



Board of County Commissioners Agenda Request

2M

Agenda Item #

Requested Meeting Date: August 13, 2019

Title of Item: Correction of Frontier Communications Lease 20190611-044

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

On June 11, 2019, the Aitkin County Board of Commissioners granted Frontier Communications of Mountain Lake MN perpetual (50 year) easements for eleven (11) existing annual easements (20190611-044). Frontier Communications paid the proper fees of \$9,296 and brought all past due leases up to date.

Upon attempting to record the June 11, 2019 County Board Resolution, the recorder's office found that the legal descriptions were too abbreviated to allow for recording of the document. The attached is the corrected document which includes legal descriptions to the quarter-quarter section as requested and approved by the recorder's office.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
Approve easement as written / adopt resolution

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:*

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED August 13, 2019

By Commissioner: xx

20190813-0xx

Frontier Communications Convert Annual Leases to Perpetual Easement

Easement

Pursuant to the authority given to the 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 August 13, 2019 to, Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159, a perpetual easement to construct and maintain a utility easement lying over, under, and across the following Aitkin County managed lands to wit:

The easement is described as follows:

Lease #15210	Soo Line RR R/W encroachments west of MP 211 at McGrath, Mn survey station 1249-80	NE NW all in Sec 5, Twp 43, Rge 23
Lease #23563	Soo Line RR R/W 2061+85 approx. 4,032' west of MP 280 at Palisade, Mn.	SW NW all in Sec 26, Twp 49, Rge 26
Lease #15656	Soo Line RR R/W – 1 anchor encroachment W of MP 209 at McGrath, Mn survey station 1279+68	SE SE all in Sec 32, Twp 44, Rge 23
Lease #14870	Soo Line RR R/W overhead wire crossing, 2 pole encroachments W of MP 258 Lawler, Mn survey station 901+74	NE NW all in Sec 27, Twp 47, Rge 22
Lease #19818	Soo Line RR lease 2036+25 approx. 1,100 feet E of MP 281 Palisade, Mn.	SW NW all in Sec 26, Twp 49, Rge 26
Lease #23005	Soo Line RR lease survey station 2116+03 approx. 4,170 feet W of MP 281 Palisade, Mn.	NE SW all in Sec 22, Twp 49, Rge 25
Lease #15874A	Soo Line RR lease overhead wire crossing w/ 2 poles and 6 anchor encroachment at survey station 2098+18 approx. 2,383 feet W of MP 281 Palisade, Mn.	SW SE all in Sec 22, Twp 49, Rge 25
Lease #28598	Soo Line RR ROW easement McGregor to east county line	NE ¼ of SE ¼, NW ¼ of SE ¼, SW ¼ of NE ¼, SE ¼ of NW ¼, SW ¼ of NW ¼ all in Sec 25, Twp 47, Rge 22;

Lease #28598
(Continued)

SE ¼ of NE ¼, SW ¼ of NE ¼, NW ¼ of NE ¼,
SE ¼ of NW ¼, NE ¼ of NW ¼, NW ¼ of NW ¼, SW ¼ of
NW ¼
all in Sec 26, Twp 47, Rge 22;

NE ¼ of NE ¼, NW ¼ of NE ¼, NE ¼ of NW ¼,
NW ¼ of NW ¼
all in Sec 27, Twp 47, Rge 22;

NE ¼ of NE ¼, NW ¼ of NE ¼, NE ¼ of NW ¼,
NW ¼ of NW ¼
all in Sec 28, Twp 47, Rge 22;

NE ¼ of NE ¼, NW ¼ of NE ¼, NE ¼ of NW ¼
all in Sec 29, Twp 47, Rge 22;

SE ¼ of SW ¼; SW ¼ of SW ¼
all in Sec 20, Twp 47, Rge 22;

SE ¼ of SE ¼, SW ¼ of SE ¼, SE ¼ of SW ¼,
SW ¼ of SW ¼
all in Sec 19, Twp 47, Rge 22;

SE ¼ of SE ¼; NE ¼ of SE ¼; NW ¼ of SE ¼;
NE ¼ of SW ¼; SE ¼ of NW ¼; SW ¼ of NW ¼; NW ¼ of
NW ¼
all in Sec 24, Twp 47, Rge 23;

NE ¼ of NE ¼
all in Sec 23, Twp 47, Rge 23;

SE ¼ of SE ¼; SW ¼ of SE ¼; SE ¼ of SW ¼;
NE ¼ of SW ¼; NW ¼ of SW ¼; SW ¼ of NW ¼
all in Sec 14, Twp 47, Rge 23;

SE ¼ of NE ¼; NE ¼ of NE ¼; NW ¼ of NE ¼;
NE ¼ of NW ¼
all in Sec 15, Twp 47, Rge 23;

SE ¼ of SW ¼; SW ¼ of SW ¼; NW ¼ of SW ¼
all in Sec 10, Twp 47, Rge 23;

NE ¼ of SE ¼; SE ¼ of NE ¼; SW ¼ of NE ¼;
NW ¼ of NE ¼; NE ¼ of NW ¼; NW ¼ of NW ¼
all in Sec 9, Twp 47, Rge 23;

SW ¼ of SW ¼
all in Sec 4, Twp 47, Rge 23

SE ¼ of SE ¼; NE ¼ of SE ¼; NW ¼ of SE ¼;
SW ¼ of NE ¼; SW ¼ of NW ¼; SE ¼ of NW ¼; Govt Lot
4 (NW-NW); Govt Lot 3 (NE-NW)
all in Sec 5, Twp 47, Rge 23;

Govt Lot 1 (NE-NE); Govt Lot 2 (NW-NE)

Lease #28598 (Continued)		all in Sec 6, Twp 47, Rge 23; SW ¼ of SW ¼ all in Sec 30, Twp 48, Rge 23; SE ¼ or SE ¼; NE ¼ of SE ¼; NW ¼ of SE ¼; SW ¼ of NE ¼; SE ¼ of NW ¼ all in Sec 31, Twp 48, Rge 23
Lease #365123	Part of SE-SW 36-51-23	SE SW all in Sec 36, Twp 51, Rge 23
Lease #134825	Part of E ½-NE of 13-48-25 (McGregor exchange)	SW NW, N NW, N NE all in Sec 13, Twp 48, Rge 25
Lease #144825	Part of NE-SE, SE-NE 14-48-25 and SW-NW, N ½-N 1/2 13-48-25	NE SE all in Sec 14, Twp 48, Rge 25

WHEREAS, said applicant will be charged \$9,250 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, and

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 Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 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.

This instrument was drafted by:
Rich Courtemanche, Land Commissioner
502 Minnesota Ave. N
Aitkin, MN. 56431

Tax Statements to go to:
Frontier Communications
P.O. Box 368
Mountain Lake, MN 56159

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

FIVE MEMBERS PRESENT

All Members Voting Yes

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 13th day of August, 2019 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 13th day of August, 2019

Jessica Seibert
County Administrator

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED June 11, 2019

By Commissioner: Wedel

20190611-044

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LEGAL DESCRIPTION –

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15 Lease #28958	15 Soo Line RR ROW easement McGregor to east county line
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18 Lease #134825	19 Part of E ½-NE of 13-48-25 (McGregor exchange)
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Commissioner Westerlund moved for adoption of the resolution and it was declared adopted upon the following vote


FIVE MEMBERS PRESENT

All Members Voting Yes

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 11th day of June, 2019 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 11th day of June, 2019



Jessica Seibert
County Administrator