



# Board of County Commissioners Agenda Request



**Requested Meeting Date:**

**Title of Item:**

<p>REGULAR AGENDA</p> <p>CONSENT AGENDA</p> <p>INFORMATION ONLY</p>	<p><b>Action Requested:</b></p> <p>Approve/Deny Motion</p> <p>Adopt Resolution (attach draft)</p> <p style="text-align: right;"><i>*provide copy of hearing notice that was published</i></p>	<p>Direction Requested</p> <p>Discussion Item</p> <p>Hold Public Hearing*</p>
<p><b>Submitted by:</b></p>		<p><b>Department:</b></p>
<p><b>Presenter (Name and Title):</b></p>		<p><b>Estimated Time Needed:</b></p>
<p><b>Summary of Issue:</b></p>		
<p><b>Alternatives, Options, Effects on Others/Comments:</b></p>		
<p><b>Recommended Action/Motion:</b></p>		
<p><b>Financial Impact:</b></p> <p><i>Is there a cost associated with this request?</i>                      Yes                      No</p> <p><i>What is the total cost, with tax and shipping? \$</i></p> <p><i>Is this budgeted?</i>                      Yes                      No                      <i>Please Explain:</i></p>		

## UTILITY EASEMENT

Pursuant to the authority given to the undersigned County Auditor of Aitkin County, by the County Board of said County of Aitkin, as set forth in their motion passed by the County on July 11, 2023 to, Minnesota Power, 30 W. Superior Street, Duluth, MN. 55802 a perpetual easement to construct and maintain an underground utility lying over, under, and across the following Aitkin County managed lands to wit:

The easement is described as follows:

The West 435.60 feet of the existing 100-foot wide overhead electrical utility transmission easement granted to Minnesota Power and Light Company by Aitkin County on February 7, 1973, which lies in the West Half of Southwest Quarter of the Southwest Quarter (W1/2-SW1/4-SW1/4), Section 1, Township 47, Range 25, Aitkin County, Minnesota.

Also subject to other easements, reservations or restrictions of record, if any.

and,

WHEREAS, said applicant will be charged \$2,046 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,

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 Minnesota Power, 30 W. Superior Street, Duluth, MN. 55802 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.

Dated at Aitkin, MN this 11<sup>th</sup> day of July 2023.

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Kirk Peysar, Aitkin County Auditor

This instrument was drafted by:

Dennis Thompson  
Land Commissioner  
502 Minnesota Ave. N  
Aitkin, MN. 56431



# REQUEST FOR ACCESS ACROSS TAX-FORFEITED LANDS IN AITKIN COUNTY

November 12, 2019

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 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)

NAME Mike Putney COMPANY Minnesota Power  
ADDRESS 30 W Superior St CITY, STATE, ZIP Duluth, MN 55802  
PHONE 218.800.9200 E-MAIL mputney@mnpower.com

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

Tax Parcel Number: 15-0-001300 Acreage: 40

Location of Parcel: Legal Description: SW1/4 SW1/4

Section: 1 Township: 47 Range: 25

Do you have any other access into this property?  Yes Existing transmission line easement  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: Utility Easement to place underground communication cable within existing 100 foot wide overhead electrical utility transmission easement, starting at the westerly property boundary and extending easterly 435.6 feet for an impact of 43,560 square feet or 1 acre.

Please see attached map for depiction, and please reach out with any questions.

5. Signature of Application or Authorized Rep.

Michael A Putney  
6/21/2023

Date

Please return completed form, and map, along with the nonrefundable application fee of \$400.00 to:  
Aitkin County Land Department  
502 Minnesota Ave. N.  
Aitkin, MN 56431





MINNESOTA POWER  
UTILITY DRAFT

135330

ON DEMAND

PAY TO THE

ORDER OF

AITKIN COUNTY LAND DEPARTMENT DATE JUNE 21 20 23

17-1  
910

ADDRESS 502 MINNESOTA AVE N, AITKIN, MN 56431 \$ 400.00

FOUR HUNDRED + 00/100 DOLLARS



Payable At Par Through  
Wells Fargo Bank Duluth, N.A.  
Duluth, MN 55801

DEPARTMENTAL DIRECTOR/MANAGER SIGNATURE  
(REQUIRED IF CHECK AMOUNT OVER \$5000.)

Michael A. Purmy  
AUTHORIZED SIGNATURE

LINE NO.	13L
COUNTY	AITKIN, MN

FOR	REQUEST FOR ACCESS ACROSS TAX-FORFEITED LANDS
ACCOUNT NO.	113301 / 3089457