

**BALDWIN TOWNSHIP  
SHERBURNE COUNTY, MINNESOTA  
RESOLUTION NO. 08-01**

**RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT**

**WHEREAS**, Christopher and Lisa Wark (the "Owners") purchased Lots 3 and 4 within the Wark Addition plat and received approval to combine the Lots, the legal description for which is attached hereto and described as Exhibit A (the "Property");

**WHEREAS**, the Owners have requested the Town Board vacate the drainage and utility easement, described in Exhibit B attached hereto, located between the two Lots to facilitate of construction of dwelling on the Property;

**WHEREAS**, the easement does not terminate at or abut upon public water;

**WHEREAS**, the Town is authorized by Minn. Stat. § 462.358, subd. 7 to vacate drainage and utility easements by following the procedure available to it to vacate town roads;

**WHEREAS**, Baldwin Township is an urban town and may vacate town roads using the procedure set out in Minn. Stat. §368.01, subd. 25;

**WHEREAS**, the Owners, who own all of the property in which the easement is located, submitted a petition requesting the vacation of the easement;

**WHEREAS**, the Town Board provided notice of and conducted a public hearing regarding the proposed vacation on February 5, 2008; however, due to the state caucus date, the public hearing was opened on February 5, 2008 and reconvened to February 11, 2008;

**WHEREAS**, the Town Board hereby finds and determines:

- Utilities are not located within the easement and it is not otherwise being used for the purpose for which it was dedicated;
- The easement will not be needed in the future; and
- It is in the public's interest to vacate the easement;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby vacates the easement described in Exhibit B effective as of the date of this Resolution;

**BE IT FURTHER RESOLVED**, the Town Board determines no damages are owed for the vacation of the easement;

**BE IT FINALLY RESOLVED**, this Resolution shall constitute the notice of completion and the Town Clerk-Treasurer is hereby authorized and directed to file this Resolution with the

office of the County Auditor to be entered into the transfer record and then record it with the office of the County Recorder.

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Adopted this 11th day of February, 2008

**BY THE BOARD**

\_\_\_\_\_  
Town Chairperson

Attest: \_\_\_\_\_  
Town Clerk

**Exhibit A**  
**Legal Description of the Property**

Lots 3 & 4, Block 1, Wark Addition, Located in Section 36, Township 35, Range 26, Sherburne County, Minnesota.

**Exhibit B**  
**Legal Description of the Easement**

That part of the drainage and utility easement, as dedicated within the recorded plat of Wark Addition, Sherburne County, Minnesota, lying within the North 6 feet of Lot 3, Block 1, said Wark Addition; except those parts lying within the West 6 feet and the East 12 feet of said Lot 3; and That part of the drainage and utility easement, as dedicated within the recorded plat of Wark Addition, Sherburne County, Minnesota, lying within the South 6 feet of Lot 4, Block 1, said Wark Addition; except those parts lying within the West 6 feet and the East 12 feet of said Lot 4.