



Board of County Commissioners Agenda Request

25
Agenda Item #

Requested Meeting Date: 12/6/2016

Title of Item: Konsor Easement 18-47-24

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Land Commissioner		Department: Land Department
Presenter (Name and Title): Mark Jacobs		Estimated Time Needed: n/a
Summary of Issue: <p>The County Board approved an easement across County administered land in SW-SW 18-47-24 for Benjamin and Barbara Konsor - Aitkin, MN on August 9, 2016.</p> <p>Prior to issuing the easement the property was sold to Robert B. Konsor - Aitkin, MN and they requested it be in his name. In addition there were some minor wording changes to the easement agreement that made sense.</p> <p>Due to the changes in the 8/9/16 resolution staff felt it should be resubmitted with an updated resolution to avoid confusion in the future.</p> <p>The attached resolution will supersede resolution #20160809-057 dated 8/9/2016.</p>		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion:		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No Please Explain:		

Legally binding agreements must have County Attorney approval prior to submission.

By Commissioner: xx

20161206-0xx

Konsor Easement 18-47-24

WHEREAS, Benjamin and Barbara Konsor of 28053 378th St Aitkin, Mn. 56431 has made application for a residential easement to their property, as follows:

Southwest Quarter of the Southwest Quarter Section Eighteen (18) Township Forty-seven (47) Range Twenty-four (24)

over and across the following tax forfeited land to wit:

A 66.00 foot easement for ingress and egress over and across that part of the SE 1/4 of the SW 1/4 of Section 18, Township 47, Range 24, Aitkin County, Minnesota, lying 16.50 feet on each side of the following described line; Commencing at the Southeast corner of said SE 1/4 of the SW 1/4; thence on an assumed bearing of North 88 degrees 24 minutes 51 seconds West, along the South line of said SE 1/4 of the SW 1/4, a distance of 309.94 feet; thence North 01 degrees 35 minutes 09 seconds East, 161.94 feet to a point on the centerline of 257th Place, said point being the point of beginning of the line herein described; thence South 64 degrees 26 minutes 19 seconds West, 110.10 feet; thence South 81 degrees 53 minutes 42 seconds West, 132.12 feet; thence South 68 degrees 24 minutes 55 seconds West, 114.37 feet; thence North 87 degrees 57 minutes 04 seconds West, 497.09 feet; thence South 88 degrees 51 minutes 06 seconds West, 159.60 feet to the West line of said SE 1/4 of the SW 1/4 and there terminating. The sidelines of said easement shall be prolonged or shortened to terminate on the Westerly right of way line of 257th Place and the West line of said SE 1/4 of the SW 1/4.

WHEREAS, said applicant will pay \$2,376.79 for the easement as appraised by the County Land Commissioner in the following manner: \$400.00 paid upon application and the balance of \$1,976.79 upon resolution by the County Board, and

WHEREAS, the following terms shall apply to this easement:

1. The road shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and shall be open for public use, as long as said easement is in force.
2. No timber has been charged for on this easement, If any timber is cut or destroyed, it shall be paid for at the usual rate as soon as determined by the Land Commissioner.
3. 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.
4. 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 time 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.
5. 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.

6. 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.
7. Road construction design and use shall not adversely affect the drainage of any lands. Best management practices for the protection of water quality must be followed.
8. 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. 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%.
9. 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%.

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

NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor is hereby authorized to issue a residential road easement to use said strip of land for a recreational road easement into their properties, if consistent with the law, and the special conditions set forth on the recorded easement, over and across the above described property. This easement will be made to Benjamin and Barbara Konsor, their heirs and assigns if approved by the Aitkin County Board.

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}

I, Patrick Wussow, Interim County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 6th day of December 2016, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 6th day of December 2016

Patrick Wussow
 Interim County Administrator