

**TOWN OF LYNDEN
COUNTY OF STEARNS
STATE OF MINNESOTA**

RESOLUTION NO. 2021-04

**RESOLUTION APPROVING VACATION OF ROAD IN THE
TOWN OF LYNDEN, COUNTY OF STEARNS**

WHEREAS, the Town of Lynden has received a Petition to Vacate a Road easement, and said petition has been signed by landowners, all of whom are voters residing in Lynden Township and who own property within a three mile radius of the road and easements to be vacated described as follows:

That part of HIGHLAND DRIVE, SHORES POINT, according to the recorded plat thereof Stearns County, Minnesota, lying easterly of the following described line:

Commencing at the northeast corner of Lot 24, Block One of said SHORES POINT, thence North 81° 33' 42" West, assumed bearing, along the north line of said Lot 24, a distance of 631.27 feet to the northwest corner of said Lot 24 and the beginning of said line to be described; thence North 10° 35' 52" West, 76.80 feet to the monumented southwesterly corner of Lot 23, of said Block One and said point of being on the south line of said Lot 23 and said line there terminating.

WHEREAS, the Town Board has determined that vacating said road would be in the public interest; and

WHEREAS, the Town of Lynden having considered the petition to vacate the road so described; and

WHEREAS, each Supervisor has separately viewed the subject road and easement proposed to be vacated prior to the date of the public hearing; and

WHEREAS, the Town Board ordered a public hearing to hear all interested parties and to act upon said vacation petition at 6:00 p.m. on the 2nd day of August, 2021, at the Lynden Town Hall.

WHEREAS, all legal requirements regarding giving notice have been satisfied; and

WHEREAS, it now appears to the Town Board of the Town of Lynden that such town road serves no useful purpose;

NOW, THEREFORE, the Town Board of the Town of Lynden, Stearns County, Minnesota, hereby orders:

1. The Town road easement located in the Town of Lynden, Stearns County, Minnesota, described as follows:

That part of HIGHLAND DRIVE, SHORES POINT, according to the recorded plat thereof Stearns County, Minnesota, lying easterly of the following described line:

Commencing at the northeast corner of Lot 24, Block One of said SHORES POINT, thence North $81^{\circ} 33' 42''$ West, assumed bearing, along the north line of said Lot 24, a distance of 631.27 feet to the northwest corner of said Lot 24 and the beginning of said line to be described; thence North $10^{\circ} 35' 52''$ West, 76.80 feet to the monumented southwesterly corner of Lot 23, of said Block One and said point of being on the south line of said Lot 23 and said line there terminating.

is vacated.

2. Lynden Township hereby reserves a utility easement in favor of all utility companies which currently maintain service within said right of way to be vacated. Said reserved easement is described as extending ten feet in each direction from the center of any existing utility lines, but not extending beyond the boundaries of the right of way prior to its vacation.
3. The Town Board hereby determines that the vacation of said road shall cause no damage to any abutting or nearby property owners and therefore no damages are awarded to any such property owners.
4. The Town Board hereby directs the Township Clerk to cause service of the Notice of Damage Award upon the following landowners within seven days of the filing of the damage award with the Town Clerk:
 - A. Anne Ackerman, 18418 Eaglewood Road, Clearwater, MN 55320.
 - B. Eric Wilcox, 18456 Eaglewood Road, Clearwater, MN 55320.

Motion for adoption of resolution by _____ and seconded by _____ at the meeting of the Lynden Town Board on the 2nd day of August, 2021.

In favor:

Opposed:

Passed this 2nd day of August, 2021.

David L. Johnson, Town Board Chair

ATTEST:

Jenny Schmidt, Town Clerk