easement: Crossing easement
- Utility easement only
  - Recreational road easement – no utilities are allowed, for recreation use only
  - Residential road easement – includes utility easement, for year round use

See the instruction sheet for better definitions of the types of easements

② Applicant Information (please print or type)

Charles & Linda Olson  
 Name of applicant \_\_\_\_\_ Company name \_\_\_\_\_  
49602-334th Place  
 Mailing address \_\_\_\_\_ City Palisade State Mn. Zip Code 56469  
218-8452766  
 Daytime phone number \_\_\_\_\_ E-mail address \_\_\_\_\_

③ Please answer the following with regards to **YOUR** parcel being accessed:

Tax Parcel Number \_\_\_\_\_ Acreage \_\_\_\_\_  
 Location of Parcel: Legal Description : \_\_\_\_\_  
 Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
 Do you own the property?  yes  no  fee owner  contract for deed purchaser  
 Do you have any other access into this property?  yes not to north parcel  no  
 Will the proposed easement route cross property other than Aitkin County tax forfeited lands?:  yes  no  
 If yes, has legal access been acquired from these other properties?  yes  no

④ Please write a brief note on why you are requesting an easement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

⑤ Signature of applicant or authorized representative

Charles Linda Olson  
 \_\_\_\_\_  
5-14-15  
 Date

⑥ Please return the completed form, and map along with the nonrefundable application fee of \$400.00 to:

Aitkin County Land Department  
 209 2<sup>nd</sup> St. NW Room 206  
 Aitkin, Mn. 56431  
 218-927-7364