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**WATAB TOWNSHIP
BENTON COUNTY
STATE OF MINNESOTA
CERTIFICATION OF ORDINANCE NO. 10**

STATE OF MINNESOTA)
) s.s.
COUNTY OF BENTON)

I, Kathy Sauer, Clerk of the Town of Watab, Benton County, Minnesota, hereby certify that the attached document consisting of the "***Ordinance No. 10 an Ordinance Requiring the Benefitting Property Owner to Reimburse the Town for Expenses Incurred in Processing Road and Easement Vacation Requests***" constitutes a complete, accurate and correct copy of Watab Township's Ordinance adopted on the 8th day of February, 2022 and on file in the office of the Town Clerk, Watab Township, Benton County, Minnesota.

WITNESS my hand as Clerk for Watab Township, Benton County, Minnesota this 15th day of February, 2022.



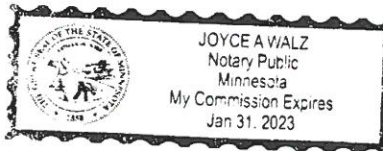
Kathy Sauer

Kathy Sauer, Clerk of Watab Township, Benton County, Minnesota acknowledged the foregoing instrument before me this 14 day of February 2022, pursuant to the authority granted by its Town Board.



NOTARY PUBLIC

DRAFTED BY:
Couri & Ruppe, P.L.L.P.
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Watab Township
Sauk Rapids, MN
Ch# 7323

**ORDINANCE NO. 10:
AN ORDINANCE REQUIRING THE BENEFITTING PROPERTY OWNER TO
REIMBURSE THE TOWN FOR EXPENSES INCURRED IN PROCESSING
ROAD AND EASEMENT VACATION REQUESTS**

The Board of Supervisors of the Town of Watab, Benton County, Minnesota, hereby ordains:

SECTION ONE: PURPOSES AND INTENT

This ordinance is adopted for the purpose of authorizing the Town of Watab (the "Town") to charge the property owner(s) over whose land right of way or utility easements are located for costs incurred by the Township in processing a request to vacate such easements pursuant to Minn. Stat. § 164.07. The Watab Town Board recognizes that such vacation requests, when not initiated by the Town Board, are generally for the benefit of a limited number of property owners and the costs of such a vacation request should be borne by such benefitting properties and should not burden all taxpayers in the Township.

SECTION TWO: REIMBURSEMENT REQUIRED

Any property:

1. Upon such property a right of way easement exists; or
2. Upon such property a drainage or utility easement exists; or
3. Where such property abuts a platted right of way;

shall be deemed a benefitting property in the event a petition to vacate said right of way or easement is submitted to the Township by, on behalf of or for the benefit of such property. The owner of such a benefitting property shall be required to reimburse Watab Township for all costs incurred in processing such vacation request.

SECTION THREE: PROVISION OF ESCROW FUNDS

The person forwarding the petition to vacate the easement or right of way shall deposit with the Township a cash escrow in an amount reasonably required by the Town Board to adequately reimburse the Township for all survey, engineering, legal fees, recording costs, and all other costs associated with the petition that has been incurred by the Township. The Town Board shall take no action on a vacation petition until such cash escrow is first posted with the Township. If the Township's expenses incurred in

processing the vacation request exceed the amount of the escrow, the benefitting owners shall replenish the escrow in an amount reasonably requested by the Township before the Township takes further action on the vacation request. Any unused funds shall be returned to the person or entity that posted the cash escrow once all Township expenses have been paid by the Township and reimbursed from the escrow.

SECTION FOUR: CERTIFICATION OF UNREIMBURSED COSTS TO COUNTY AUDITOR

In the event the costs incurred by the Township in processing the vacation request exceed the escrow and the benefitting property owner fails to replenish the escrow within 30 days of request by the Township, the Township may certify any unreimbursed expenses to the County Auditor for collection with the property taxes levied upon the benefitting property or properties pursuant to Minn. Stat. 366.012. Nothing in this ordinance shall prohibit the Township from pursuing any other legal means to collect such unreimbursed expenses.

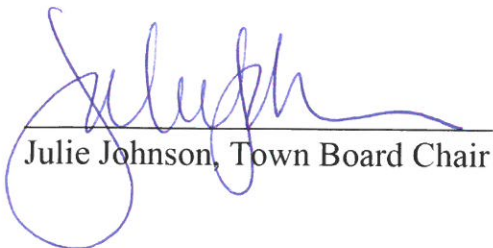
SECTION FIVE: EFFECTIVE DATE

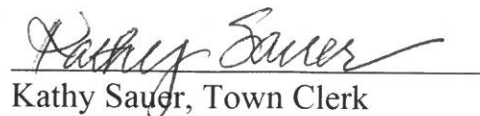
The ordinance shall become effective and enforceable upon publication in the Town's official newspaper as required by law.

SECTION SIX: SEVERABILITY

If any portion of this Ordinance is found unconstitutional or otherwise invalid by a court of proper jurisdiction, all remaining provisions shall remain in effect and shall not be affected by the ruling on the invalid section.

Passed by the Watab Town Board this 8 day of February 2022.


Julie Johnson, Town Board Chair


Kathy Sauer, Town Clerk