



Board of County Commissioners Agenda Request

2Q
Agenda Item #

Requested Meeting Date: November 9, 2021

Title of Item: Utility Easement

<input type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input checked="" type="checkbox"/> CONSENT AGENDA	<input type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input checked="" type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing*

**provide copy of hearing notice that was published*

Submitted by: Dennis Thompson	Department: Land
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Presenter (Name and Title): Dennis Thompson, Assistant Land Commissioner	Estimated Time Needed: NA
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Summary of Issue:

Lake Country Power of Cohasset, MN is requesting a forty foot (40') easement to reconstruct an existing single phase overhead power-line across 100 feet of tax-forfeited land (PID #12-0-006402) along the south side of West County Line Road. Section 4 Township 52 Range 26.

Aitkin County Surveyor has reviewed the attached survey and has no objections.

Average to be encumbered by the easement was determined to be .09 acres.

Easement at the rate of \$2,400 plus recording fee of \$46 = \$2,446. The applicant has paid \$400 application fee that will be credited to the assessment if approved.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
Approve resolution for permanent utility easement.

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No *Please Explain:*

By Commissioner:

20211109-xxx

EASEMENT

Pursuant to the authority given to the undersigned County Auditor of Aitkin County, by the County Board of said County of Aitkin, as set forth in their resolution adopted by the County on November 9, 2021 to Lake Country Power of 26039 Bear Ridge Drive, Cohasset, MN 55721, a perpetual easement to construct and maintain a single-phase overhead powerline utility easement across the following Aitkin County managed lands:

The easement is described as follows:

A 40-foot-wide easement for utility purposes over, under and across the South 40 feet of the North 55 feet of the West 100 feet of the East Half (E ½) of Government Lot Three (3), Section Four (4), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian, according to the Government Survey thereof on file and of record in the office of the County Recorder, Aitkin County, Minnesota.

and,

WHEREAS, said applicant will be charged \$2,400 for the easement and timber charges 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 permit and easement,

NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor be and is hereby authorized to issue to Lake Country Power of 26039 Bear Ridge Drive, Cohasset, MN 55721, a perpetual easement to use said strips of land, if consistent with the law, as in the special conditions set forth herein,

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

1. The communication infrastructure shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and the land area shall be open for public use, as long as said easement is in force.
2. Any timber cut or destroyed shall be paid for at the usual rate as soon as determined by the Land Commissioner. (Timber within ROW has been included in the easement costs.)
3. 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.
4. 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.

5. 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.
6. 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.
7. Aitkin County manages the old railroad right of way for many purposes such as a motorized and non-motorized recreation trail, access to county managed and other lands for resource management purposes, including the harvesting of timber, extraction of gravel, peat, fill dirt, etc., and the mining and extraction of minerals. The issuing and use of this easement shall not adversely affect any other Aitkin County authorized uses of this strip of land.
8. During construction and/or laying of the fiber optics line, the lessee shall keep the traveled area of the old railroad grade clear of slash, trees, and dirt mounds. The lessee shall post and sign the area where constructing so that other users of this trail on the old railroad right of way are notified and aware of the construction work.
9. After construction, the lessee shall mark the location of the fiber optics line and shall return the land to the same condition as prior to issuing of the easement.
10. If the County shall make any improvements or changes on all or any part of its property upon which utilities have been placed by this permit, the utility owner shall, after notice from the County, change vacate, or remove from County property said works necessary to conform with said changes without cost whatsoever to the County.

Dated at Aitkin, MN this 9th day of November,

Kirk Peysar, Aitkin County Auditor

**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 9th Day of November 2021 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 9th day of November, 2021

**Jessica Seibert
County Administrator**



Request for Access Across Tax-Forfeited Lands In Aitkin County

August 29, 2006

Before completing this request, read the accompanying instructions to determine the type of easement that you are requesting. Please attach a map showing the proposed easement that you are requesting. A non-refundable application fee of \$400.00 must accompany this application. If approved, the application fee will be applied to the easement fee.

① Easement:

- Utility easement only
- Recreational road easement – no utilities are allowed, for recreation use only
- Residential road easement – includes utility easement, for year round use

See the instruction sheet for better definitions of the types of easements

② Applicant Information (please print or type)

<p><u>Jeff Major</u> Name of applicant</p> <p><u>26039 Bear Ridge Drive</u> Mailing address</p> <p><u>218-322-4539</u> Daytime phone number</p>	<p><u>Lake Country Power</u> Company name</p> <p><u>Cohasset MN 55721</u> City State Zip Code</p> <p><u>jmajor@lcp.coop</u> E-mail address</p>
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③ Please answer the following with regards to **YOUR** parcel being accessed:

Tax Parcel Number _____ Acreage _____

Location of Parcel: Legal Description : _____

Section _____ Township _____ Range _____

Do you own the property? yes no fee owner contract for deed purchaser

Do you have any other access into this property? yes no

Will the proposed easement route cross property other than Aitkin County tax forfeited lands?: yes no

If yes, has legal access been acquired from these other properties? yes no

④ Please write a brief note on why you are requesting an easement:

Re-construction of existing single phase overhead power line.
The overhead line crosses 100 ft. of Tax Forfeit PID 12-0-006402
along the south side of West County Line Road.

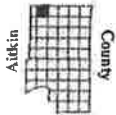
⑤ Signature of applicant or authorized representative

Jeffery Major

10/11/2021
Date

⑥ Please return the completed form, and map along with the nonrefundable application fee of \$400.00 to:

Aitkin County Land Department
209 2nd St. NW Room 206
Aitkin, Mn. 56431
218-927-7364



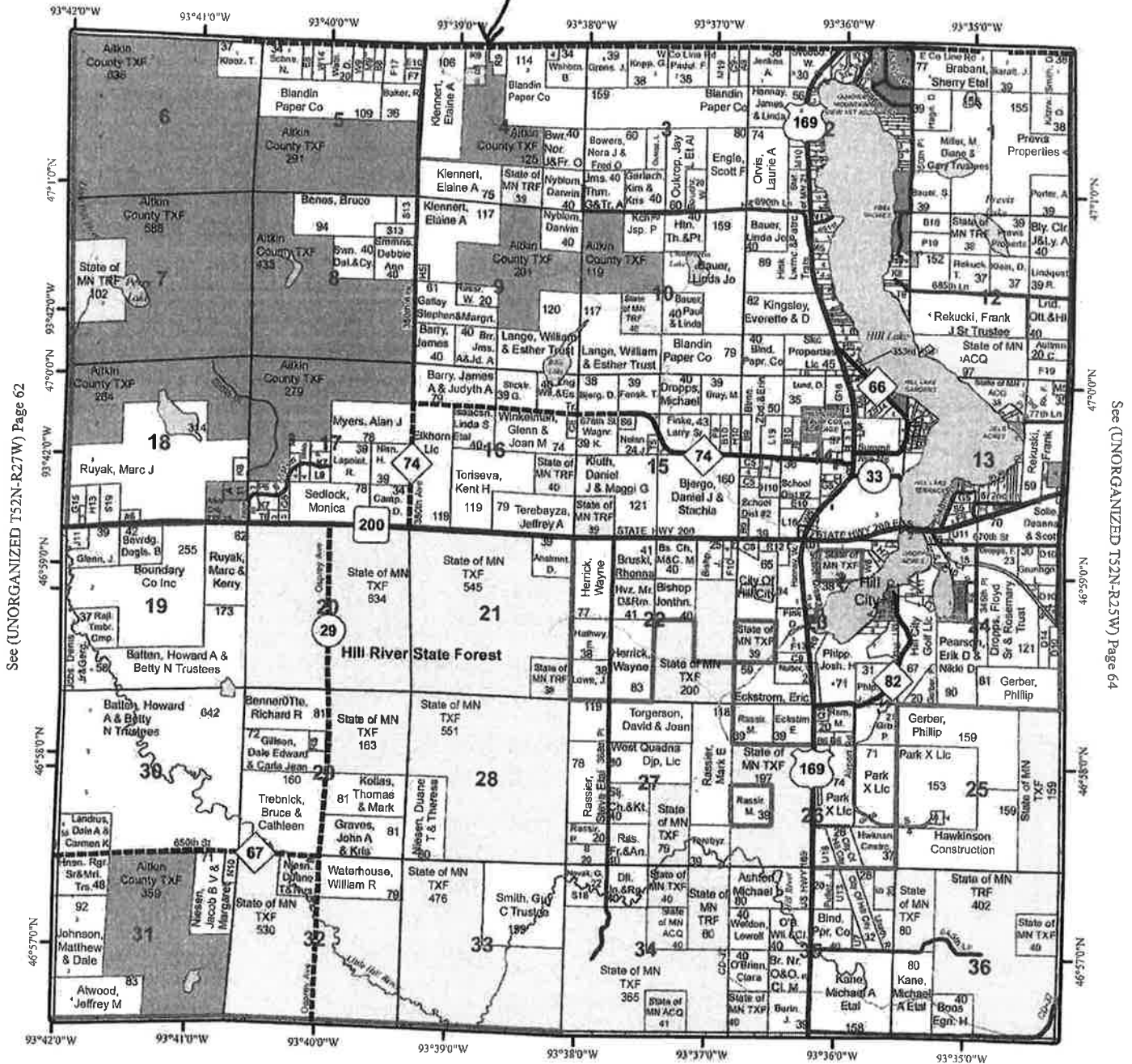
HILL LAKE T52N-R26W

Easement



Acres shown are approximate.

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See (UNORGANIZED T52N-R27W) Page 62

See (UNORGANIZED T52N-R25W) Page 64

See (MACVILLE T51N-R26W) Page 57

★ Josh Hughley
 Assistant County Veterans Services Officer
AITKIN COUNTY
 EST. 1857

Government Center • 307 2nd St. NW, Rm. 114 • Aitkin, MN 56431

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 📠 218-838-1528
 📞 218-927-7309

✉ josh.hughley@co.aitkin.mn.us 🌐 www.co.aitkin.mn.us/

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 ATTORNEY AT LAW

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 HILL CITY, MN 55748

218.256.0277 FAX: 218.697.8129



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

12-0-006402

1:4,514

0 0.0225 0.045 mi 1 inch = 376 feet



Date: 10/26/2021

Exhibit A

Utility Easement Description:

A 40 foot wide easement for utility purposes over, under and across the South 40 feet of the North 55 feet of the West 100 feet of the East Half (E1/2) of Government Lot Three (3), Section Four (4), Township Fifty-two (52) North, Range Twenty-six (26) West, of the Fourth Principal Meridian, according to the Government Survey thereof on file and of record in the office of the County Recorder, Aitkin County, Minnesota.

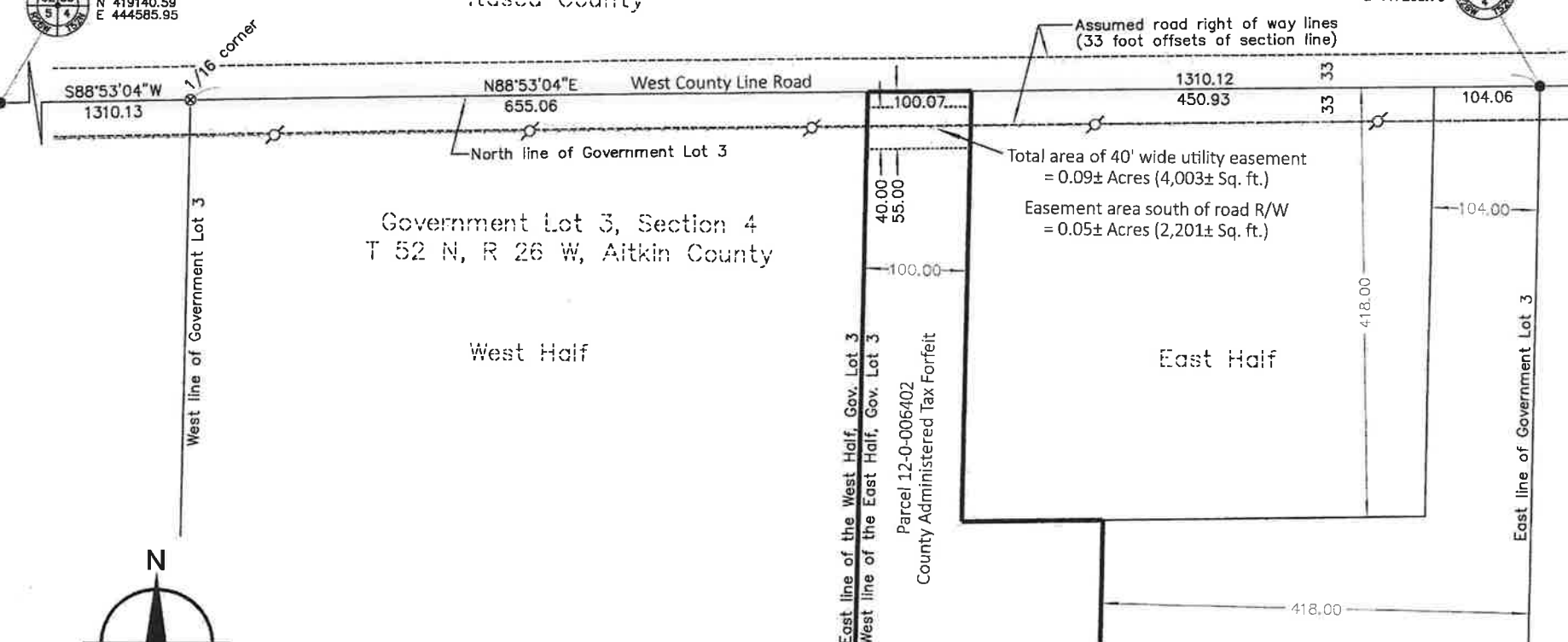
EXHIBIT A

Utility Easement across Aitkin County Administered Tax Forfeit land within the E 1/2 of Government Lot 3, Section 4, T 52 N, R 26 W, Aitkin County, Minnesota

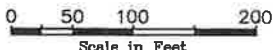


3/4" PIPE
N 419140.59
E 444585.95

1/2" REBAR
N 419191.60
E 447205.70



The orientation of this survey is based on Grid North, Aitkin County Coordinate System



Legend

- Denotes section corner monument in place
- ⊗ Denotes calculated position
- Denotes utility pole and overhead power line
- Denotes gravel surface of road

East line of the West Half, Gov. Lot 3
West line of the East Half, Gov. Lot 3
Parcel 12-0-006402
County Administered Tax Forfeit

Surveyor's Affidavit

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Jeffrey P. Major
Jeffrey P. Major

Date: 10/11/2021 Registration No. 44902

Lake Country Power
A Touchstone Energy Cooperative
Hill City, Ckt 1 | WO No. 35060