



Board of County Commissioners Agenda Request

20

Agenda Item #

Requested Meeting Date: October 11, 2022

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) <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: DJ Thompson	Department: Land
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Presenter (Name and Title): DJ Thompson, Land Commissioner	Estimated Time Needed: NA
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Summary of Issue:

Lake Country Power of Cohasset, MN is requesting a forty foot (40') easement to reconstruct an existing single phase overhead power-line across 3,979.22 feet of tax-forfeited land (PID #12-0-013200 & 12-0-029500) along the west side of 380th Avenue. The power line will follow the same route, but spans between poles will be shortened to allow for heavier cable. Section 8 & 17, Township 52, Range 26.

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

Easement will encumber 3.65 acres.

Cost of the easement is \$2,000/acre plus recording fee of \$46 = \$7,346. The applicant has paid the \$400 application fee, which will be credited to the assessment if the easement is approved.

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? Yes No

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

Is this budgeted? Yes No *Please Explain:*

By Commissioner: xxx

20221011-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 October 11, 2022 to Lake Country Power of 26039 Bear Ridge Drive, Cohasset, MN 55721, a perpetual easement to construct and maintain a single-phase overhead 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 parcels situated in Aitkin County, Minnesota:

The South Half (S1/2) of Section Eight (8), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian

AND

The North Half of the Northeast Quarter (N1/2 of NE1/4), Section Seventeen (17), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian

The centerline of said easement is described as follows:

COMMENCING at the northeast corner of the South Half (S1/2) of Section Eight (8), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian, and assuming the east line of said South Half to bear south 0 degrees 18 minutes 29 seconds East; thence North 88 degrees 55 minutes 16 seconds West, along the north line of said South Half, a distance of 29.30 feet to the point of beginning of the centerline to be described; thence South 0 degrees 07 minutes 26 seconds West a distance of 3979.22 feet to the south line of the North Half of the Northeast Quarter (N1/2 of NE1/4), Section Seventeen (17), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian, and said centerline there terminating.

and,

WHEREAS, said applicant will be charged \$7,346 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 (5) 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.

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

FIVE MEMBERS PRESENT

All Members Voting Yes

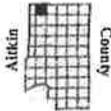
**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

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 October 2022, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 11th day of October 2022

Jessica Seibert
County Administrator

Kirk Peysar
County Auditor

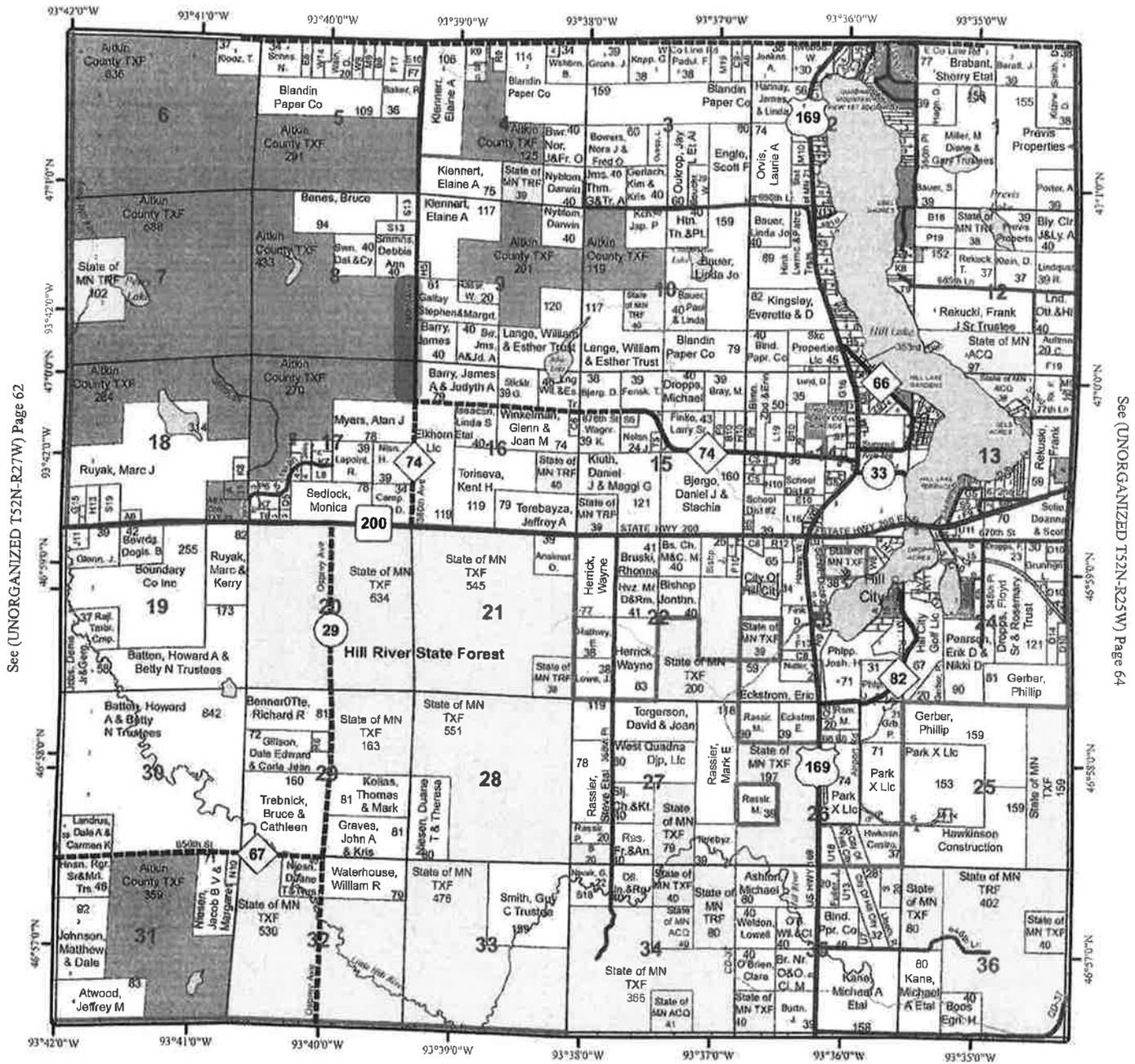


HILL LAKE T52N-R26W



Acres shown are approximate.

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See (UNORGANIZED T52N-R27W) Page 62

See (UNORGANIZED T52N-R25W) Page 64

See (MACVILLE T51N-R26W) Page 57

Josh Hughley
Assistant County Veterans Services Officer



Government Center • 307 2nd St. NW, Rm. 114 • Aitkin, MN 56431

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ANNE MARCOTTE
ATTORNEY AT LAW



P.O. Box 192
HILL CITY, MN 55748

218.256.0277 FAX: 218.697.8129



40' wide Utility Easement

380TH AVE

380TH AVE

678TH ST

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.

ArcGIS Web Map

1:18,066

0 0.1 0.2 mi 1 inch = 1,506 feet

Web AppBuilder for ArcGIS



Date: 8/4/2022

Exhibit A

A 40 foot wide easement for utility purposes over, under and across the following described parcels situated in Aitkin County, Minnesota:

The South Half (S1/2) of Section Eight (8), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian

AND

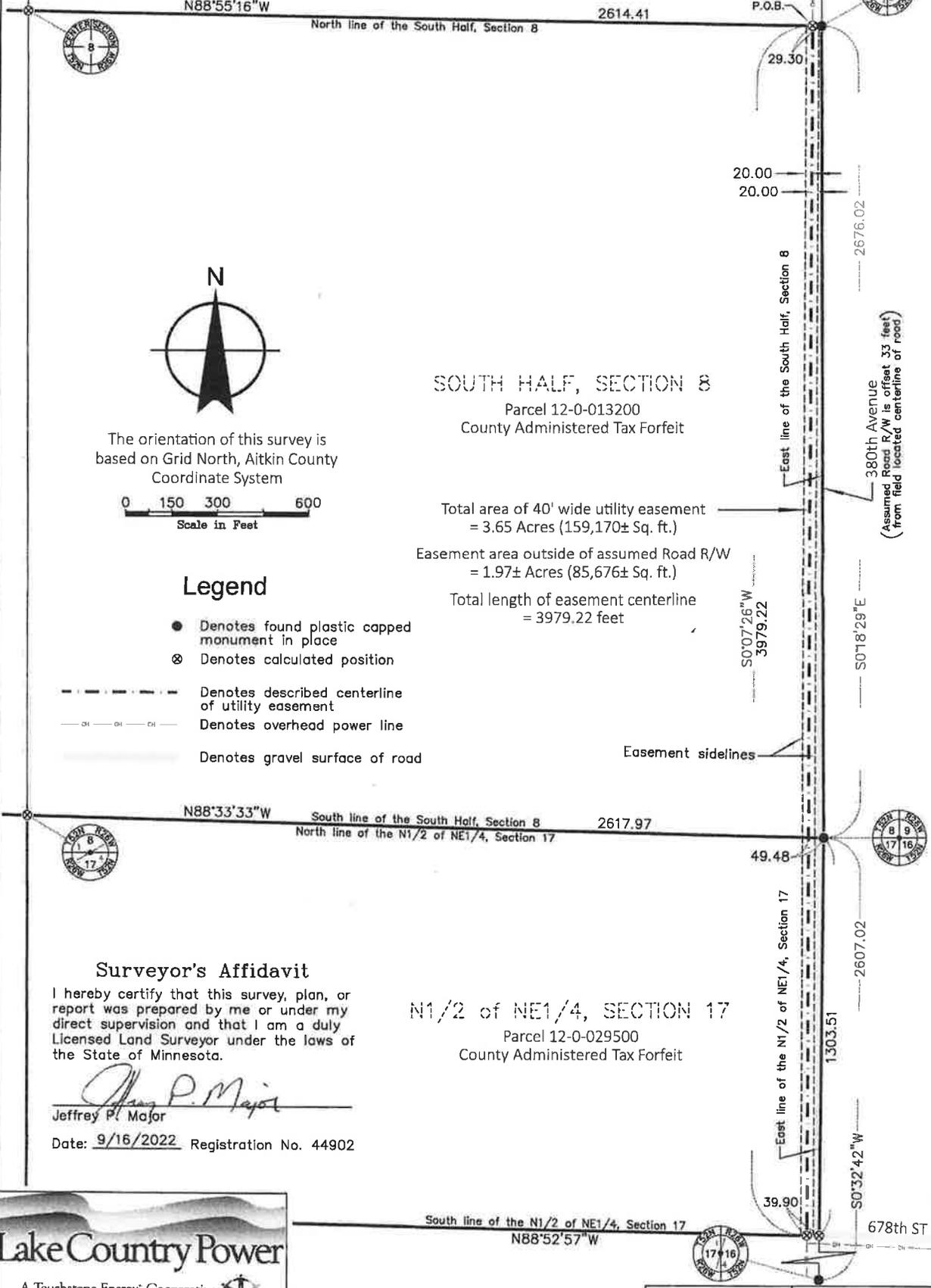
The North Half of the Northeast Quarter (N1/2 of NE1/4), Section Seventeen (17), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian.

The centerline of said easement is described as follows:

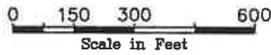
COMMENCING at the northeast corner of the South Half (S1/2) of Section Eight (8), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian, and assuming the east line of said South Half to bear South 0 degrees 18 minutes 29 seconds East; thence North 88 degrees 55 minutes 16 seconds West, along the north line of said South Half, a distance of 29.30 feet to the point of beginning of the centerline to be described; thence South 0 degrees 07 minutes 26 seconds West a distance of 3979.22 feet to the south line of the North Half of the Northeast Quarter (N1/2 of NE1/4), Section Seventeen (17), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian, and said centerline there terminating.

SURVEY EXHIBIT

Utility Easement across Aitkin County Administered Tax Forfeit land
within the South Half of Section 8, and the N1/2 of NE1/4, Section 17,
T 52 N, R 26 W, Aitkin County, Minnesota



The orientation of this survey is based on Grid North, Aitkin County Coordinate System



Legend

- Denotes found plastic capped monument in place
- ⊗ Denotes calculated position
- Denotes described centerline of utility easement
- - - - - Denotes overhead power line
- ▬ Denotes gravel surface of road

SOUTH HALF, SECTION 8

Parcel 12-0-013200
County Administered Tax Forfeit

Total area of 40' wide utility easement = 3.65 Acres (159,170± Sq. ft.)

Easement area outside of assumed Road R/W = 1.97± Acres (85,676± Sq. ft.)

Total length of easement centerline = 3979.22 feet

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: 9/16/2022 Registration No. 44902

N1/2 of NE1/4, SECTION 17

Parcel 12-0-029500
County Administered Tax Forfeit





8535 Park Ridge Drive
 Mountain Iron, MN 55768
 Tel: (800) 421-9959 • Fax: (218) 741-7881

PLEASE DETACH AND RETAIN

No. 20221564

Date: 08/11/2022

DATE	INVOICE	DESCRIPTION	GROSS	NET
08/08/2022	#35069 APP FEE	RF WO#35069 HAWS - 380TH AVE	400.00	400.00
	Vendor: 2975 AITKIN COUNTY		Totals: 400.00	400.00

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND WATERMARK/LINES ON THE BACK - HOLD AT ANGLE TO VIEW

Lake Country Power
 8535 Park Ridge Drive
 Mountain Iron, MN 55768
 Tel: (800) 421-9959 • Fax: (218) 741-7881

GENERAL FUND No. 20221564
 E7-1/910
 Wells Fargo Bank Minnesota, N.A.
 Grand Rapids, MN 56744

FOUR HUNDRED AND NO / 100 *****

PAY TO THE ORDER OF
 AITKIN COUNTY
 502 MINNESOTA AVE. NORTH
 AITKIN MN 56431

DATE	CHECK NO.	AMOUNT
08/11/2022	20221564	\$*****400.00

VOID AFTER 120 DAYS

2975

Mark A. Bell

SIGNATURE HAS A COLORED BACKGROUND. BORDER CONTAINS MICROPRINTING

⑈ 20221564 ⑈ ⑆091000019⑆ 0020170167⑈