



# Board of County Commissioners Agenda Request



**Requested Meeting Date:** March 12, 2024

**Title of Item:** Soo Line Crossing Easement

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <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*
<b>Submitted by:</b> Dennis (DJ) Thompson		<b>Department:</b> Land
<b>Presenter (Name and Title):</b>		<b>Estimated Time Needed:</b> NA
<b>Summary of Issue:</b> <p>Lyman and Patricia Seybold are requesting an easement to cross the old Soo Line Railroad right of way for access to their property. Their property is located on both sides of the old railroad line in Section 4, Township 47, Range 23 (see attached map).</p> <p>Aitkin County Surveyor has reviewed the easement and has no objections.</p>		
<b>Alternatives, Options, Effects on Others/Comments:</b>		
<b>Recommended Action/Motion:</b> Adopt resolution granting a Soo Line Crossing Easement to Lyman and Patricia Seybold.		
<b>Financial Impact:</b> <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

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



# SPALDING T47N-R23W

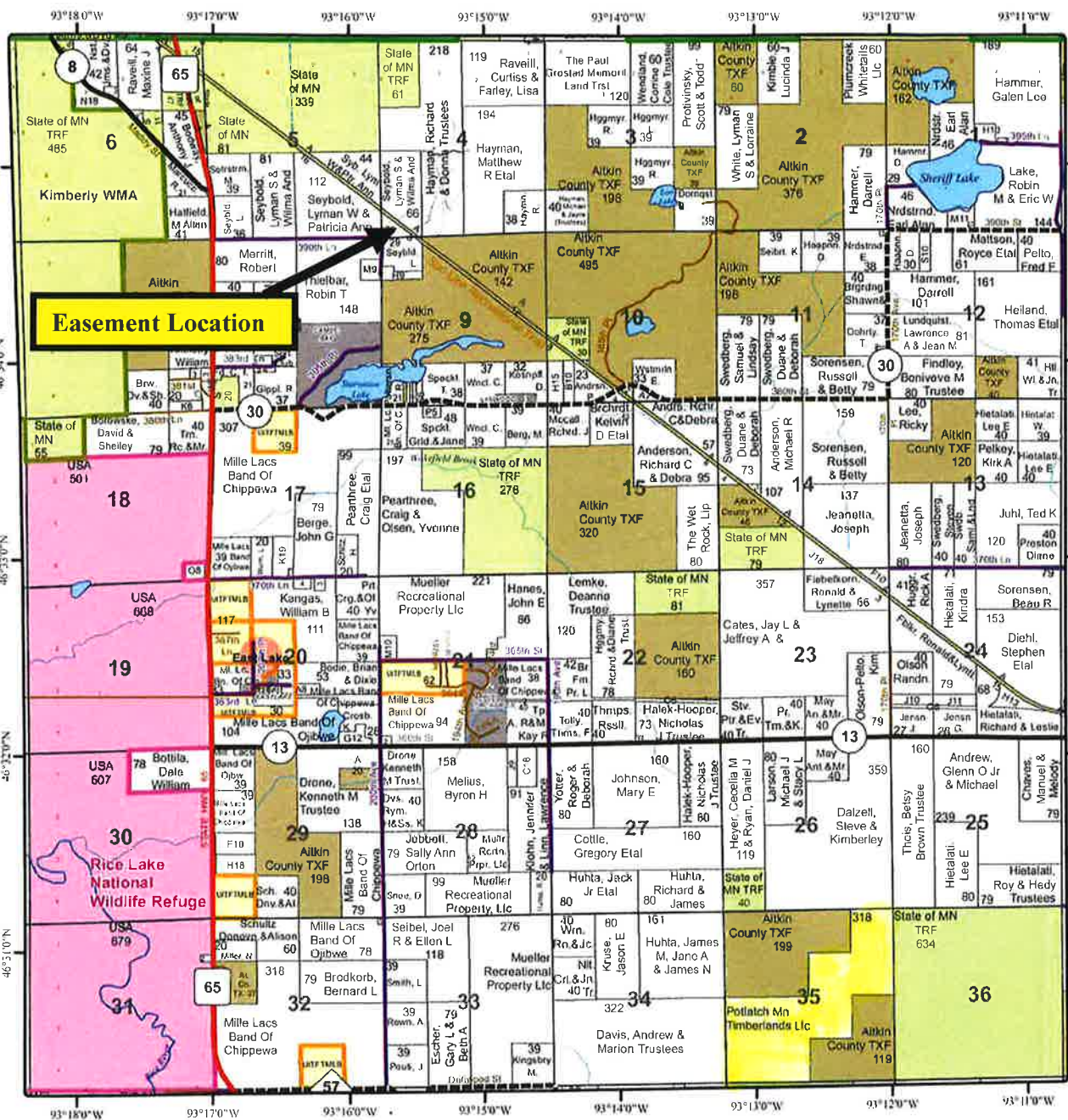


Acres shown are approximate.

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See (MC GREGOR T48N-R23W) Page 42



See (UNORGANIZED T47N-R24W) Page 35

See (SALO T47N-R22W) Page 37

See (RICE RIVER T46N-R23W) Page 30

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**Seybold Soo Line Crossing Easement**

**WHEREAS**, Lyman W and Patricia Ann Seybold, husband and wife, of 20236 390<sup>th</sup> Ln, McGregor MN 55760, made application to obtain a crossing easement on the old Soo Line Railroad right of way for access to their property which is located on both sides of the old railroad line in Section 4, Township 47, Range 23, and to obtain an easement to use this crossing over and across the following described County fee lands, to wit:

An easement lying over and across that part of the former right of way of the Soo Line Railroad Company's so-called Moose Lake to Schley branch line in Aitkin County, Minnesota, which lies within the South 66.00 feet of the Southwest Quarter of the Southwest Quarter (SW1/4-SW1/4), Section 4, Township 47, Range 23, said Aitkin County, Minnesota.

**WHEREAS**, Said applicant will be charged a Four Hundred dollar (\$400.00) fee 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 easement.

**NOW THEREFORE, BE IT RESOLVED**, That pursuant to Minnesota Statutes, Section 282.04, Subd. 4, the County Auditor be and is hereby authorized to issue to Lyman W and Patricia Ann Seybold, their heirs and assigns, a perpetual crossing easement to use said strip of land, if consistent with the law as in the special conditions set forth herein, over and across the before mentioned legal descriptions.

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

1. This crossing easement will be valid only if the property on both sides of the old Soo grade is owned by the same entity. This crossing easement is not to be used as a permanent driveway easement for the property on the northeast side of the old Soo Line railroad. If at any time the two properties become owned by separate entities, this crossing easement will terminate.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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%.
8. 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%.

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

**FIVE MEMBERS PRESENT**

**All Members Voting xxx**

**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 12<sup>th</sup> day of March 2024, and that the same is a true and correct copy of the whole thereof.

**Witness my hand and seal this 12<sup>th</sup> day of March 2024**

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Jessica Seibert  
County Administrator