

PUBLIC HEARING  
CITY OF CROSSLAKE  
VACATION OF PLATTED RIGHT OF WAY  
IN  
GOODRICH AND O'BRIEN LAKE SHORES PLAT  
MONDAY, JUNE 8, 2009  
6:00 P.M. -- CITY HALL

Pursuant to proper notice and call, a public hearing was held on June 8, 2009 at 6:00 P.M. at City Hall to take public comments in regards to a petition received from property owners requesting that a 20 foot wide platted road right-of-way in the Goodrich and O'Brien Lake Shores Plat be vacated. Councilmembers present at the hearing were: Mayor Jay Andolshek, John Moengen, Steve Roe, Dean Swanson and Rusty Taubert. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Public Works Director Ted Strand and Clerk/Treasurer Darlene Roach. See sign in sheet attached as a permanent record of attendees.

Mayor Andolshek called the public hearing to order at 6:00 P.M.

Community Development Director Ken Anderson commented that a petition was received and accepted on May 8, 2009 that contained the required number of signatures under City Code to initiate a request to vacate a roadway. The subject property which is being requested for vacation is platted right-of-way bisecting Lots 44 through 48 within the Goodrich and O'Brien Lake Shores Plat which was approved in 1957. The 20 foot wide roadway abuts Tamarack Road and extends to the west side of Lot 44. When the plat was approved, there apparently was a wetland situated on the property within the plat that prevented lot owners from accessing their property from Tamarack Road which explains the purpose for the right-of-way at that time. Over the course of several years this wetland was filled in and currently Lots 44 and 48 have garages constructed on the roadway. Anderson stated that the City Council needs to make a finding that the road is not used for the purpose for which it was intended if they agree to approve the vacation request. A resolution was prepared and mailed to all property owners within the plat which encompasses the City of Crosslake and Fairfield Township along with a copy of the public hearing notice. There were three comments received from the public in regards to this request. All three property owners, Lande, Davich, and Pronley, were supportive of the request. As required by Ordinance, the Public Works Commission, Planning and Zoning Commission and Parks and Recreation Commission shall consider the vacation request and make a recommendation to the City Council. All three Commissions did review the petition and approved motions in support of the requested road vacation. Documentation from each Commission was provided to the City Council prior to the hearing. Community Development Director Ken Anderson contacted Doug Hanson, G.I.S. Specialist for Crow Wing County, to determine if the roadway had been previously vacated and he did not find any recorded document vacating the 20 foot roadway. In addition to this, the County parcel mapping did not identify this roadway in the plat so Mr. Hanson added the roadway to the County's mapping system and provided a copy of the map to the City.

Mayor Andolshek asked for any comments from the Council and Councilmember Roe stated that he was concerned that approval might set a precedent but later determined that the Ordinance does allow this type of vacation since the roadway does not abut public water. Councilmember Moengen inquired if there were still wetlands on the property and if so should the City be concerned. Anderson stated that there are non-riparian wetlands on the property. Anderson stated that the resolution that was prepared for Council consideration would need to be modified depending on the decision that the Council makes in regards to the request. If the request is approved, a Notice of Completion of Proceedings will be filed along with the Resolution in the County Recorder's Office. It was noted that all costs associated with this request would be passed on to the applicants.

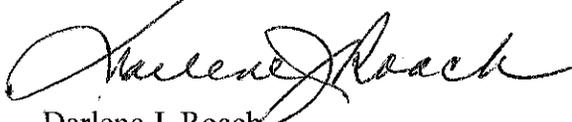
Property owner John Chada addressed the Council and asked where the property owners would go from here if the request was not approved by the Council. City Attorney Mike Couri stated that there is case law that if a garage is on the property, the Court may find that the City has abandoned the property and the issue could result in Court action.

There being no further comments from the public, Mayor Andolshek asked for a motion to close the public hearing.

It was noted that the Council will act on the application at the Regular Meeting which will commence at 7:00 P.M.

MOTION PH6-01-09 WAS MADE BY JOHN MOENGEN AND SECONDED BY STEVE ROE TO CLOSE THE PUBLIC HEARING AT 6:27 P.M. MOTION CARRIED WITH ALL AYES.

Respectfully submitted by,



Darlene J. Roach  
Clerk/Treasurer

Public Hearing --Platted ROW Goodrich & O'Brien Lake Shores Plat 2009

