



Board of County Commissioners Agenda Request

2K
Agenda Item #

Requested Meeting Date: May 27, 2025

Title of Item: Holzer Corrected Residential Road Easement

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <input type="checkbox"/> Hold Public Hearing <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Information Only
Submitted by: Dennis (DJ) Thompson		Department: Land
Presenter (Name and Title):		Estimated Time Needed:
Summary of Issue: <p>Greg and Geanell Holzer currently have a residential road easement across County lands to access their property located in Section 22, Township 52, Range 23 (PID# 02-0-039002). The current easement language does not accurately describe the County land being used. The Land Department would like to record a new easement that includes the land currently being used. The landowners will not be charged for the corrected easement.</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 Greg and Geanell Holzer.		
Financial Impact: <p>Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>What is the total cost, with tax and shipping? \$</p> <p>Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No Please Explain:</p>		

Legally binding agreements must have County Attorney approval prior to submission.

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

ADOPTED May 27, 2025

By Commissioner: xxx

20250527-xxx

Holzer Corrected Residential Road Easement

WHEREAS, Greg and Geanell Holzer of 2247 Pheasant Street, Brook Park MN 55007 currently have a residential road easement across County lands to access their property located in Section 22, Township 52, Range 23 (PID# 02-0-039002), and

WHEREAS, the current easement language does not accurately describe the County land being used.

WHEREAS, the new easement is described, to wit:

The South 150.00 feet of the East 100.00 feet of the West 2085.00 feet of Government Lot 7, Section 22, Township 52, Range 23, Aitkin County, Minnesota

WHEREAS, said applicant will not be charged a fee for the easement, and

WHEREAS, the Aitkin County Land Commissioner finds no objection to granting the 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 Greg and Geanell Holzer, their heirs and assigns, a perpetual easement to use said 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 cost.
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, ordinance rules, and regulations regarding wetlands, construction of roads, 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 personal property and restore said lands to proper condition at no cost to the grantor. If the grantee fails to do so within 60 days of termination, the grantor shall have the right to remove said personal property and restore said land in which event the grantee shall promptly reimburse the grantor 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 vote

xxx MEMBERS PRESENT

All Members Voting xxx

**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

I, John Welle, County Engineer, 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 27th day of May 2025, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 27th day of May 2025

John Welle
County Engineer