

**LYNDEN TOWNSHIP
STEARNS COUNTY
STATE OF MINNESOTA**

**RESOLUTION NO. 2016-7
RESOLUTION APPROVING VACATION OF
A PORTION OF WATER STREET**

WHEREAS, Lynden Township has received a Petition to Vacate a portion of Water Street signed by landowners, all of whom are voters residing in Lynden Township and who own property within a three mile radius of the road to be vacated described as follows:

That part of Water Street lying between Block 70 and Block 71 in the Townsite of Clearwater, according to the plat thereof on file and of record in the office of the County Recorder, Stearns County, Minnesota LESS AND EXCEPT that part of said Water Street lying southwesterly of the northeasterly line of the former BNSF railroad right-of-way.

WHEREAS, the Town Board has determined that vacating said portion of Water Street would be in the public interest; and

WHEREAS, Lynden Township has considered the petition to vacate that portion of the road so described; and

WHEREAS, each Supervisor did view the subject roadway prior to the date of the hearing as required by Minn. Stat. §164.07; and

WHEREAS, the Town Board Chairman ordered a meeting to hear all interested parties and to act upon said vacation petition at 6 p.m. on the 21st day of March, 2016, at the Lynden Town Hall.

WHEREAS, all legal requirements regarding giving notice have been satisfied; and

WHEREAS, it now appears to the Town Board of Lynden Township that such town road serves no useful purpose.

NOW, THEREFORE, the Town Board of the Lynden Township, Stearns County, Minnesota, hereby orders:

1. That the portion of that town road located in the Lynden Township, Stearns County, Minnesota, described as follows:

That part of Water Street lying between Block 70 and Block 71 in the Townsite of Clearwater, according to the plat thereof on file and of record in the office of the County Recorder, Stearns County, Minnesota LESS AND EXCEPT that part of said Water Street lying southwesterly of the northeasterly line of the former BNSF railroad right-of-way

is hereby vacated.

2. Lynden Township hereby determines that the lateral ditches of said road are not essential for surface drainage of adjacent lands and public highways in the area.
3. Lynden Township hereby reserves a utility easement in favor of all utility companies which currently maintain service within said right of way to be vacated. Said reserved easement is described as extending ten feet in each direction from the center of any existing utility lines, but not extending beyond the boundaries of the right of way prior to its vacation.
4. The Town Board hereby determines that the vacation of said road shall cause no damage to any abutting or nearby property owners and therefore no damages are awarded to any such property owners.
5. The Town Board hereby directs the Township's Clerk to cause service of the Notice of Damage Award upon the following landowners:
 - a. Lauren Mundell, 20903 Franklin Road, Clearwater, MN 55320; and
 - b. Kari Zenzen, 20877 Franklin Road, Clearwater, MN 55320.

Motion for adoption of resolution by Anne Ackerman and seconded by Jerry Finch at the meeting of the Lynden Town Board on the 21st day of March, 2016.

In Favor: Ackerman, Finch, Dave Johnson

Opposed:



Town Board Chairperson

ATTEST:



Town Clerk

