

TOWN OF WATAB
BENTON COUNTY, MINNESOTA

RESOLUTION 2021-21
SETTING PUBLIC HEARING FOR ROAD VACATION

WHEREAS, certain landowners, all of whom are voters residing in Watab Township and who own property within a 3-mile radius of the road to be vacated as described below, have petitioned the Town Board of Watab to vacate that portion of a township road located in Watab Township, Benton County, Minnesota described below:

That portion of 5th Avenue NW bounded on the north by Benton County State Aid Highway No. 33, bounded on the east by the east line of Section 34, bounded on the west by a line parallel to and 33-feet west of the east line of Section 34 and bounded on the south by U.S. Highway No. 10 right of way;

AND

That portion of 5th Avenue NW bounded on the north by Benton County State Aid Highway No. 33, bounded on the east by a line parallel to and 33-feet east of the west line of Section 35, bounded on the west by the west line of Section 35 and bounded on the south by U.S. Highway No. 10 right of way.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WATAB, MINNESOTA:

1. The Town Board finds that the road to be vacated abuts lands owned by:

LEANDER J. THEISEN &
SANDRA R. THEISEN
480 60TH ST NW
SAUK RAPIDS, MN 56379

TERRY L. EISENREICH &
CAROL A. EISENREICH
450 60TH ST NW
SAUK RAPIDS, MN 56379

TODD B. WAYTASHEK &
VICKIE M. WAYTASHEK
5900 5TH AVE NW
SAUK RAPIDS, MN 56379

M L D ENTERPRISES LP
C/O MARK HELGESON
5092 5TH AVE NE
SAUK RAPIDS, MN 56379

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
395 JOHN IRELAND BOULEVARD
ST. PAUL, MINNESOTA 55155

1. The Town Board hereby schedules a public hearing to consider the vacation of that portion of the road described above. Said public hearing shall be held on December 14, 2021, at 7:00 p.m. at the Watab Town Hall, 660 75th Street NW Sauk Rapids, MN 56379.
2. The Town Board hereby directs the petitioners to cause personal service of this resolution and the road vacation petition upon the landowners described in paragraph 1 above, said service to be had at least 10 days prior to the public hearing described in paragraph 2 above. The Township clerk shall post said petition and this resolution at the normal Township posting locations at least 10 days prior to the public hearing.
3. Within 40 days after the filing of the award of damages, any owner or occupant may appeal from the award by filing a notice of appeal with the court administrator of the Benton County District Court. However, the owner or occupant must file the notice of appeal within 10 days in order to delay the alteration, change, or other improvement in or to the road pursuant to Minn. Stat. § 164.07, Subdivision 10. The notice of appeal shall be accompanied by a bond of not less than \$250, with sufficient surety approved by the judge or the county auditor conditioned to pay all costs arising from the appeal in case the award is sustained. A copy of the notice shall be mailed by registered or certified mail to the town clerk or any member of the town board. The notice of appeal shall specify the award or failure to award appealed from, the land to which it relates, the nature and amount of the claim of appellant, and the grounds of the appeal, which may include a challenge to the public purpose or necessity of the proposed road or condemnation.

Passed this 9th day of November, 2021.

Julie Johnson, Town Board Chair

ATTEST:

Kathy Sauer, Town Clerk