

**LYNDEN TOWNSHIP  
STEARNS COUNTY  
PUBLIC HEARING – PETITION JOSEPH NETWORK HOLDINGS, LLC OF LYNDEN INDUSTRIAL PARK  
TO VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT  
MAY 20, 2024**

Those present were Supervisors Tom Plaggerman, Scott O’Konek, Jaime Schultz-Ludiena, and Clerk Jenny Schmidt. Plaggerman opened the meeting at 6:01 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 as dedicated in Lynden Industrial Park, according to the recorded plat thereof, Stearns County, Minnesota, bounded as follows: on the North by the North line of Lot 6, Block 2, said Lynden Industrial Park; on the East by the East line of said Lot 6 and the East lines of Lots 7 and 8, said Block 2; on the South by a line measured at 17.00 feet North of, as measured at a right angle to and parallel with, the South line of said Lot 8 and on the West by a line measured at 35.00 feet West of, as measured at a right angle to and parallel with, said East lines of Lots 6, 7 and 8, at address 20012 21<sup>st</sup> Ave E, PID #19.10748.0015. The Petition included an agreement to pay costs associated with the road vacation, and waiver of damages. Resolution 2024-04 set the matter for public hearing.

An Affidavit of Personal Service upon two (2) of the abutting land owners and an Affidavit of Service (email) upon one (1) of the abutting land owners was filed. Raymond Hawley was present on behalf of Joseph Network Holdings, LLC. Applicant requests the town vacate the drainage and utilities easements that are located generally on Lots 6, 7, & 8. This process would allow him to gain room for future building construction and expansion. A “site plan concept” was presented to the Board which reflects all water flowing to the south. Applicant did not present a civil engineer plan nor a storm water management plan. Supervisor O’Konek coordinated the GSOC Utility Locates and found no current utilities in this easement area.

Correspondence from Stearns Co Environmental Services was received. They looked at the plat file and this easement is required for stormwater conveyance. Stearns County does not support the vacation of this easement as it would create a violation of the plat that was approved in 2000.

Correspondence from Hakanson Anderson Engineer was received. They are familiar with the location as they reviewed the site plan for the Flex Seal project last year. Upon review of the original stormwater plan the 35 foot easement exists to convey drainage from not only lots 6, 7, and 8, but also lots 1 and 2, Block 1 of the industrial park to the east. Page 15 shows the grading plan with a drainage swale on the eastern side of the lots in question. Also concerning is that this drainage and utility easement appears to be needed to convey stormwater to the north to be captured by the regional stormwater basin located just south of the RV lot.

The Board recommends the applicant obtain and provide the township an engineering plan and drawing showing how they plan to convey the stormwater from lots 6, 7 & 8, Block 2, and also include this same information for lots 1 & 2, Block 1, since these adjacent properties that currently drain to this easement lie within the area they are petitioning to vacate. In the

alternative, obtain an engineering plan explaining why this easement is no longer necessary and that adjacent properties would not be adversely affected.

Plaggerman made a motion to continue this public hearing to July 8, 2024 at 6:30 p.m. to allow Applicant time to obtain plans from his engineer, seconded by Schultz-Ludenia, all in favor, motion passed at 7:00 p.m.

Respectfully submitted,

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Jenny Schmidt, Clerk

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Tom Plaggerman, Chair