



Board of County Commissioners Agenda Request

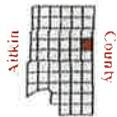


Requested Meeting Date: March 9, 2021

Title of Item: Utility Easement

| | | |
|---|---|---|
| <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) <small><i>*provide copy of hearing notice that was published</i></small> | <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* |
| Submitted by: Rich Courtemanche | | Department: Land |
| Presenter (Name and Title): Rich Courtemanche, Land Commissioner | | Estimated Time Needed: n/a |
| Summary of Issue: <p>Lakes County Power of Cohasset, MN is requesting a forty foot (40') easement to reconstruct an existing single phase power-line across tax forfeited lot along the south side of 500th Street. (Parcel 10-0-019700; NWNE of Section 13, Township 49N, Range 22W).</p> <p>Aitkin County Surveyor has reviewed the attached survey and has no objections.</p> <p>Average to be encumbered by the easement was determined to be 1.22 acres (1,333.54'x40')</p> <p>Easement at the rate of \$2,400 plus recording fee of \$46 = \$2,446. The applicant has paid \$400 application fee that will be credited to the assessment if approved.</p> | | |
| Alternatives, Options, Effects on Others/Comments: | | |
| Recommended Action/Motion: Approve resolution for permanent utility easement. | | |
| Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>Please Explain:</i> | | |

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



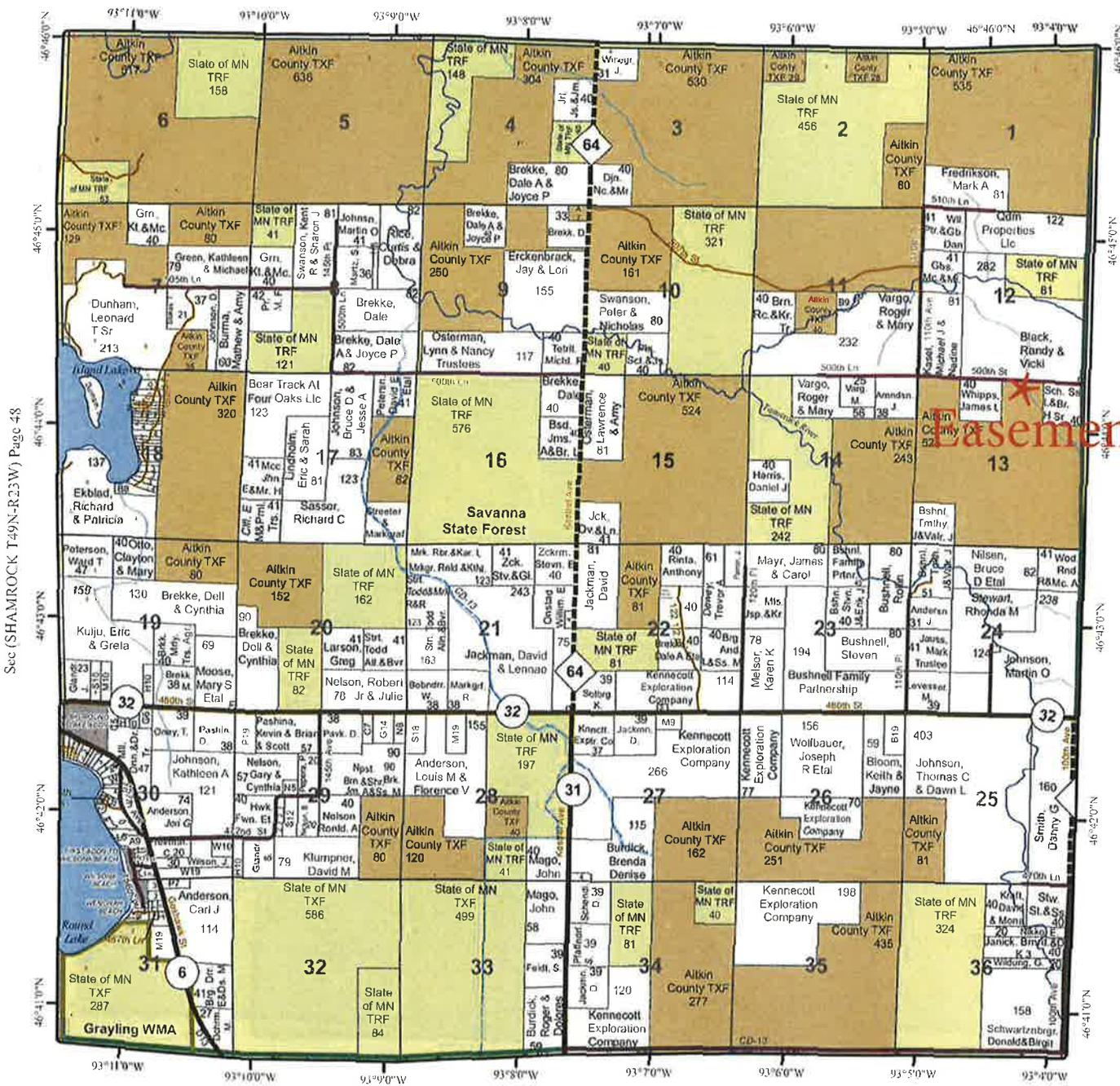
HAUGEN T49N-R22W



Acres shown are approximate.
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See (BALSAM T50N-R22W) Page 55



Sec (SHAMROCK T49N-R23W) Page 48

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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)

| | |
|---|--|
| <p><u>Jeff Major</u> Name of applicant</p> <p><u>26039 Bear Ridge Drive</u> Mailing address</p> <p><u>218-322-4539</u> Daytime phone number</p> | <p><u>Lake Country Power</u> Company name</p> <p><u>Cohasset</u> <u>MN</u> <u>55721</u> City State Zip Code</p> <p><u>jmajor@lcp.coop</u> E-mail address</p> |
|---|--|

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 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:

Re-construction of existing single phase power line.
The line crosses Tax Forfeit PID 10-0-014700 along the
south side of 500th Street.

⑤ Signature of applicant or authorized representative

Jeff Major

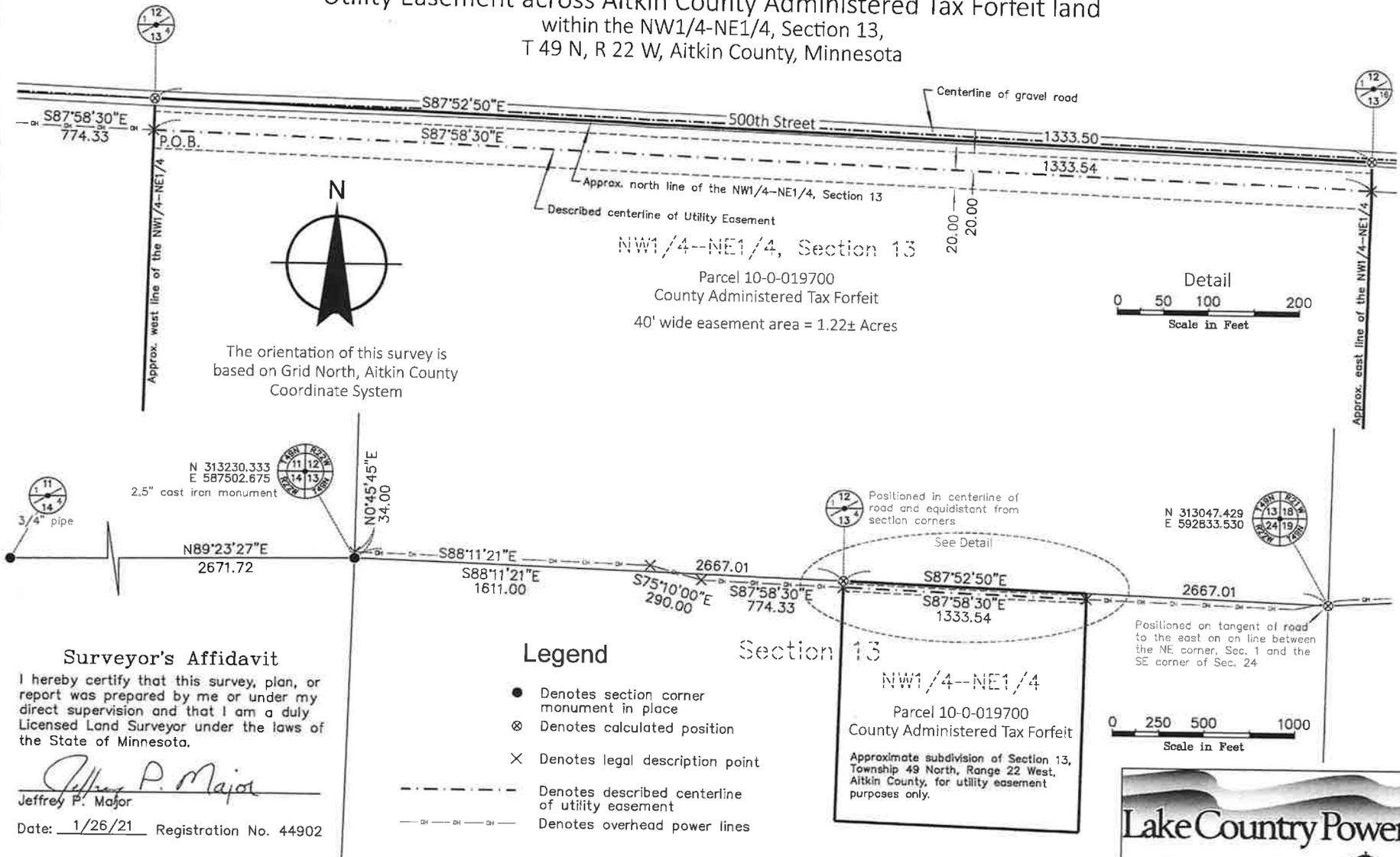
1-26-21
Date

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

EXHIBIT A

Utility Easement across Aitkin County Administered Tax Forfeit land within the NW1/4-NE1/4, Section 13, T 49 N, R 22 W, Aitkin County, Minnesota



Surveyor's Affidavit

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Jeffrey P. Major
Jeffrey P. Major

Date: 1/26/21 Registration No. 44902

- Legend**
- Denotes section corner monument in place
 - ⊗ Denotes calculated position
 - × Denotes legal description point
 - Denotes described centerline of utility easement
 - - - - - Denotes overhead power lines

Lake Country Power

A Touchstone Energy Cooperative

Wright, Ckt 2 WO No. 32334

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

ADOPTED March 9, 2021

By Commissioner: xxxx

20210309-xxx

Utility Easement

Pursuant to the authority given to the undersigned 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 March 9, 2021 to Lake Country Power of 26039 Bear Ridge Drive, Cohasset, MN 55721, a perpetual easement to construct and maintain a single-phase powerline utility easement across the following Aitkin County managed lands:

The easement is described as follows:

A 40-foot-wide easement for utility purposes over, under and across the following described property:

The Northwest Quarter of the Northeast Quarter, Section 13, Township 49 North, Range 22 West, of the Fourth Principal Meridian.

Said 40 foot wide easement lies 20 feet on each side of the following described centerline: Commencing at the South Quarter Corner of Section 11, Township 49 North, Range 22 West, of the Fourth Principal Meridian; thence North 89 degrees 23 minutes 27 seconds East, assumed bearing along the south line of said Section 11, a distance of 2671.72 feet to the section corner common to Sections 11, 12, 13 and 14; thence North 0 degrees 45 minutes 45 seconds East 34.00 feet; thence South 88 degrees 11 minutes 21 seconds East 1611.00 feet; thence South 75 degrees 10 minutes 00 seconds East 290.00 feet; thence South 87 degrees 58 minutes 30 seconds East 774.33 feet, more or less, to the west line of said Northwest Quarter of the Northeast Quarter, Section 13, and the point of beginning of the easement centerline to be described; thence continue South 87 degrees 58 minutes 30 seconds East 1333.54 feet, more or less, to the east line of said Northwest Quarter of the Northeast Quarter and said described centerline there terminating.

Sidelines of said 40-foot-wide easement shall be prolonged or shortened so as to begin and terminate on the east and west lines of said Northwest Quarter of the Northeast Quarter, Section 13. and,

WHEREAS, said applicant will be charged \$2,400 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 Lake Country Power of 26039 Bear Ridge Drive, Cohasset, MN 55721, a perpetual easement to use said strips 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 within ROW 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 old railroad right of way for many purposes such as a motorized and non-motorized recreation trail, 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. During construction and/or laying of the fiber optics line, the lessee shall keep the traveled area of the old railroad grade clear of slash, trees, and dirt mounds. The lessee shall post and sign the area where constructing so that other users of this trail on the old railroad right of way are notified and aware of the construction work.
9. After construction, the lessee shall mark the location of the fiber optics line and shall return the land to the same condition as prior to issuing of the easement.
10. 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 xxxx moved for adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting

**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 9th day of March, 2021 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 9th day of March, 2021

Jessica Seibert
County Administrator