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Signed:

ROBERT J. BAMBENEK, COUNTY RECORDER
WINONA COUNTY, MINNESOTA
Fee Amount: \$46.00
Total Pages: 3



**DRESBACH TOWNSHIP
WINONA COUNTY, MINNESOTA**
Resolution No. 20

**RESOLUTION ISSUING AN ORDER VACATING A
PORTION OF B STREET AND AWARDING DAMAGES**

WHEREAS, the board of supervisors (“Town Board”) of Dresbach Township (“Town”) received a petition pursuant to Minnesota Statutes, section 164.07 requesting the vacation of the portion of B Street from Riverview Drive to the railroad (a length of approximately 75 feet);

WHEREAS, the portion of road to be vacated is legally described as follows (the “Road Segment”):

That part of B Street, being between Blocks 14 and 15 of the Village of Dresbach, according to the plat thereof now on file and of record in the Office of the County Recorder, Winona County, Minnesota, lying westerly of the western right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad and easterly of the eastern right-of-way of Second Street.

WHEREAS, the several tracts of land through which the Road Segment passes are as follows (collectively the “Affected Owners”):

OWNERS	MAILING ADDRESS	AFFECTED PROPERTY
Dresbach Township	None assigned	Parcel #010001480
Marilyn Conway	46962 Riverview Dr. La Crescent, MN 55947	Parcel # 010001580

WHEREAS, the Town Board provided notice and conducted a hearing on the petition on February 3, 2015, during which it provided an opportunity for the Affected Owners and the public to speak to the proposed vacation of the Road Segment;

WHEREAS, the Town Board has considered this matter and hereby finds and determines as follows:

- a. The Town Board has the authority under Minnesota Statutes, section 164.07 to consider an act on a petition to vacate the Road Segment;
- b. The Town Board is familiar with the Road Segment and believed it had previously vacated it, but only recently learned the Road Segment had not been vacated;
- c. Vacating the Road Segment is consistent with the public's interest to improve the safety and functionality of the Town's system of roads and to remove stub roads that are needed for the purpose for which they were established;
- d. The owners affected by this vacation are those identified above and neither of the Affected Owners will be landlocked as a result of this vacation; and
- e. The Road Segment does not abut or end at public waters, so additional notice to the Department of Natural Resources is not required under the statute; and

WHEREAS, the Town Board has considered whether any damages need to be paid for the vacation of the Road Segment and hereby finds and determines as follows:

- a. The Town waives any damages related to this vacation;
- b. Because Marilyn Conway did not agree to waive damages, the Town Board is required to consider whether she sustains any damages by reason of the vacation. The Town Board must then offset the amount of any damages by the amount of benefits the Town Board determines is conferred by the vacation; and
- c. In this case, the Road Segment is approximately 75 feet in length, is not relied on for access to Ms. Conway's property, and is not needed to provide access to Ms. Conway's property. The vacation will have the legal effect of removing the public road easement over the Road Segment, one half of which the law presumes she owns fee title to as it is located between two platted lots. The Town Board determines the benefits conferred by removing the public road easement more than offsets any damages incurred by Ms. Conway as a result of the vacation. As such, no damages are to be award to Ms. Conway related to her property (Parcel # 010001580).

NOW, THEREFORE, IT IS HEREBY ORDERED that:


1. The Town Board of Dresbach Township, Winona County, Minnesota hereby vacates the portion of B Street legally described as follows:

That part of B Street, being between Blocks 14 and 15 of the Village of Dresbach, according to the plat thereof now on file and of record in the Office of the County Recorder, Winona County, Minnesota, lying westerly of the western right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad and easterly of the eastern right-of-way of Second Street.

2. The Town Board, pursuant to Minn. R. 7819.3200, subp. 1 and Minn. Stat. § 160.29, does hereby reserve to and for itself and all right-of-way users having facilities located within the vacated right-of-way the right to install, maintain, and operate such facilities and to enter upon the right-of-way at any time to reconstruct, inspect, maintain, or repair the facilities.
3. No damages shall be awarded for the vacation of the Road for the reasons set out above.
4. The Town Clerk is hereby authorized and directed to provide to each of the Affected Owners notice of the award of damages, together with a copy of this Order, within seven days after the award of damages is filed in the Town Clerk's office.
5. The Town Clerk is hereby authorized and directed to present this Order to the County Auditor so it can be entered into the transfer records and then to record this Order with the County Recorder.

Adopted this 3rd day of February, 2015.

BY THE TOWN BOARD



Town Chairperson

Attest: 

Town Clerk

Drafted By:
Kennedy and Graven, Chartered (TJG)
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