

**ARAGO TOWNSHIP
HUBBARD COUNTY, MINNESOTA
Resolution No. ~~2018-2~~**

**A RESOLUTION ISSUING AN ORDER TO ALTER AND OBTAIN A TEMPORARY
CONSTRUCTION EASEMENT FOR A PORTION
OF INLAND DRIVE IN ARAGO TOWNSHIP**

WHEREAS, the board of supervisors (“Town Board”) of Arago Township (“Town”) obtained elector authorization pursuant to Minnesota Statutes, section 164.06, subdivision 1 to undertake the procedure in Minnesota Statutes, Section 164.07 as needed to alter a portion of Inland Drive (the “Road”);

WHEREAS, the Town Board initiated the Minn. Stat. § 164.07 procedure to alter a portion of the Road to acquire additional right-of-way;

WHEREAS, the location of the right-of-way proposed to be established and recorded as part of this process (“Easement Area”) is as shown on the map attached hereto as Exhibit A and legally described in Exhibit B, said exhibits being made part of this Order;

WHEREAS, in order to properly improve the Road a temporary construction easement is needed aslegally described in Exhibit C, (“Temporary Easement”);

WHEREAS, the owners affected by the proposed alteration of the Road through the acquisition of the Easement Area (“Affected Owners”) are as identified in Exhibit D attached hereto;

WHEREAS, the Town Board adopted a hearing order, provided notice, and on February 13, 2018 held a public hearing regarding the proposed alteration of the Road;

WHEREAS, the Town Board finds and determines as follows with respect to the alteration the Road:

- a. The Easement Area and Temporary Easement are needed in order to properly maintain the Road;
- b. The following Affected Owners have agreed the amount damages listed below are adequate compensation for the alteration of the Road:

Property Owner and Address	Property ID	Agreed Upon Damages Amount
Terry Long 349 Western Ave N Park Rapids, MN 56470	02.05.00470 02.05.00472	\$6,829.79

- c. The Town Board has reviewed the properties involved in the alteration and determined that the right-of way acquired via the alteration is valued at \$2,127.66 per acre;
- d. Based on the amount of acres acquired for the alteration, the following amounts represent reasonable compensation for the taking of additional right-of-way for the following Affected Owners:

Owner Name(s) and Mailing Address	Number PID	Acres Acquired for Alteration	Damages
Tri-State Holdings, LLC c/o Duff & Phelps PO Box 2629 Addison, TX 75001	02.05.02100	.06 acres	\$127.66
G F Butler & J Kautzman 825 28 th St S Unit E Fargo, ND 58103	02.05.00300	.07 acres	\$148.94
Bryan K Ridgley 10954 Inland Dr Park Rapids, MN 56470	02.05.01700	.42 acres	\$893.17

- e. Altering the Road is in the best interest of the public in order to secure a uniform right-of-way easement area to support the improvement and continued maintenance of the Road.

NOW, THEREFORE, IT IS HEREBY ORDERED by the Town Board of Arago Township, Hubbard County, Minnesota, as follows:

1. Inland Drive is hereby altered by acquiring the Easement Area as shown in Exhibit A and described in Exhibit B. The Easement Area is made part of the public road easement and the entire road, as altered and shown on the attached Exhibit A, shall constitute the public right-of-way for the Road.
2. The Temporary Easement is also acquired as described in Exhibit C to permit the Town to make needed improvements to the Road. The Temporary Easement shall expire one year from the date of this Order unless released earlier by the Town providing written notice to the Affected Owners that the easement is no longer required.
3. This alteration establishes the entire described area as constituting a perpetual easement area for public road right-of-way purposes that includes the right of the Town, its contractors, agents, and employees to enter the property to locate, construct, reconstruct, operate, maintain, inspect, alter, and repair a public roadway, storm sewer, sanitary sewer and water facilities, ground surface drainage ways and sidewalk, or other public facilities or improvements of any type that are not inconsistent with a public right-of-way use and to trim, cut, and remove any trees or other vegetation existing or that may grow within the described right-of-way area that the Town determines unreasonably interfere with the use or maintenance of the right-of-way.

4. The Affected Owners shall be awarded the following amounts in compensation for the acquisition of the additional right-of-way and the Temporary Easement:

Property Owner	Damages Amount
Terry Long	\$6,829.79
Bryan K Ridgley	\$893.17
Tri-State Holdings, LLC	\$127.66
G F Butler & J Kautzman	\$148.94

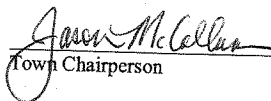
5. The Town Clerk is hereby authorized and directed to provide to each of the affected property owners notice of the award of damages, together with a copy of this Order, within 7 days after the award of damages is filed in the Town Clerk's office.
6. The Town Clerk is hereby authorized and directed to record this Order in the office of the County Recorder of Hubbard County upon the expiration of the applicable period of appeal.

NOTICE OF RIGHT TO APPEAL

Those persons affected by this alteration have the right to appeal the Town Board's actions and decisions in this matter in district court as provided in Minnesota Statutes, section 164.07, subdivision 7. The appeal may include, but is not limited to, seeking judicial review of damage award, the need and purpose of the alteration and the process used by the Town Board to accomplish the alteration. Notice of appeal must be filed with the court within 40 days of the Town's filing of the award of damages. The notice of appeal must specify: (1) the award of damages or failure to award damages being appealed from; (2) the land to which the appeal relates; (3) the nature and amount of the damages you are claiming; and (4) the grounds of the appeal. Such appeal does not stop the work to be performed to alter the Road unless the notice of appeal includes a challenge to the public purpose or necessity of the alteration and is filed within 10 days of the Town's filing of the award of damages. The notice of appeal to the court must include a bond of at least \$250 together with sufficient surety approved by the judge or county auditor to pay all costs arising from the appeal if the Town's award is sustained.

Adopted this 13th day of February, 2018.

BY THE TOWN BOARD


Town Chairperson

Attest: 
Town Clerk

514520v3 KRH AR225-1



EXHIBIT A
Map of Altered Road

(attached hereto)

EXHIBIT B
Legal Description of Easement Area

TRACT "A"

That part of the Southwest Quarter, Section 5, Township 141, Range 35, Hubbard County, Minnesota described as follows:

Commencing at a 3-1/4 inch diameter aluminum disk monument at the northwest corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000329845 in the Office of the Recorder in and for said County and State; thence South 00°20'28" East, bearings based upon the Hubbard County Coordinate System (NAD83-1996 adjustment), along the west line of the Northwest Quarter of said Section, 2484.54 feet to a 1-1/4 inch square perforated steel tube with 3 inch square aluminum cap stamped "DNR SURVEY MARKER" at the west quarter corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000184489 in said Office; thence, departing said west line, North 87°33'14" East, along the north line of said Southwest Quarter, 122.17 feet to the easterly right-of-way line of Trunk Highway No. 71 and the POINT OF BEGINNING of the parcel of land to be described; thence South 01°04'52" East, along said easterly right of way line, 66.02 feet; thence North 87°33'14" East, parallel with and 66.00 feet distant from said north line of the Southwest Quarter, 572.10 feet; thence North 89°34'04" East 355.73 feet; thence North 89°34'50" East 260.11 feet; thence South 88°59'27" East 651.00 feet; thence North 79°50'32" East 322.48 feet; thence North 81°42'21" East 124.45 feet; thence North 74°15'38" East 120.50 feet; thence North 79°34'27" East 58.43 feet, more or less, to the east line of said Southwest Quarter; thence northerly along said east line of the Southwest Quarter 35.22 feet, more or less, to the northeast corner of said Southwest Quarter; thence South 87°33'14" West, along the north line of said Southwest Quarter, 2456.30 feet to the point of beginning.

TRACT "B"

That part of the East Half of the Southeast Quarter of the Northwest Quarter, Section 5, Township 141, Range 35, Hubbard County, Minnesota lying within a 66.00 foot strip of land being 33.00 feet on each side of the following described "Line 'B'":

Said "Line 'B'" is described as follows: Commencing at a 3-1/4 inch diameter aluminum disk monument at the northwest corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000329845 in the Office of the Recorder in and for said County and State; thence South 00°20'28" East, bearings based upon the Hubbard County Coordinate System (NAD83-1996 adjustment), along the west line of the Northwest Quarter of said Section, 2484.54 feet to a 1-1/4 inch square perforated steel tube with 3 inch square aluminum cap stamped "DNR SURVEY MARKER" at the west quarter corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000184489 in said Office; thence, departing said west line, North 87°33'14" East, along the south line of said Northwest Quarter, 122.17 feet to the easterly right-of-way line of Trunk Highway No. 71; thence South 01°04'52" East, along said easterly right-of-way line, 33.01 feet; thence North 87°33'14" East, parallel with and 33.00 feet distant from said south line of the Northwest Quarter, 571.89 feet; thence North 89°34'04" East 356.32 feet; thence North 89°34'50" East 260.52 feet; thence South 88°59'27" East 648.18 feet; thence North 79°50'32" East 319.79 feet; thence North 81°42'21" East 122.84 feet to the POINT OF BEGINNING of said Line "B"; thence North 74°15'38" East 119.88 feet; thence North 79°34'27" East 315.56 feet; thence North 87°33'14" East, parallel with and 33.00 feet distant from the south boundary of Government Lot 6

of said Section, 331.71 feet, more or less, to the west line of that parcel conveyed to the State of Minnesota in that Warranty Deed on file and of record as Document No. 114799 in said Office, and said "Line 'B'" there terminates. The northerly boundary of said strip of land is to be prolonged or shortened to begin on the south boundary of said East Half of the Southeast Quarter of the Northwest Quarter, and to terminate on the east boundary of said East Half of the Southeast Quarter of the Northwest Quarter.

TRACT "C"

That part of Government Lot 7, Section 5, Township 141, Range 35, Hubbard County, Minnesota lying within a 66.00 foot strip of land being 33.00 feet on each side of the following described "Line 'B'":

Said "Line 'B'" is described as follows: Commencing at a 3-1/4 inch diameter aluminum disk monument at the northwest corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000329845 in the Office of the Recorder in and for said County and State; thence South 00°20'28" East, bearings based upon the Hubbard County Coordinate System (NAD83-1996 adjustment), along the west line of the Northwest Quarter of said Section, 2484.54 feet to a 1-1/4 inch square perforated steel tube with 3 inch square aluminum cap stamped "DNR SURVEY MARKER" at the west quarter corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000184489 in said Office; thence, departing said west line, North 87°33'14" East, along the south line of said Northwest Quarter, 122.17 feet to the easterly right-of-way line of Trunk Highway No. 71; thence South 01°04'52" East, along said easterly right-of-way line, 33.01 feet; thence North 87°33'14" East, parallel with and 33.00 feet distant from said south line of the Northwest Quarter, 571.89 feet; thence North 89°34'04" East 356.32 feet; thence North 89°34'50" East 260.52 feet; thence South 88°59'27" East 648.18 feet; thence North 79°50'32" East 319.79 feet; thence North 81°42'21" East 122.84 feet to the POINT OF BEGINNING of said Line "B"; thence North 74°15'38" East 119.88 feet; thence North 79°34'27" East 315.56 feet; thence North 87°33'14" East, parallel with and 33.00 feet distant from the south boundary of Government Lot 6 of said Section, 331.71 feet, more or less, to the west line of that parcel conveyed to the State of Minnesota in that Warranty Deed on file and of record as Document No. 114799 in said Office, and said "Line 'B'" there terminates. The southerly boundary of said strip of land is to be prolonged or shortened to begin on the west boundary of said Government Lot 7, and to terminate on the north boundary of said Government Lot 7.

TRACT "D"

That part of Government Lot 6, Section 5, Township 141, Range 35, Hubbard County, Minnesota lying within a 66.00 foot strip of land being 33.00 feet on each side of the following described "Line 'B'":

Said "Line 'B'" is described as follows: Commencing at a 3-1/4 inch diameter aluminum disk monument at the northwest corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000329845 in the Office of the Recorder in and for said County and State; thence South 00°20'28" East, bearings based upon the Hubbard County Coordinate System (NAD83-1996 adjustment), along the west line of the Northwest Quarter of said Section, 2484.54 feet to a 1-1/4 inch square perforated steel tube with 3 inch square aluminum cap stamped "DNR SURVEY MARKER" at the west quarter corner of said Section 5 as described in that Certificate of Location of Government Corner on file and of record as Document No. A000184489 in said Office; thence, departing said west line, North 87°33'14" East, along the south line of said Northwest Quarter, 122.17 feet to the easterly right-of-way line of Trunk Highway No. 71; thence South 01°04'52" East, along said easterly right-of-way line, 33.01 feet; thence North 87°33'14" East, parallel with and 33.00 feet distant from said south line of the Northwest Quarter, 571.89 feet; thence North 89°34'04" East 356.32 feet; thence North 89°34'50" East 260.52 feet; thence South 88°59'27" East 648.18 feet; thence North

79°50'32" East 319.79 feet; thence North 81°42'21" East 122.84 feet to the POINT OF BEGINNING of said Line "B"; thence North 74°15'38" East 119.88 feet; thence North 79°34'27" East 315.56 feet; thence North 87°33'14" East, parallel with and 33.00 feet distant from the south boundary of Government Lot 6 of said Section, 331.71 feet, more or less, to the west line of that parcel conveyed to the State of Minnesota in that Warranty Deed on file and of record as Document No. 114799 in said Office, and said "Line 'B'" there terminates. The northerly and southerly boundary lines of said strip of land are to be prolonged or shortened to terminate on the west boundary line of said parcel conveyed to the State of Minnesota.

EXHIBIT C
Description of Temporary Easement

An easement over, under and across that part of the Southwest Quarter, Section 5, Township 141, Range 35, Hubbard County, Minnesota described as follows: Commencing at the northwest corner of said Section 5; thence South 00 degrees 20 minutes 28 seconds East, bearing based upon the Hubbard County Coordinate System NAD83, 2484.54 feet along the west line of the Northwest Quarter of said Section to the west quarter corner of said Section 5; thence North 87 degrees 33 minutes 14 seconds East 122.17 feet along the north line of said Southwest Quarter to the easterly right of way line of Trunk Highway No. 71; thence South 01 degree 04 minutes 52 seconds East 66.02 feet along said easterly right of way line; thence North 87 degrees 33 minutes 14 seconds East 572.10 feet parallel with and 66.00 feet distant from said north line of the Southwest Quarter to the point of beginning of the easement to be described; thence North 89 degrees 34 minutes 04 seconds East 355.73 feet; thence North 89 degrees 34 minutes 50 seconds East 260.11 feet; thence South 88 degrees 59 minutes 27 seconds East 651.00 feet; thence North 79 degrees 50 minutes 32 seconds East 322.48 feet; thence North 81 degrees 42 minutes 21 seconds East 124.45 feet; thence North 74 degrees 15 minutes 38 seconds East 2.14 feet; thence South 08 degrees 25 minutes 15 seconds East 10.00 feet; South 81 degrees 34 minutes 45 seconds West 126.42 feet; thence South 79 degrees 50 minutes 32 seconds West 323.31 feet; thence North 88 degrees 59 minutes 27 seconds West 651.85 feet; thence South 89 degrees 34 minutes 23 seconds West 615.71 feet to the line which bears South 00 degrees 25 minutes 37 seconds East from the point of beginning; thence North 00 degrees 25 minutes 37 seconds West 10.00 feet to the point of beginning.

A 10.00 foot wide easement over, under and across that part of the East Half of the Southeast Quarter of the Northwest Quarter, Section 5, Township 141, Range 35, Hubbard County, Minnesota the centerline of said easement is parallel with and distant North, 38.00, feet measured at right angles from the following described line: Commencing at the northwest corner of said Section 5; thence South 00 degrees 20 minutes 28 seconds East, bearing based upon the Hubbard County Coordinate System NAD83, 2484.54 feet along the west line of the Northwest Quarter of said Section to the west quarter corner of said Section 5; thence North 87 degrees 33 minutes 14 seconds East 122.17 feet along the south line of said Northwest Quarter to the easterly right of way line of Trunk Highway No. 71; thence South 01 degree 04 minutes 52 seconds East 33.01 feet along said easterly right of way line; thence North 87 degrees 33 minutes 14 seconds East parallel with and 33.00 feet distant from said south line of the Northwest Quarter 571.89 feet; thence North 89 degrees 34 minutes 04 seconds East 356.32 feet; thence North 89 degrees 34 minutes 50 seconds East 260.52 feet; thence South 88 degrees 59 minutes 27 seconds East 648.18 feet; thence North 79 degrees 50 minutes 32 seconds East 319.79 feet; thence North 81 degrees 42 minutes 21 seconds East 122.84; thence North 74 degrees 15 minutes 38 seconds East 27.20 feet to the point of beginning of the line to be described; thence continuing North 74 degrees 15 minutes 38 seconds East 92.68 feet; thence North 79 degrees 34 minutes 27 seconds East 315.56 feet and said line there terminating. Sidelines are to be prolonged or shortened to begin at the line which bears North 15 degrees 44 minutes 22 seconds

West from said point of beginning and to terminate at the east line of said East Half of said Southeast Quarter of the Northwest Quarter.

A 10.00 foot wide easement over, under and across that part of the Government Lot 6, Section 5, Township 141, Range 35, Hubbard County, Minnesota the centerline of said easement is parallel with and distant North, 38.00, feet measured at right angles from the following described line: Commencing at the northwest corner of said Section 5; thence South 00 degrees 20 minutes 28 seconds East, bearing based upon the Hubbard County Coordinate System NAD83, 2484.54 feet along the west line of the Northwest Quarter of said Section to the west quarter corner of said Section 5; thence North 87 degrees 33 minutes 14 seconds East 122.17 feet along the south line of said Northwest Quarter to the easterly right of way line of Trunk Highway No. 71; thence South 01 degree 04 minutes 52 seconds East 33.01 feet along said easterly right of way line; thence North 87 degrees 33 minutes 14 seconds East parallel with and 33.00 feet distant from said south line of the Northwest Quarter 571.89 feet; thence North 89 degrees 34 minutes 04 seconds East 356.32 feet; thence North 89 degrees 34 minutes 50 seconds East 260.52 feet; thence South 88 degrees 59 minutes 27 seconds East 648.18 feet; thence North 79 degrees 50 minutes 32 seconds East 319.79 feet; thence North 81 degrees 42 minutes 21 seconds East 122.84; thence North 74 degrees 15 minutes 38 seconds East 27.20 feet to the point of beginning of the line to be described; thence continuing North 74 degrees 15 minutes 38 seconds East 92.68 feet; thence North 79 degrees 34 minutes 27 seconds East 315.56 feet and said line there terminating. Sidelines are to be prolonged or shortened to begin at the west line of said Government Lot 6 and to terminate at the line which bears North 10 degrees 25 minutes 33 seconds West from said point of terminus.

EXHIBIT D

List of Affected Property Owners

Owner Name and Mailing Address	Property Address (if different)	PID Number
Terry Long 349 Western Ave N Park Rapids, MN 56470	27384 US 71 Park Rapids, MN 56470	02.05.00470 02.05.00472
Tri-State Holdings, LLC c/o Duff & Phelps PO Box 2629 Addison, TX 75001	10884 Inland Dr Park Rapids, MN 56470	02.05.02100
G F Butler & J Kautzman 825 28 th St S Unit E Fargo, ND 58103	10955 Inland Dr Park Rapids, MN 56470	02.05.00300
Bryan K Ridgley 10954 Inland Dr Park Rapids, MN 56470		02.05.01700