



Board of County Commissioners Agenda Request

2M
Agenda Item #

Requested Meeting Date: June 11, 2024

Title of Item: Residential Road Easement - Shane Brown

<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) <div style="text-align: right; font-size: small;"><i>*provide copy of hearing notice that was published</i></div> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*</div></div>
Submitted by: Dennis (DJ) Thompson	Department: Land
Presenter (Name and Title):	Estimated Time Needed: NA
Summary of Issue: <p>Shane Brown is requesting a residential road easement to access his property in Section 33, Township 44, Range 23 (PID# 25-0-053200). See attached map.</p> <p>Cost of the easement is \$2,046.00 (\$2,000/acre plus a recording fee of \$46). The applicant has paid the \$400 application fee, which will be credited to the assessment if the easement is approved.</p> <p>Aitkin County Surveyor has reviewed the easement and has no objections.</p>	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Adopt resolution granting a Residential Road Easement to Shane Brown.	
Financial Impact: <div style="display: flex; justify-content: space-between;"><div><p><i>Is there a cost associated with this request?</i></p><p><i>What is the total cost, with tax and shipping? \$</i></p><p><i>Is this budgeted?</i></p></div><div><div style="display: flex; align-items: center;"><input type="checkbox"/> Yes</div><div style="display: flex; align-items: center;"><input type="checkbox"/> No</div></div><div><p><i>Please Explain:</i></p></div></div>	



REQUEST FOR ACCESS ACROSS AITKIN COUNTY MANAGED LAND

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. 66'

See the instruction sheet for better definitions of the types of easements.

2. Applicant Information (please print or type)

NAME Shane Brown COMPANY _____
ADDRESS 55 5th Ave N.W. CITY, STATE, ZIP Forest Lake, MN. 55025
PHONE 651-462-4949 E-MAIL None 651-462-4949

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

Tax Parcel Number: 25-0-053200 Acreage: 19.49

Location of Parcel: Legal Description: NW NE Less 16.53

Section: 33 Township: 44.0 Range: 23

Do you have any other access into this property? ☐ Yes ☒ 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:

To be able to drive into my property.

5. Signature of Application or Authorized Rep.

Shane Brown
15 May 2024
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

DOCUMENT CONTAINS INVISIBLE FLUORESCENT FIBERS AND CHEMICAL REACTIVE PROPERTIES

SECURE

PAPER CONTAINS TONER ADHESION PROTECTION AND A METALLIC HOLOGRAM

187250



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Remitter : Shane J Brown

DATE
May 15, 2024

AMOUNT
\$400.00

PAY ***Four Hundred Dollars and 00 Cents***

TO
THE
ORDER
OF

AITKIN COUNTY LAND DEPARTMENT

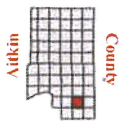
CASHIER'S CHECK

Annette Olson

AUTHORIZED SIGNATURE



⑈ 187250⑈ ⑆091911548⑆ 2000006⑈



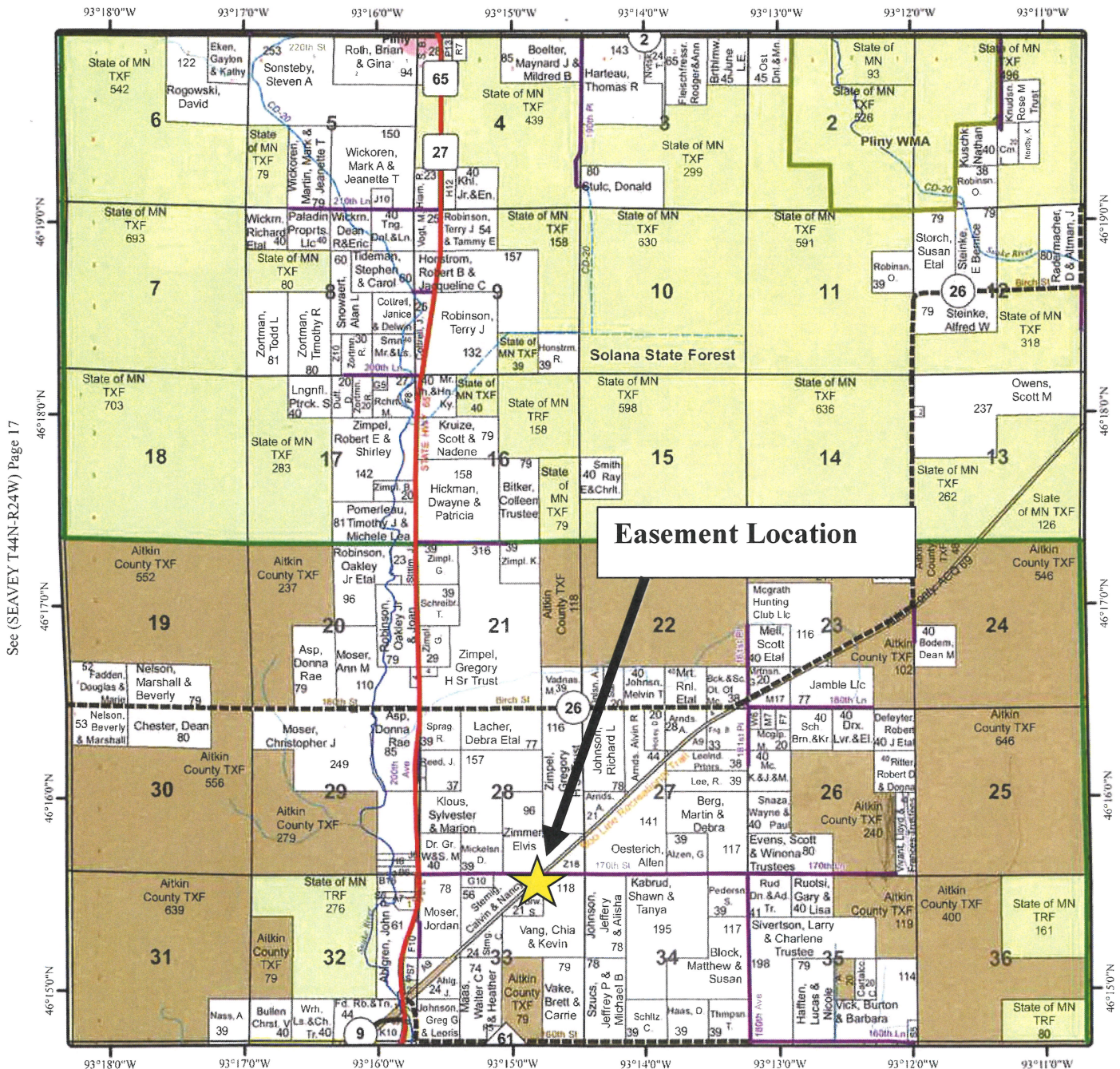
PLINY T44N-R23W

1 0.5 0 1 Miles

Acres shown are approximate.
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See (WHITE PINE T45N-R23W) Page 24



See (WILLIAMS T43N-R23W) Page 14



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AnswerLine: 1-800-854-1678

Call 9 AM-12 PM AND 1-4 PM, MONDAY-FRIDAY
or EMAIL ANSWERS@IASTATE.EDU

More University of Minnesota Extension Resources:

- Farm Information Line — Call 1-800-232-9077 or email fil@umn.edu
- Ask a Master Gardener — Call 612-301-7530 or visit z.umn.edu/askmg
- www.extension.umn.edu



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

ADOPTED June 11, 2024

By Commissioner: xxx

20240611-xxx

Brown Residential Road Easement

WHEREAS, Shane Brown of 55 5th Avenue N.W., Forest Lake MN 55025, made application to obtain a Residential Road Easement for access to his property located in Section 33, Township 44, Range 23 (PID# 25-0-053200) across the following described County lands, to wit:

An easement lying over and across that part of the former right of way of the Soo Line Railroad Company's so-called Brooten to Superior branch line in Aitkin County, Minnesota, which lies within the East 66.00 feet of the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4), Section 33, Township 44, Range 23, said Aitkin County, Minnesota.

WHEREAS, Said applicant will be charged a two thousand forty-six dollar (\$2,046.00) fee 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 easement.

NOW THEREFORE, BE IT RESOLVED, That pursuant to Minnesota Statutes, Section 282.04, Subd. 4, the County Auditor be and is hereby authorized to issue to Shane Brown, his heirs and assigns, a perpetual crossing easement to use said strip of land, if consistent with the law as in the special conditions set forth herein, over and across the before mentioned legal descriptions.

BE IT FURTHER RESOLVED, that said easement be granted, subject to the following terms, and conditions:

1. 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.
2. 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.
3. 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.
4. 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.

5. All Federal, State, and local laws, ordinances rules, and regulations regarding wetlands, construction of road, placement of fill material, and disposal of excavated material shall be followed and are the responsibility of the grantee.
6. Upon termination of this easement, the grantee shall promptly remove all lines, wires, poles and other personal property and restore said lands to proper condition at no cost to the lessor. If the lessee fails to do so within 60 days of termination, the lessor shall have the right to remove said personal property and restore said land in which event the lessee shall promptly reimburse the lessor for all costs incurred plus 15%.
7. Any land survey markers or monuments disturbed, moved or destroyed during the construction or maintenance of this easement area shall be replaced and restored at the expense of the applicant. If not replaced or restored by the applicant, the County may restore said monument and the applicant shall be responsible for all costs of said replacement and restoration plus 15%.

Commissioner xxx seconded the adoption of the resolution and it was declared adopted upon the following

xxx MEMBERS PRESENT

All Members Voting xxx

**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 2024, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 11th day of June 2024

Jessica Seibert
County Administrator