

Lynden Township
Public Hearing – Vacation of a Drainage and Utility Easement
Lot 1, Block 1, and OutLot A of Nicole Kristeen Addition, Address 19564 Co Rd 145
August 6, 2024

Those present were Supervisors Tom Plaggerman, Jaime Schultz-Ludenia, and Clerk Jenny Schmidt. Plaggerman opened the meeting at 6:37 p.m. and opened the public hearing.

The purpose of tonight’s meeting is to consider a Petition to Vacate a Drainage and Utility Easement from Jeff and Lori Johnson on Lot 1, Block 1, and OutLot A of Nicole Kristeen Addition PID #19.10820.0000 19.10820.0001, address: 19564 Co Rd 145. The Petition included a proposed vacation map and a \$1250 escrow payment. Resolution 2024-06 accepted the petition and set the public hearing for today, August 6, 2024. The Planning Commission performed a site visit on June 17, 2024, and met that same day to review the petition. At that meeting, the planning commission unanimously recommended approval of the Petition to Vacate with one condition that there be three (3) individual driveway approaches on to the county road.

Petitioners Jeff and Lori Johnson were present. Johnsons are requesting the vacation to allow the re-drawing of lines for the proposed JCubed Addition Moderate Plat. No public correspondence was received.

Twp Engineer Vistad reviewed the Petition and found the drainage and utility easement appears to be a standard property line easement to facilitate drainage and the installation of utilities for a property. Vacating this easement will not have any impacts on drainage nor would we expect any utility lines to be installed within this easement that are not a direct connection to the dwellings on the lots. He agrees and recommends moving forward with vacating the easements. Environmental Services does not have an issue with vacating this easement as long as there are no utilities in that area. It appears the existing easement was proposed that way by the surveyor at the time. County Ordinance typically only requires the drainage and utility easement along the road and over any stormwater facility areas.

Supervisor O’Konek facilitated the GSOC locates on Lot 1 and Outlot A prior to this meeting. Midco does have a utility line which was reviewed by Couri. Couri reviewed the Petition and if there are utilities marked in any of the easements proposed to be vacated, the Township cannot vacate the easements with utilities or it will have to buy new easements for the utility company. In addition, the Township should check its records to make sure that there is no storm sewer pipes in this easement. If there are storm sewer pipes in any of the easements, that easement should not be vacated. The Midco utility crosses the easement but is not going parallel within it, it is OK to proceed but the vacation should not take effect until the JCubed Addition preliminary plat is approved.

Plaggerman made a motion to close the public input portion of the hearing at 6:52 p.m., seconded by Schultz-Ludenia, all in favor, motion passed. Discussion included there are no issues with the recommendations and the decision on the Petition to Vacate a drainage and utility easement will be deferred pending approval of the JCubed Preliminary Plat. That Public Hearing is pending for August 21.

Plaggerman made a motion to adjourn the meeting, seconded by Schultz-Ludenia, all in favor, motion passed. Meeting adjourned at 6:54 p.m.

Respectfully submitted:

Jenny Schmidt, Clerk

Tom Plaggerman, Chair