

**CITY OF CROSSLAKE  
CITY COUNCIL  
SPECIAL MEETING  
6:00 P.M., MONDAY, MARCH 12, 2007  
CITY COUNCIL CHAMBERS, CITY HALL  
MINUTES**

**MEMBERS PRESENT:** Mayor Jay Andolshek, Steve Roe, Dean Swanson, and Irene Schultz

**STAFF PRESENT:** Tom Swenson, City Administrator; Kenneth R. Anderson, Community Development Director; Jim Perry, Planner/GIS Coordinator; Jon Henke, Park and Recreation Director; and Ted Strand, Public Works Director.

**SPECIAL MEETING/CALL TO ORDER:** Mayor Jay Andolshek called the special meeting and public hearing to order at 6:01 p.m.

**1. Petition request by Bernard Eskesen and Pat & Sue McCarthy to vacate a portion of Backdahl Road.**

Community Development Director Ken Anderson stated that Bernard Eskesen, along with the McCarthy's have petitioned to have the north 85 feet of Backdahl Road vacated. He presented a map of the area, stating that the right-of-way that has been petitioned for vacation is 66 feet in width. Anderson also noted that most of the right-of-way to be vacated is unimproved at this time, with about an 8-foot drop in grade on the Eskesen property towards the direction of Daggett Lake. He stated that in order to approve the proposed vacation of the road, the Council must determine that the vacation of the right-of-way is in the best interest of the public, and that the right-of-way is no longer needed for its created purpose.

Anderson noted that the Planning and Zoning Commission and Parks and Recreation Commission have recommended that the request to vacate the road be denied. He added that the Public Works Commission has not yet been formed, but noted that Public Works Director Ted Strand also recommended denial of the request. He also made note of several letters of opposition and one letter of support that were on file with the City and were included in the staff report.

Jim Becker, 37391 Waterwood Court, was present and stated that no roads should be vacated in the City due to the tremendous growth, and possible future need. He also noted that Backdahl Road is a narrow road, and the road currently has no options for turning around at the dead end.

City Administrator Tom Swenson asked about the presence of existing utilities. Anderson stated that there appears to be gas lines in the area, but noted that a utility locate would be necessary to determine the definite location of utilities.

Dean Swanson noted that there does not seem to be any advantage to the applicant for vacating the road. Anderson stated that although no formal application has been made, the applicant has discussed a possible plat with a controlled access lot on the parcel.

Steve Roe stated that he understood it has been past practice to deny all vacation requests. Anderson stated that the Council no longer approves vacation of right-of-ways that go to the edge of the lake, but that some partial vacations have been approved, citing the case of a turn-around that was vacated at the end of Tall Timber Trail.

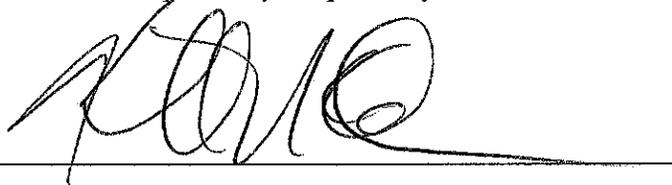
Roe also noted that sufficient findings of fact need to be a part of the motion. Anderson noted that if the Council felt that the vacation was not in the best interest of the public or that the road may be needed in the future for its intended use, those findings would be sufficient.

MOTION MADE BY IRENE SCHULTZ, SECOND BY STEVE ROE TO ADOPT  
RESOLUTION 07-02 TO DENY THE PETITION REQUEST BY BERNARD ESKESEN  
AND PAT AND SUE MCCARTHY TO VACATE A PORTION OF BACKDAHL ROAD.  
MOTION CARRIED WITH ALL "AYES."

**ADJOURN:**

MOTION MADE BY DEAN SWANSON, SECOND BY JAY ANDOLSHEK TO CLOSE  
THE PUBLIC HEARING AND ADJOURN THE SPECIAL MEETING AT 6:20 P.M.  
MOTION CARRIED WITH ALL "AYES."

Minutes Respectfully Prepared by Kenneth R. Anderson

A handwritten signature in black ink, appearing to be 'K. Anderson', written over a horizontal line.

Attachment: Resolution 07 - 02

**RESOLUTION 07 - 02**

**CITY OF CROSSLAKE  
COUNTY OF CROW WING  
STATE OF MINNESOTA**

**RESOLUTION DENYING PETITION  
BY ESKESEN, DIPPOLD, AND McCARTHY FOR  
PARTIAL ROAD VACATION OF BACKDAHL ROAD**

WHEREAS, attached hereto as Exhibit A is a petition requesting the vacation of a platted road right-of-way located adjacent to Lot 7, Block One, First Addition to Eskesen's Lots, was received by the City (the "Property"); and

WHEREAS, attached hereto as Exhibit B is a half-section map which identifies the location of the proposed area to be vacated within Backdahl Road and adjacent and west of Lot 7, Block One, First Addition to Eskesen's Lots, (the "Public Ground"); and

WHEREAS, the Crosslake City Code Chapter 6 outlines the procedure and requirements necessary for vacating a road, street, alley, public ground, public way or any part thereof; and

WHEREAS, the Planning and Zoning Commission met on January 26, 2007 to consider and make a recommendation on the Petition and has recommended the City Council deny the petition; and

WHEREAS, the Park and Recreation Commission met on January 22, 2007 to consider and make a recommendation on the Petition and has recommended the City Council deny the petition; and

WHEREAS, the Public Works Director recommends the City Council deny the Petition; and

WHEREAS, there was public support and opposition to the Petition filed from interested parties and said support and opposition is on file as part of the public record; and

WHEREAS, the City Council held a duly called special meeting and conducted a public hearing at 6:00 P.M. on Monday, March 12, 2007, and discussed the positive and negative aspects of the Petition with consideration for the recommendations and public testimony provided at public hearing; and

WHEREAS, the City Council considered all required elements of the City's road and public ground vacation requirements and State law; and

WHEREAS, the information presented to the City Council indicated the platted right-of-way was dedicated as a public road with a portion of which is improved and a portion that was never improved with utilities existing within the platted right-of-way; and

WHEREAS, the Backdahl Road right-of-way is approximately 66 ft. in width providing legal access to the Property and adjacent Lot 7, Block One, First Addition to Eskesen's Lots.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CROSSLAKE, MINNESOTA:

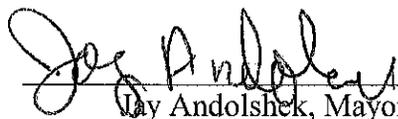
1. All requirements for service of the Petition have been met.
2. From evidence presented to the City Council, the Road/Public Ground appears to be in the interest of the public and remains useful for the purpose for which it was laid out in the First Addition to Eskesen's Lots for drainage, utility, and other public purposes; therefore, the Road/PublicGround as described below *shall not* be vacated:

**The northerly eighty-five (85) feet of Backdahl Road, sixty-six (66) feet in width, adjacent and west of Lot 7, Block One, First Addition to Eskesen's Lots, Section 10, Township 137 N., Range 27 W., Crosslake, MN. (The portion of roadway to be vacated is located at the end of Backdahl Road – see Exhibit B).**

3. The City hereby retains any and all existing easements of record.
4. The City Council decision to deny said petition to vacate the requested portion of Backdahl Road shall be final, except that any aggrieved person or persons or other entity with jurisdiction of the State shall have the right to appeal within 30 days of the City Council decision to the Crow Wing County District Court on questions of law and fact.

Approved and adopted by a 4/5ths majority of the Crosslake City Council this 12<sup>th</sup> day of March, 2007.

Dated: 3-13-07

  
Jay Andolshek, Mayor

Dated: 3/13/07

  
Thomas N. Swenson, City Administrator

Attachments: Exhibits A and B

This document drafted by: Kenneth R. Anderson, Community Development Director

PETITION FOR ROAD VACATION

Crosslake, Minnesota

To the City Council of Crosslake, Minnesota:

We, the undersigned, owners of the majority of frontage of the real property abutting on ~~the~~ Street, between the see attached letter line of Street and the line of Street hereby petition that such street is vacated pursuant to Minnesota Statutes, 412.851 and 505.14.

Owners's Name	Owner's Signature	RE Code	Mailing Address
1. <u>Bernard F. Eakson</u>	<u>Bernard F. Eakson</u>	<u>120103205 DD 0009</u>	<u>109 Two Valley Rd.</u>
2. <u>Sve A. Rippold</u>	<u>Sve A. Rippold</u>		<u>Hendersonville, TN 37075</u>
3. <u>Patrick F. McCarthy</u>	<u>Patrick F. McCarthy</u>	<u>141310010070009</u>	<u>1750532nd Ave N.</u>
4. <u>Brian B. McCarthy</u>	<u>Brian B. McCarthy</u>		<u>1/2 monthly, MN 55347</u>
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the vacation petitioned for.

[Signature]  
City Administrator

REC  
12/16/06  
JT

To: Mr. Jim Perry, Zoning and Planning.  
City of Crosslake  
37028 County Road # 66  
Crosslake, MN. 56442

1 August, '06

Dear Sirs:

Subject: Vacating Backdahl Road End, on Daggett Lake, Eskesen and McCarthy Land Owners, (See attached petition.).

Near Daggett Lake, we wish to have vacated, the northeast end of Backdahl Road, (on the old plats, it's called Eskesen Drive.). At this time, the road end in question is not graded, nor cleared, nor all paved, (it' mostly still woods). We feel that this request is well founded and very practical.

Location Details: See Government Lot 5, Section 10, Township 137, Range 27, Crow Wing County, MN. See "First Addition to Eskesen's Lots", (the northwest side of Daggett Lake, mid-way along Daggett Pine Rd.). The most northeast lot belongs to Sue and Pat McCarthy, parcel # 141310010070009 On the northwest side of the "First Addition to Eskesen's Lots" is Parcel # 3, Parcel I D # 120103205DD0009 – This parcel belongs to Bernie Eskesen and Sue Dippold.

The area involved is the northeast road end, ( 66' right-of-way), that sits directly and totally behind the McCarthy's lot. The method of dividing it up is as follows: (1.) extend the southwest side of the McCarthy's lot line, out and across the road, and, (2.) starting at the northeast corner of this road end rectangle, draw a line diagonally across to the southwest corner of the rectangle. The eastern triangle shaped piece goes to the McCarthys and the western piece goes to the Eskesens. See attached sketch.

We will greatly appreciate it, if this request is processed through its various steps as quickly as possible and that you ok this road vacating request.

Thank you;

- Attached: 1. Petition for Road Vacation.
- 2. Sketch of Vacating Proposal.

Bernie Eskesen and Sue Dippold

*Bernie Eskesen, Sue Dippold*  
Sue and Pat McCarthy

EXHIBIT B  
 Petition for Road Vacation

# FIRST ADDITIC

COULTER  
 RED LAND SURVEYOR, INC.  
 AKE, MINNESOTA

Parcel # 3.  
 11.39 Acres,  
 excluding roads.

Now: Buckdahl Rd  
**DRIVE**

