

**LYNDEN TOWNSHIP
STEARNS COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2016-11

**RESOLUTION APPROVING VACATION OF
A PORTION OF AN ALLEY**

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

That portion of the alley located east of and abutting lots 9, 10, 11 and 12 and located west of and abutting lots 1, 2, 3, and 4, all in Block 69 of the plat of the Townsite of Clearwater on record in the Stearns County Recorder's Office.

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

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

WHEREAS, each Supervisor did view the subject alley 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 on the 3rd day of October, 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 alley serves no useful purpose.

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

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

That portion of the alley located east of and abutting lots 9, 10, 11 and 12 and located west of and abutting lots 1, 2, 3, and 4, all in Block 69 of the plat of the Townsite of Clearwater on record in the Stearns County Recorder's Office;

is hereby vacated.

2. Lynden Township hereby determines that the lateral ditches of said alley 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 alley right of way prior to its vacation.
4. The Town Board hereby determines that the vacation of said alley 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. William Hallila, 20954 Franklin Road, Clearwater, MN 55320;
 - b. William Hallila, 35430 Crooked Lake Drive, Grand Rapids, MN 55744;
 - c. James Heaton, 3049 Fulton Circle, Clearwater, MN 55320.

Motion for adoption of resolution by Ackerman and seconded by Johnson at the meeting of the Lynden Town Board on the 3rd day of October, 2016.

In favor: Ackerman, Johnson, Finch

Opposed: None



Town Board Chairperson

ATTEST:



Town Clerk