

RESOLUTION 2021-23

**TOWN OF WATAB
BENTON COUNTY, MINNESOTA**

RESOLUTION DENYING ROAD VACATION

WHEREAS, certain landowners, all of whom are voters residing in Watab Township and who own property within a three 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 N.W. 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 N.W. 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.

WHEREAS, the Township has held a properly-noticed public hearing on the petition;
and

WHEREAS, it appears that those properties assigned property identification numbers 120051400, 120051100 and 120051600 only have access to a public road via that portion of 5th Avenue that is proposed to be vacated; and

WHEREAS, the Township has been provided no information that those properties assigned property identification numbers 120051400, 120051100 and 120051600 have recorded easements over the property of others that would allow these properties to access a public road in the event the Township granted the vacation request; and

WHEREAS, none of the owners of properties assigned property identification numbers 120051400, 120051100 and 120051600 have consented in writing to the vacation of 5th Avenue; and

WHEREAS, Minn. Stat. 160.09 prohibits the Township from vacating a road that is the only means of access to a property without the consent of the property owner unless other means of access are provided; and

WHEREAS, the Township believes granting the vacation of 5th Avenue as requested in the petition will decrease the value of those properties assigned property identification numbers 120051400, 120051100 and 120051600 as these properties will no longer have direct access to a public road; and

WHEREAS, none of the owners of the properties assigned property identification numbers 120051400, 120051100 and 120051600 were willing to execute a waiver of damages stipulating that their property would not be damaged as a result of the Township granting the requested vacation of 5th Avenue.

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

1. For the reasons set forth above, the Town Board denies the petition to vacate that portion of 5th Avenue set forth above.

Passed this 14th day of December, 2021.


Julie Johnson, Town Board Chair

ATTEST:


Kathy Sauer, Town Clerk