



Board of County Commissioners Agenda Request

2G

Agenda Item #

Requested Meeting Date: October 23, 2018

Title of Item: Citizens Telecommunication Easement Sec 27 Twp 52 Rge 23

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <small>*provide copy of hearing notice that was published</small>
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Submitted by: Rich Courtemanche	Department: Land
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Presenter (Name and Title): Ross Wagner, Economic Development	Estimated Time Needed: N/A
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Summary of Issue:

Citizen's Communications of Minnesota LLC d/b/a Frontier Telecom is requesting an easement for fiber optic utility purposes lying over, under and across the North 35.00 feet of the East 50.00 feet of the Southeast Quarter of the Northeast Quarter, Section 27, Township 52, Range 23.

Aitkin County Surveyor and field crew have completed the survey, written the legal description, and have prepared the attached plat and description. Citizens Telecommunications has agreed to reimburse Aitkin County for staff time associated with the survey activities.

Ball Bluff Township has reviewed and confirmed that the easement is outside the road right-of-way of Township Road 657th Lane.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
 Approve easement subject to Citizens Telecommunication reimbursing survey and easement costs of \$1,000
 (Survey cost = \$600, Utility Easement Cost = \$400)

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:*

Legally binding agreements must have County Attorney approval prior to submission.

By Commissioner: xx

20181023-0xx

CitizensTelecom of Minnesota LLC - Easement 27-52-23

WHEREAS, Citizens Telecommunications of Minnesota LLC of 2378 Wilshire Blvd., Mound, MN 55364 has made application for a perpetual easement to construct and maintain an underground utility lying over, under, and across the following Aitkin County managed lands as follows:

North 35.00 feet of the East 50.00 feet of the Southeast Quarter of the Northeast Quarter, Section twenty-seven (27), Township Fifty-two (52), Range Twenty-three (23) (Ball Bluff Township), Aitkin County, Minnesota. Subject to the right of way of 657th Lane.

WHEREAS, said applicant will be charged \$400.00 for the easement and timber charges as appraised by the County Land Commissioner, and

WHEREAS, said applicant will be charged \$600.00 for the survey 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 Citizens Telecommunications of Minnesota LLC of 2378 Wilshire Blvd., Mound, MN 55364, a perpetual easement to use said strip 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 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 property for many purposes such as a motorized and non-motorized recreation trails, 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. After construction, the lessee shall mark the location of the utilities and shall return the land to the same condition as prior to issuing of the easement.
9. 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.

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 is hereby authorized to issue a recreational easement to use said strip of land for a recreational easement into their properties, if consistent with the law, and the special conditions set forth on the recorded easement, over and across the above described property.

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT
STATE OF MINNESOTA}
COUNTY OF AITKIN}

All Members Voting Yes

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 23rd day of October 2018, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 23rd day of October 2018

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)

JOE BERKOVITZ

Name of applicant

1445 BEECH TREE DRIVE

Mailing address

920-819-4235

Daytime phone number

Citizens Telecommunications
of Minnesota, LLC
d/b/a Frontier Telecom

Company name

GREEN BAY WI 54304

City

JOETOEBERKYP@AOL.COM

E-mail address

③ Please answer the following with regards to **YOUR** parcel being accessed:

Tax Parcel Number 02-0-046500 Acreage 40.00

Location of Parcel: Legal Description: SE 1/4, NE 1/4

Section 27 Township S2N Range 23W

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

Do you have any other access into this property? yes NA 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:

TO PLACE EQUIPMENT TO OPERATE A NEW
FIBER OPTIC CABLE NETWORK PROVIDING HIGH
SPEED INTERNET SERVICE.

⑤ Signature of applicant or authorized representative

Joe Berkovitz
9/20/2018
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

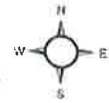


BALL BLUFF T52N-R23W



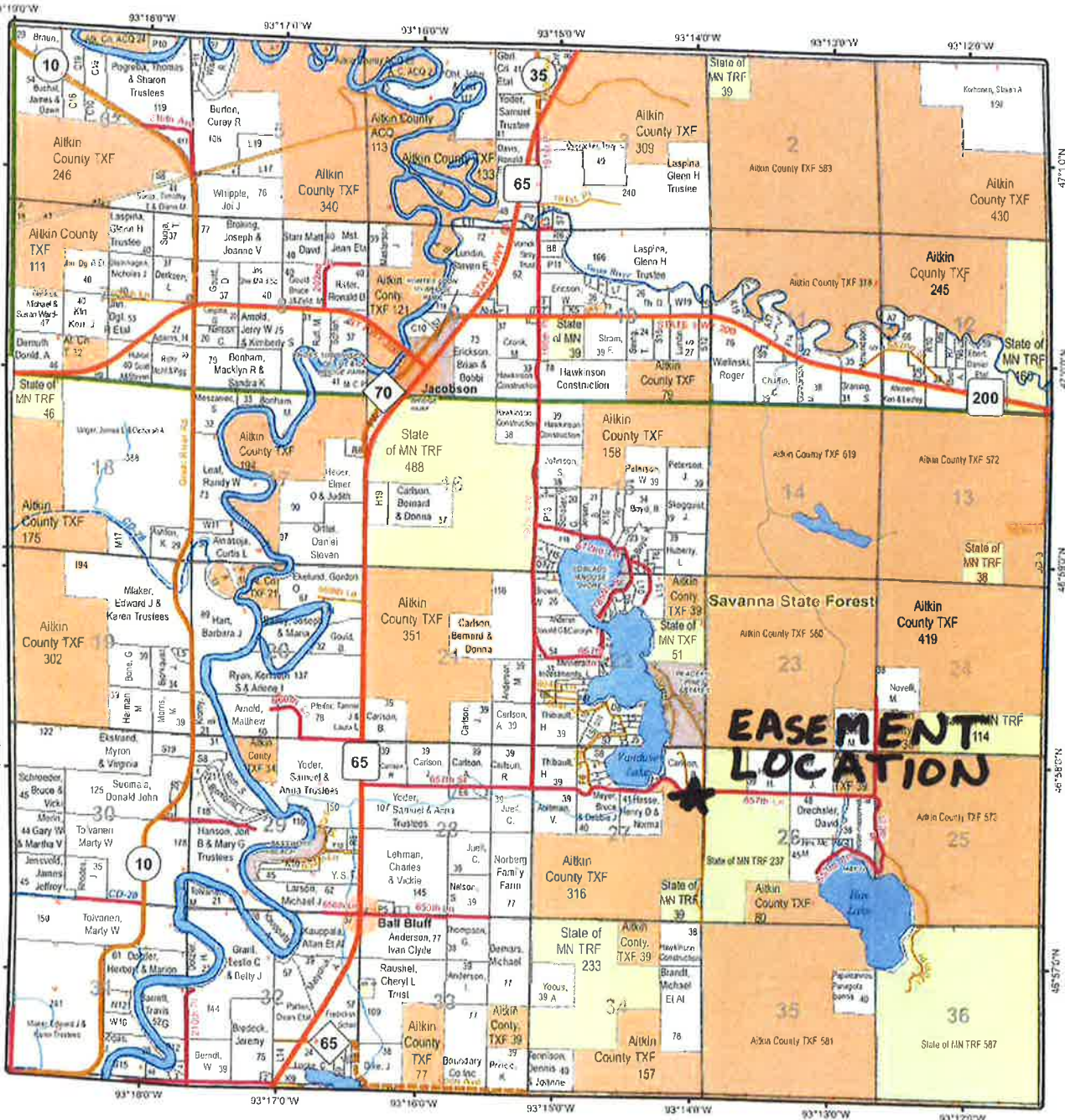
Acres are approximate.

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See (UNORGANIZED T52N-R24W) Page 65

See (UNORGANIZED T52N-R22W) Page 67



See (CORNISH T51N-R23W) Page 60



**AITKIN COUNTY
Farm Bureau
Federation**

Roger Hanson (218) 549-3155

Did You Know? 4 out of 5 car seats are used INCORRECTLY!



Public Health can assist you with:

- a trained technician to answer your questions,
- help obtaining the right seat for your child, and
- help installing your child's seat correctly.

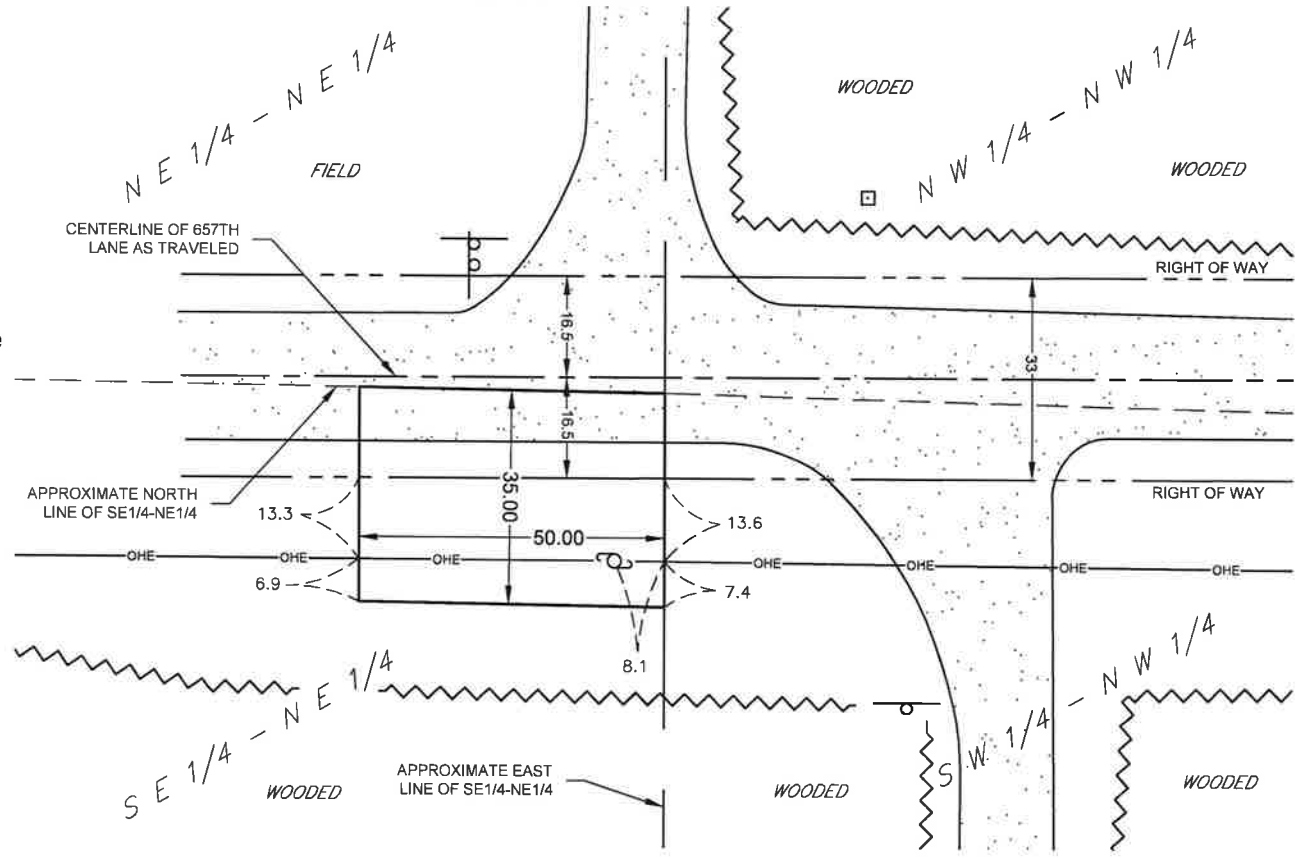
Call Aitkin County Health & Human Services-Public Health at 218-927-7200 or 1-800-328-3744.




SKETCH AND DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER,
SECTION 27, TOWNSHIP 52, RANGE 23,
AITKIN COUNTY, MINNESOTA

**PROPOSED EASEMENT
DESCRIPTION:**

An easement for utility purposes lying over, under and across the North 35.00 feet of the East 50.00 feet of the Southeast Quarter of the Northeast Quarter, Section 27, Township 52, Range 23, Aitkin County, Minnesota. Subject to the right of way of 657th Lane. Also subject to other easements, reservations or restrictions of record, if any.



-  = DENOTES POWER POLE
-  = DENOTES TELEPHONE PEDESTAL
-  = DENOTES SIGN POST

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.

Randy A. Quale 10-11-2018
 Randy A. Quale, Lic. No. 42630 Date
 Aitkin County Surveyor

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