

**CLITHERALL TOWNSHIP  
 OTTER TAIL COUNTY, MINNESOTA  
 Resolution No. 2021-3**

**RESOLUTION ISSUING AN ORDER PROVIDING A HEARING DATE REGARDING  
 THE VACATION OF A PORTION OF QUARTZ ROAD**

**WHEREAS**, the board of supervisors (“Town Board”) of Clitherall Township (“Town”) received a petition, attached hereto as Exhibit A (“Petition”) requesting the vacation of a portion of Quartz Road in the plat of Eastwood Shores Addition (“Road”), as depicted in the attached Exhibit B, pursuant to the procedure set out in Minnesota Statute, section 164.07;

**WHEREAS**, the Petition appears sufficient under the statute to be processed as the Town Clerk has reviewed the signatures and has determined it contains the signatures of at least eight voters of the Town who own real estate within three miles of the Road, and it includes a description of the portion of the Road to be vacated as set forth in the attached Exhibit B;

**WHEREAS**, those owning property directly abutting the Road to be vacated are as follows (“Affected Owners”):

<b>Owner Name(s) and Mailing Address</b>	<b>Property Address/Description</b>	<b>PID Number</b>
Bradley and Elizabeth Sportel 19231 Quartz Rd Clitherall, MN 56524	19231 Quartz Rd Clitherall, MN 56524	10-000-99-0466-000
Paulson Family Revocable Living Trust, C/O Milton T. and Linda Paulson 17462 County Highway 5 Clitherall, MN 56524	S1/2 SE1/4 & Government Lot 4, Section 13, Township 132, Range 40	10-000-13-0087-001
Christopher N. and Tatum Johnson 102 Garfield Ave S. Battle Lake, MN 56515	Lot 9, Block 1 of the Clitherall Lake View Addition, Section 13, Township 132, Range 40	10-000-99-0530-000

**WHEREAS**, Minnesota Statutes, section 164.07, subdivision 2 requires the Town Board to make an order describing as nearly as practicable the portion of the Road to be vacated, describing the several tracts of land through which the Road passes, and fixing a time and place when and where the Town Board will meet and act upon the proposed vacation of the Road;

**WHEREAS**, the hearing will be conducted in accordance with the procedures set out in Minnesota Statutes, section 164.07, subdivisions 2 through 13; and

**WHEREAS**, the Road does not terminate at, abut upon, and is not adjacent to any public water, and therefore, notice to the Minnesota Department of Natural Resources is not required under Minnesota Statutes, section 164.07, subdivision 2.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that:

1. The Town Board shall conduct a public hearing on Monday August 23<sup>rd</sup>, 2021 at 6:30 p.m. at the Battle Lake City Hall, 108 Main Street E., Battle Lake, MN 56515 for the purpose of hearing from the public, considering, and acting on the proposed vacation of the Road as depicted in Exhibit B. On the same day, at 6:00 p.m., the Town Board will conduct an on-site inspection of the Road. Interested parties are welcome to attend the on-site inspection and the public hearing.
2. The Town Clerk is hereby authorized and directed to do each of the following:
  - a. Provide the petitioners a signed copy of this Order;
  - b. Post notice of the hearing at the Town's usual posting place at least 10 days before the date of the hearing; and
  - c. Publish notice of the hearing once in the Town's official newspaper so it appears at least 10 days before the date of the hearing.
3. The petitioners shall serve a copy of this Order on all the Affected Owners at least 10 days before the date of the hearing. The petitioners are responsible for submitting an affidavit of service, or waivers of service, to the Town by no later than the hearing, which will serve as proof the Affected Owners were served notice or waived personal service of notice. Failure to provide proper notice to the Affected Owners will delay the process until notice is provided and may require portions of the process to be repeated. The Town Board will not proceed with the hearing if it does not receive sufficient proof of the required notices having been provided.
4. The petitioners shall prepare a survey of the portion of the Road to be vacated, which must include a legal description of the portion of Road to be vacated.
5. The Town Chairperson, Clerk, and Attorney are hereby authorized to take such actions as may be needed to prepare the Town to conduct the hearing and to act on the proposed vacation of the Road.

**NOTICE OF RIGHT TO APPEAL**

Affected Owners have a right of appeal under Minnesota Statutes, section 164.07, subdivision 7 to seek judicial review of damages, need, and purpose if the Town Board approves the proposed vacation of the Road as described above.

Adopted this 14<sup>h</sup> day of July, 2021.

**BY THE TOWN BOARD**

Craig Bengtson  
Town Chairperson

ATTEST:

Jaden Witt  
Town Clerk

**EXHIBIT A**  
Petition

(attached hereto)

**EXHIBIT B**  
Depiction of Vacated Portion of the Road

