



Board of County Commissioners Agenda Request

2E
Agenda Item #

Requested Meeting Date: June 11, 2019

Title of Item: Frontier Communications Easement Sec 25 Twp 48 Rge 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*
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Submitted by: Rich Courtemanche	Department: Land
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Presenter (Name and Title): Rich Courtemanche, Land Commissioner	Estimated Time Needed: N/A
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Summary of Issue:

Frontier Communications of Mountain Lake MN is requesting a ten foot (10') easement to place communications cable over, under, and across the center of the North Soo Recreation Trail, that part of the NWNW, SWNW, SENW, NESW, NWSE, SWSE, and SESE of Section 25, Township 48, Range 24.

Aitkin County Surveyor has reviewed the attached survey and has no objections.

Average to be encumbered by the easement was determined to be 1.5 acres (6,521.62'x10')

Easement at the rate of \$1,425 plus recording fee of \$46 = \$1,471

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Approve easement subject to Frontier Communication paying the Utility Easement Cost and recording fee = \$1,471 (6,521.62'x10'). In addition, Frontier Communication must bring past due telecommunication easement fees current (\$1,376.24).

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:

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED June 11, 2019

By Commissioner: xx

20190611-0xx

Frontier Communications Easement Sec 25 Twp 48 Rge 24

UTILITY EASEMENT

Pursuant to the authority given to the County Auditor of Aitkin County, by the County Board of said County of Aitkin, as set forth in their resolution adopted by the County on June 11, 2019 to, Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 a perpetual easement to construct and maintain an underground utility lying over, under, and across the following Aitkin County managed lands to wit:

The easement is described as follows:

LEGAL DESCRIPTION –

A 10.00 foot utility easement over, under, and across that part of the NW1/4 of the NW1/4, SW1/4 of the NW1/4, SE1/4 of the NW1/4, NE1/4 of the SW1/4, NW1/4 of the SE1/4, SW1/4 of the SE1/4, and the SE1/4 of the SE1/4, all being in Section 25, Township 48, Range 24, Aitkin County, Minnesota, lying 5.00 feet on either side of the following described centerline: Commencing at the Southeast corner of said Section 25; thence on an assumed bearing of North 89 degrees 56 minutes 19 seconds West, along the South line of said Section 25, a distance of 139.02 feet to a point on said south line of Section 25, said point being 10.00 feet Northeasterly, at right angles, from the centerline of the Soo Line Recreational trail and the point of beginning of the centerline being herein described; thence North 52 degrees 41 minutes 21 seconds West, parallel with said centerline of Soo Line Recreational Trail, a distance of 6,521.62 feet, to a point on the West line of said Section 25 and there terminating, said point being South 00 degrees 35 minutes 11 seconds East, 1318.23 feet from the Northwest Corner of said Section 25.

Also subject to other easements, reservations or restrictions of record, if any.

AND WHEREAS, said applicant will be charged \$1,425 for the easement and timber charges 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 permit and 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 Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 a perpetual easement to use said strip of land, if consistent with the law, as in the special conditions set forth herein.

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

1. The communication infrastructure shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and the land area shall be open for public use, as long as said easement is in force.
2. Any timber cut or destroyed shall be paid for at the usual rate as soon as determined by the Land Commissioner. (Timber has been included in the easement costs.)

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 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.
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. Aitkin County manages the property for many purposes such as a motorized and non-motorized recreation trails, access to county managed and other lands for resource management purposes, including the harvesting of timber, extraction of gravel, peat, fill dirt, etc, and the mining and extraction of minerals. The issuing and use of this easement shall not adversely affect any other Aitkin County authorized uses of this strip of land.
8. After construction, the lessee shall mark the location of the utilities and shall return the land to the same condition as prior to issuing of the easement.
9. If the County shall make any improvements or changes on all or any part of its property upon which utilities have been placed by this permit, the utility owner shall, after notice from the County, change vacate, or remove from County property said works necessary to conform with said changes without cost whatsoever to the County.

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, Jessica Seibert, 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 11th day of June 2019, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 11th day of June 2019

Jessica Seibert
 County Administrator



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:

- 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)

Frontier Communications	
Name of applicant	Company name
P.O. Box 368	Mountain Lake MN 56159
Mailing address	City State Zip Code
507-427-2241	Mark.Shannon@ftr.com
Daytime phone number	E-mail address

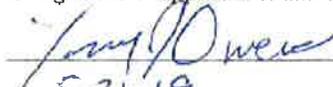
③ Please answer the following with regards to **YOUR** parcel being accessed:

Tax Parcel Number _____ Acreage _____
Location of Parcel: Legal Description : _____
Section 25 Township 48N Range 24W
Do you own the property? yes no fee owner contract for deed purchaser
Do you have any other access into this property? yes 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:

This would be a shorter, more viable route to place communications cable, than following the road right of way around. At times the ditch in the road r/w is too wet, which would greatly limit access and increase costs

⑤ Signature of applicant or authorized representative


Date
5-21-19

⑥ Please return the completed form, and map along with the nonrefundable application fee of \$400.00 to:
Aitkin County Land Department
209 2nd St. NW Room 206
Aitkin, Mn. 56431
218-927-7364



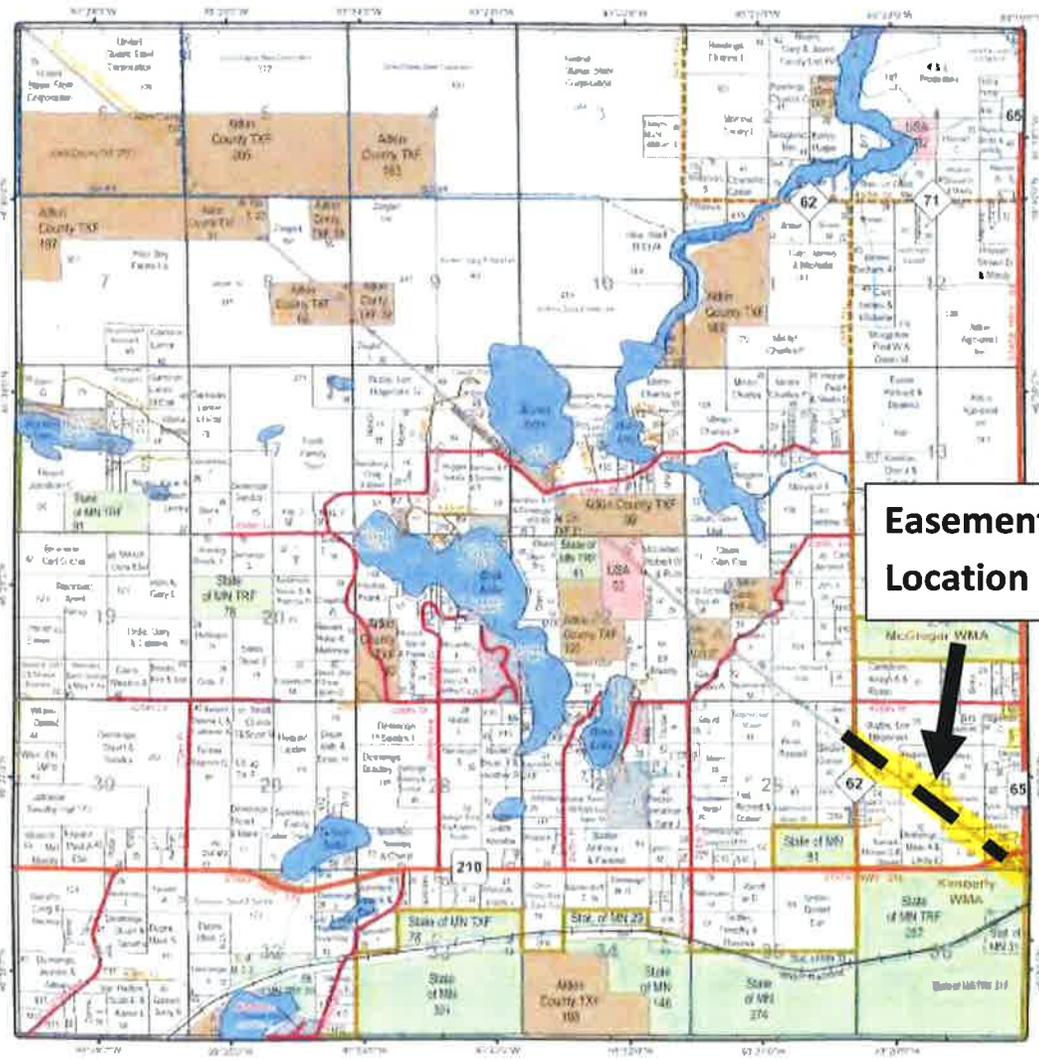
JEVNE T48N-R24W



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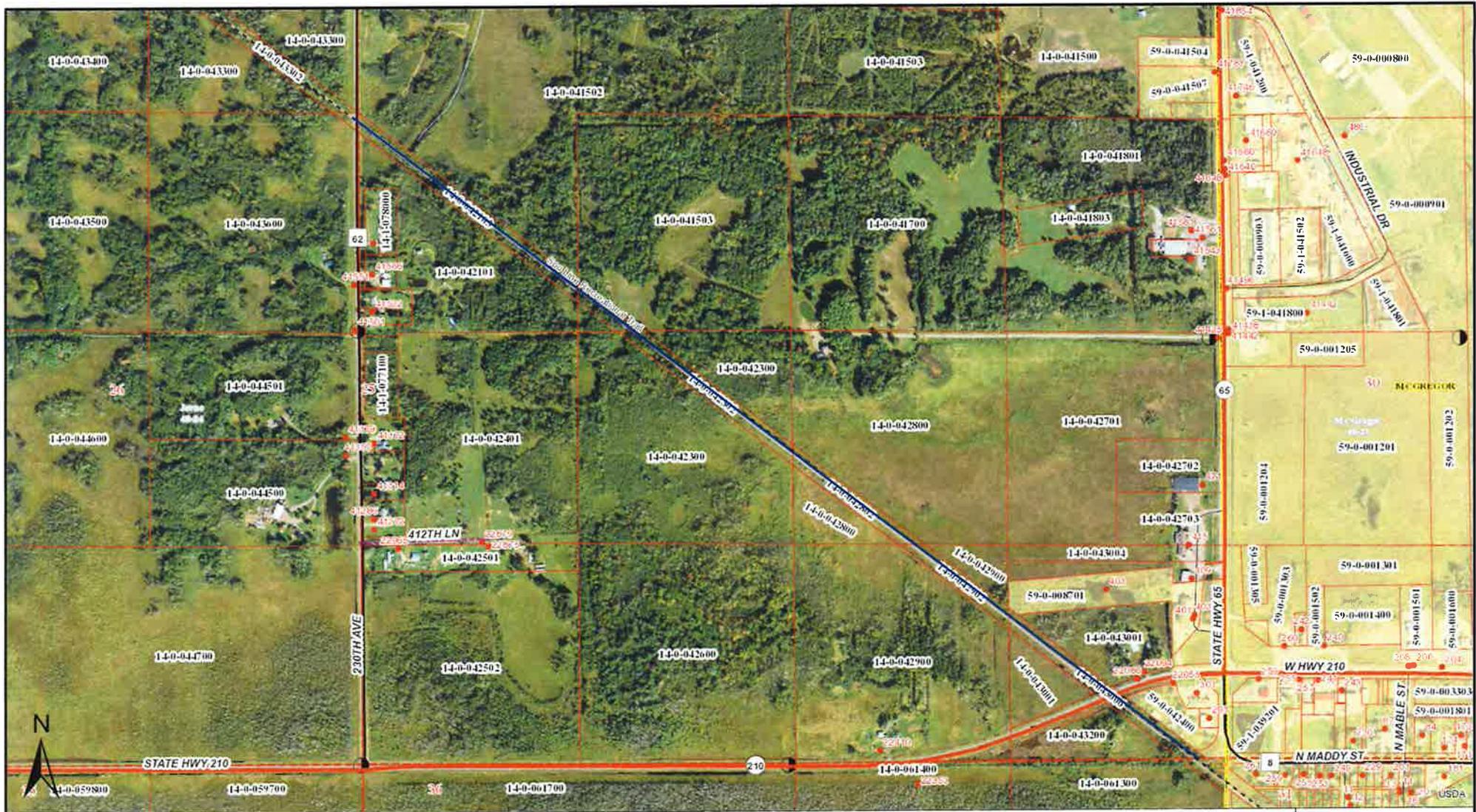
See WORKMAN 1408 R24W1 Page 41

See FLEMING 1408 R24W1 Page 40



**Easement
Location**

See UNORGANIZED T12N R24W1 Page 33



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 5/8/2019

Soo Line Trail



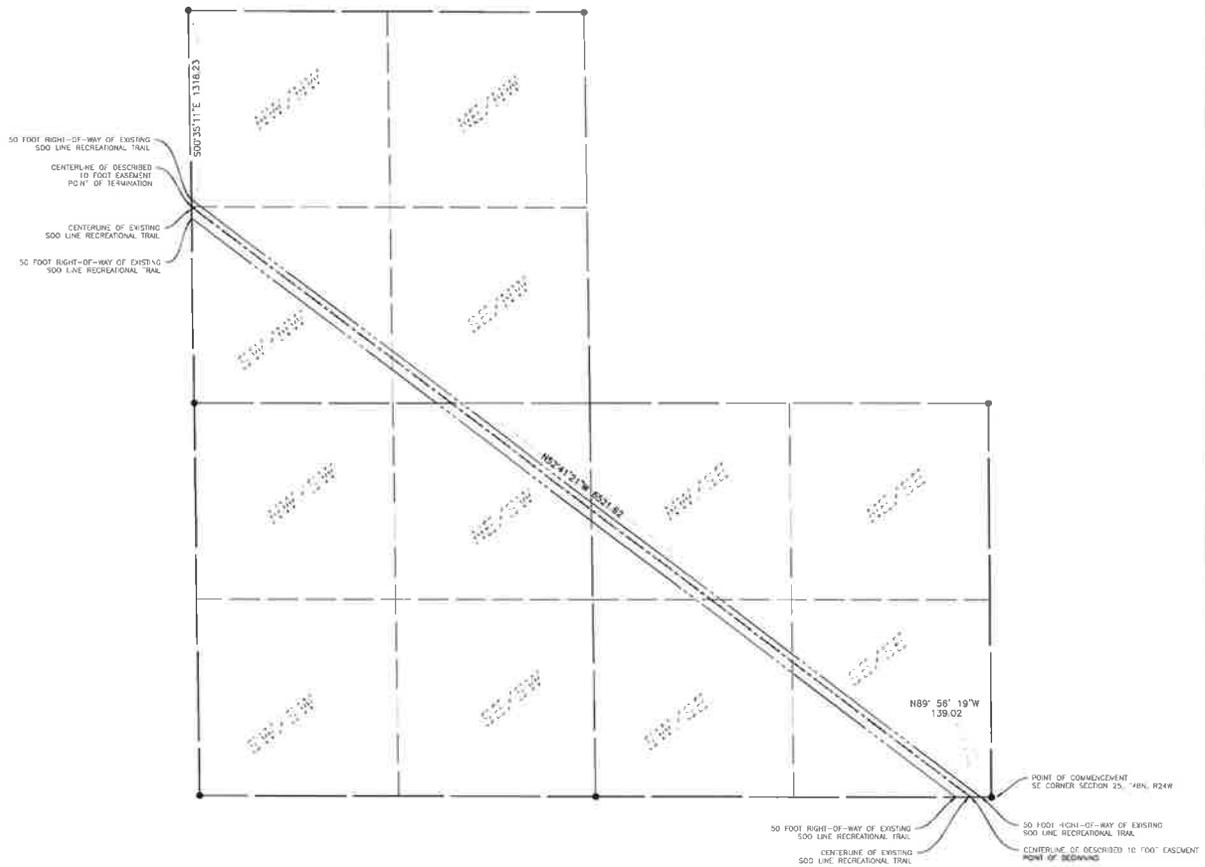
CERTIFICATE OF SURVEY

SECTION 25, TOWNSHIP 48 NORTH, RANGE 24 WEST

AITKIN COUNTY, MINNESOTA

PROPOSED EASEMENT DESCRIPTION:

A 10.00 foot utility easement over, under, and across that part of the NW1/4 of the NW1/4, SW1/4 of the NW1/4, SE1/4 of the NW1/4, NE1/4 of the SW1/4, NW1/4 of the SE1/4, SW1/4 of the SE1/4, and the SE1/4 of the SE1/4, all being in Section 25, Township 48, Range 24, Aitkin County, Minnesota, and 3.00 feet on either side of the following described easement commencing at the Southeast corner of said Section 25. Thence an unobstructed bearing of North 89 degrees 58 minutes 19 seconds West, along the South line of said Section 25, a distance of 139.02 feet to a point on said South line of Section 25, said point being 10.00 feet northwesterly of right-of-way centerline of the 500 Line Recreational Trail and the point of beginning of the centerline being herein described, thence North 59 degrees 41 minutes 21 seconds West, parallel with said centerline of 500 Line Recreational Trail, a distance of 2,571.82 feet, to a point on the West side of said Section 25 and thence northerly, said line being South 05 degrees 35 minutes 11 seconds East, 1318.23 feet from the Southwest corner of said Section 25.



LEGEND

- IRON MONUMENT FOUND
- EASEMENT
- CENTERLINE
- RIGHT-OF-WAY
- QUARTER-LINE
- SECTION-LINE



SCALE
1" = 400'
800

COORDINATES ARE BASED ON NAD83(83) AITKIN COUNTY COORDINATE SYSTEM

	MID-STATE CONSULTANTS SEC25-148N-R24W AITKIN COUNTY, MN	DATE: 5/20/2019 TIME: 10:00 AM DRAWN BY: [Signature] CHECKED BY: [Signature]	I HEREBY CERTIFY THAT THE TRACK PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF MINNESOTA.
	NORTHWESTERN SURVEYORS & ENGINEERS, P.C. 1000 WEST WASHINGTON STREET MINNEAPOLIS, MN 55402		5/20/2019