



Board of County Commissioners Agenda Request

2K
Agenda Item #

Requested Meeting Date: October 24, 2023

Title of Item: Century Link Utility Easement

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

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

Century Link is requesting a utility easement for the placement of a telephone remote switch box in the NE NE of Section 15, Township 51, Range 27 (PID #54-0-014700). Easement area is 20' by 20'. They currently have a lease and would like to convert it to an easement.

Cost of the easement is the minimum fee of \$2,000 plus a recording fee of \$46 for a total of \$2,046. The applicant has paid the \$400 application fee, which will be credited to the assessment if the easement is approved.

Aitkin County Surveyor has reviewed the easement and has no objections.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
Motion to approve utility easement for Century Link.

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:*

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 _____ to CenturyLink of Minnesota, Inc, 33 North Main Street, Winter Garden, FL 34787, a perpetual easement for the purpose of an underground telephone cable line over, under, and across the following Aitkin County managed lands to wit:

20 ft x 20 ft area in the Northeast Quarter of the Northeast Quarter (NE NE), Section Fifteen (15), Township Fifty-one (51), Range Twenty-seven (27) described as follows: Commencing at the Northeast corner of Section Fifteen (15), Thence South, assumed bearing, Fifty-one (51) feet along the east line of said NE NE, Thence West, parallel with the north line of said NE NE, Two Hundred Thirty (230) feet to the point of beginning, Thence South, parallel with said east line, Twenty (20) feet, thence West, parallel with said north line, Twenty (20) feet, thence North, parallel with said east line, Twenty (20) feet, thence East, parallel with said north line, Twenty (20) feet to the point of beginning and there terminating.

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. On the land covered by this easement, a fee of Two Thousand Forty-six Dollars (\$2,046.00).
3. Any timber cut or destroyed shall be paid for at the usual rate determined by the Land Commissioner. (Timber has been included in the easement costs.)
4. 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.
5. 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 recorded owner of the easement at the last known address.

6. 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.
7. 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.
8. 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 use of this land.

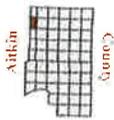
Dated at Aitkin, MN this _____ day of _____, _____.

(SEAL)

Kirk Peysar, Aitkin County Auditor

This instrument was drafted by:

Dennis Thompson, Land Commissioner
Aitkin County Land Department
502 Minnesota Ave. N
Aitkin, MN. 56431



UNORGANIZED T51N-R27W

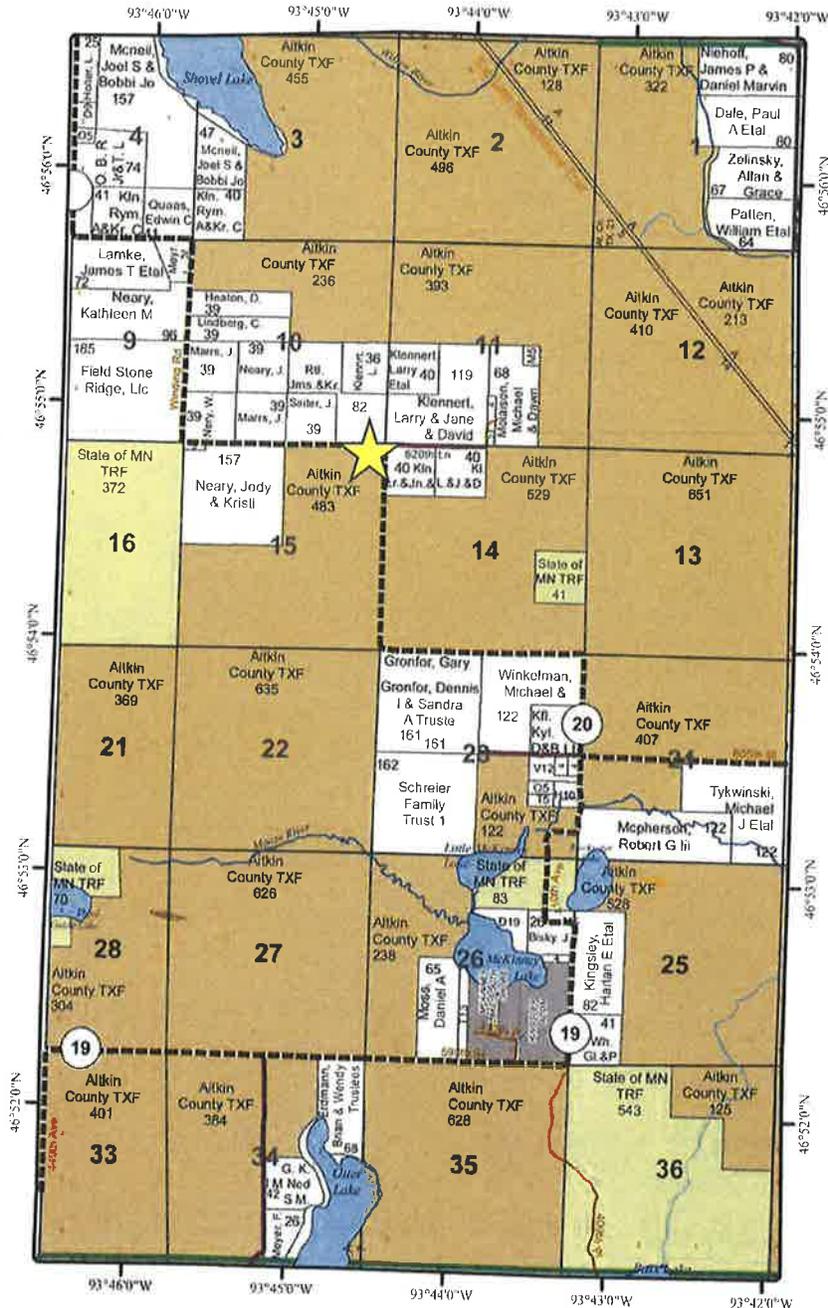


Acres shown are approximate.

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See (UNORGANIZED T52N-R27W) Page 62



See (MACVILLE T51N-R26W) Page 57

See (UNORGANIZED T50N-R27W) Page 50

Celebration of Achievement Banquet



In October of each year, members are recognized for their achievements in 4-H. Awards are given out followed by a game of bowling.





REQUEST FOR ACCESS ACROSS TAX-FORFEITED LANDS IN AITKIN COUNTY

November 12, 2019

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 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)

NAME Victoria S. Bucher, SR/WA COMPANY Centurylink of Minnesota, Inc.
ADDRESS 33 North Main Street CITY, STATE, ZIP Winter Garden, FL 34787
PHONE 407-256-6240 E-MAIL victoria.bucher@lumen.com

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

Tax Parcel Number: 54-6-014700 Acreage: 20'x20' (400 SF)
Location of Parcel: Legal Description: 20'x20' area in NE/NE for Shovel Remote
Section: 15 Township: 51 Range: 27

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: Current lease expires 9/30/2023.

CenturyLink desire to convert lease into an easement.

5. Signature of Application or Authorized Rep.
Victoria S. Bucher

Date _____

. Please return completed form, and map, along with the nonrefundable application fee of \$400.00 to:
Aitkin County Land Department
502 Minnesota Ave. N.
Aitkin, MN 56431

PRIVATE ROAD EASEMENTS ACROSS AITKIN COUNTY TAX-FORFEITED LANDS

MN Statute 282.4 Subdivision 4 provides that counties may grant easements across tax-forfeited lands for purposes such as legal access to an individual's private property. Aitkin County's Easement Policy allows for private road easements, however Aitkin County is not required to grant an easement across tax-forfeited lands. Aitkin County will consider the request of the individual applicant but must consider what is in the best long-term interest of the tax-payers and residents of Aitkin County. The County must evaluate a number of criteria prior to considering the granting of an easement, such as other reasonable access routes to a property or potential adverse environmental impacts. Other factors like the property's proximity to public roads, access to other infrastructure, and adverse impacts to public use may also be considered.

Private road easements will provide legal ingress and egress access across Aitkin County tax-forfeited lands to an individual private property, from a public road. A non-refundable application fee of \$400.00 is required to cover some of the County costs related to evaluating an easement application. If approved, the application fee will be applied to the easement fee. Fees for the easement will be based on a predetermined value per acre multiplied by the total acres encumbered; and the fee recording the easement. Other associated costs that, if required, are the responsibility of the applicant include a registered survey, or wetland replacement.

There are two types of private road easements...

1. **Private recreational road easements** are intended to be relatively low impact access routes into primarily undeveloped recreation property (e.g. hunting land), that will not require services such as utilities (electric, telephone, etc.). If granted, the easement right-of-way (ROW) will be 33' wide and cross no more than 1 mile (5280') of Aitkin County tax-forfeited lands. Utility easements will not be allowed in association with this type of easement.
2. **Private residential road easements** are intended to provide a developed access to an individual property that could potentially be established as a permanent residence, business, or recreational cabin that will require access to services such as electricity, telephone, etc. If granted, the easement right-of-way (ROW) will be 66' wide and cross no more than ½ mile (2640') of Aitkin County tax-forfeited lands. Utility easements will be allowed within the ROW for no additional fee.

PRIVATE ROAD EASEMENTS ACROSS AITKIN COUNTY TAX-FORFEITED LANDS

Important considerations prior to applying for an Easement...

Easements are a permanent encumbrance across Aitkin County tax-forfeited lands, so both the applicant and the County need to discuss the long-term plans for the property. For example, if developing the property or selling the property for development is a possibility in the future; applying for a private residential road easement would be the best long-term option. A private recreational road easement would not be a good option since easements for improvements (e.g. utilities) are not allowed. Going from a recreational road easement to a residential road easement would involve voiding the existing recreational road easement and entering into a new application process for a residential road easement.

In instances involving property in remote areas adjacent to large blocks of Aitkin County tax-forfeited lands, a land exchange might be a better option than an easement. In this scenario, a landowner could acquire property of substantially equal value with better development potential (e.g. closer to a public road) in exchange for their remote land-locked property. In some instances, the County may consider the purchase of a remote land-locked property if an easement is not deemed advisable and an exchange is not desirable to the landowner.

Many people assume that crossing public land is the easiest way to gain legal access to land-locked property. Usually, the most direct route from a public roadway that will have the least environmental impacts is the best route. If the best route involves crossing private land, it is usually the most reasonable access. Minnesota has specific laws concerning access to land-locked property across private lands.

Easements will not be granted through Aitkin County tax-forfeited lands when a property has an existing easement of record through another property.

Easements across Aitkin County tax-forfeited lands are granted to an individual property. Every individual property owner wanting to gain legal access must be granted an easement (no group easements). It may be advisable for multiple landowners requesting access through the same route to share the other associated costs (such as a registered survey, if required).

Any road easement granted by Aitkin County must commence from a public road. Aitkin County can only grant an easement across land it administers. The applicant must acquire legal access across any other property that the proposed route crosses.

PRIVATE ROAD EASEMENTS ACROSS AITKIN COUNTY TAX-FORFEITED LANDS

General Procedure:

- a. A landowner inquires about a possible easement. ACLD staff attempts to provide a timely and realistic response relative to the likelihood of approval and may provide other options (e.g. land exchange).
- b. The landowner proceeds with applying for an easement based on the type of easement that fits their needs. The application form must be filled out completely including the type of easement required, the application fee, contact information, legal description, and a map illustrating the property and the proposed access route.
- c. The ACLD and other County staff will evaluate the application and proposed route to determine important issues such as; if a registered survey is required, if there are any potential wetland impacts, and if there is an existing legal access to the property. An appraisal of the timber within the ROW will be done. Consultation with Township officials will occur if the proposed easement is accessed by a Township road.
- d. The Land Commissioner will send a letter to the applicant stating the findings of the evaluation:
 - a. If the evaluation determines denial of the request, the reason will be stated and possible alternatives may be outlined, such as an alternate easement route or type; or a possible land exchange.
 - b. If the request is to be recommended for approval by the County Board of Commissioners, the letter will outline the easement fees and any other requirements such as a registered survey, a road construction/maintenance plan, etc. The letter will also include an easement form outlining the terms of the easement.
- e. Upon receipt of the fees and other required information, the request will be presented to the County Board for approval. If approved, the easement will be recorded in the office of the County Recorder.