

**LYNDEN TOWNSHIP
STEARNS COUNTY
PUBLIC HEARING – PETITION JK LANDSCAPE/JERRY KONZ TO VACATE A PORTION OF A
DRAINAGE AND UTILITY EASEMENT
February 2, 2023**

Those present were Supervisors David L Johnson, Tom Plaggerman, and Clerk Jenny Schmidt. Johnson opened the meeting at 6:02 p.m. and opened the public hearing, held at the Lynden Township Hall.

The purpose of the meeting was to consider a petition to vacate a portion of the drainage and utility easements on Lots 1, 2 and 3, Block 4, Lynden Valley Industrial Park in Lynden Township, at address 19512 Hubble Road, PID#19.10748.0130. The Petition included an agreement to pay costs associated with the road vacation, and waiver of damages. The subject property is described as: 1) That part of the 20-foot wide drainage and utility easement abutting the east lines of Lots 2 and 3, Block 4; and 2) That part of the 20-foot wide drainage and utility easement abutting the east line of Lot 1, Block 4 and located north of a point 154.63 feet south of the north lot line of said Lot 1, Block 4; and 3) That part of the 10-foot wide drainage and utility easement located on Lot 1, Block 4 abutting the north line of said Lot 1, located 10 feet east of the west lot line of said Lot 1; and 4) That part of the 10-foot wide drainage and utility easement located on Lot 2, Block 4 abutting the south line of said Lot 2, located 10 feet east of the west lot line of said Lot 2; and all such property is located in the plat of Lynden Valley Industrial Park on file in the Stearns County Recorder's Office, Stearns County, Minnesota.

No correspondence was received. Konz the Petitioner was present along with his wife. Konz requests the town vacate the drainage and utilities easements that are located between the lots 1&2 along the east side of lots 1, 2, and 3 under JK's ownership. This process would allow him to 1) place in to compliance the salt shed that is currently located on the easement and 2) allow him to obtain building permits after the fact to resolve that matter. He assumes the language placed in Resolution 2023-01 is correct as drafted by Twp Attorney Mike Couri. No correspondence was received. Supervisor Johnson coordinated the GSOC Utility Locate on Lots 1, 2 and 3, Block 4 of Lynden Valley Industrial Park. Konz was made aware of this request. Johnson conducted the site visit. Findings are as follows: Frontier Communications: Clear/no conflict, Midco: Clear/no conflict; Excel: Clear/no conflict; Stearns Coop Electric: east/west easement and north/south easements are Clear/no conflict, but on Lot 1, the diagonal easement that is parallel to Co Rd 145, does have a 3 phase electric line buried there.

Johnson made a motion to close the public input portion of the hearing at 6:25 p.m., seconded by Plaggerman, all in favor, motion passed. Discussion was held in re Twp Atty Couri recommendation that we retain that easement portion that abuts Co Rd 145 which would allow utilities to be installed in the easement area abutting the road, and would be consistent with the other easements on all other lots in this plat. On January 30, 2023, Clerk Schmidt received confirmation from SCES / Heidi Winskowski that the stormwater management plan that was approved with the Lynden Valley Industrial Park plat didn't show/require any storm sewer pipes within the area in question. The Board reviewed Resolution 2023-02 vacating the drainage and utility easement on JHK property with exception of that easement parallel to Stearns Co Rd 145. Johnson made a motion to adopt Resolution 2023-02, seconded by Plaggerman, all in favor,

motion passed. Clerk Schmidt will complete paperwork for the County and petitioners as instructed by Twp. Attorney Couri. The resolution was signed by the Chair and Clerk.

The total cost for this process is pending as final legal expenses, public hearing expenses and recording fees are yet to be determined. Petitioner Konz has submitted \$1,250.00 being held in escrow which will continue until final expense determination is made by the clerk.

Plaggerman made a motion to adjourn the meeting, seconded by Jonson, all in favor, motion passed. Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Jenny Schmidt, Clerk

David L. Johnson, Chair