

**TO CONSIDER VACATION OF PORTION OF ROAD WITHIN THE PLAT OF MORLEY BEACH**

The Public Hearing was called to order at 6:00 p.m. in the Cotton Community Center, followed by the Pledge of Allegiance. Roll call was taken: Supervisor Terry Nelson - Here, Supervisor Will Deyo - Here, Others Board members present were Treasurer Debbie Leppala, Clerk Sandi Nelson. Residents and guests present were Paul & Barbara Preston, Mike & Jeannie Brandt, Ken Meinke, and Tom Peterson, DNR.

Chair Terry Nelson welcomed all in attendance. The purpose of this public hearing is to hear comments on the vacation of portion within the plat of Morley Beach.

The clerk entered into the record Petition to Vacate Road, Order Setting Forth Initial Descriptions and Setting Hearing Date, Certificate of Mailing, Affidavit of Posting, 2 Release of Damages.

Chair Terry Nelson called for any written comments. Clerk received from the MN Dept of Natural Resources, Division of Lands and Minerals, Craig Engwall, Northeast Regional Director, According to MN State Statutes 412.851, the Commissioner of the Department of Natural Resources must be notified by certified mail within 60 days of the proposed public hearing when any part of the proposed road terminates at, abuts upon, or is adjacent to public water. In this case the Department did receive notice of the Public Hearing within the specific timeframe. The DNR opposes the proposed vacation of this segment of road. Vacating this road segment would impact the ability of the DNR to utilize all available lake management tools to benefit fisheries in Long Lake in the future. This segment of road will also provide public benefit by providing access to public water and fisheries resources. Clerk also received written comments from Jean Arntson (Foro), Morley Beach Road – Long Lake should remain a private lake, If I have a vote, my vote is NO to a public access. Bruce Smith, Long Lake property owner - I am in support to vacate this section of road, we do not want a public access on the lake. Pat Meyer and Lowell Lund, Morley Beach Road – Please vacate the road, we do not want a public access on Long Lake. Ronal and Mary High, Morley Beach Road – grant the vacation of the road, we do not want a public access to Long Lake. Shannon Ralidak, property owner, I am in support of vacating the road by Paul Preston's and Mike Brandt.

Chair Terry Nelson opened the hearing to public comments.

Paul Preston stated it would have to be a walk in access because it is only 33 feet wide, the bank is very steep maybe 10 feet, stocking lake is done by the lake association, there is access to the lake on the north side, this access has not been used and Preston did not know about it until he purchase the property. It is approximately 640 feet from Morley Beach Road to the water and that is how far a boat would have to be carried.

Jeannie Brandt stated the last thing her and her husband would like to see here is a public access. This 33 feet area is wooded and that is how we want it.

Tom Peterson, DNR, have nothing to add to our regional rep wrote, I would like to underscore a couple of things, under state law there is no such thing as a private lake, all the water or all the lakes are owned by the public, vacating this road would deny public access to a state water. DNR have no plan to develop but we do not want to lose the possibility of gaining access to the lake.

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This is the DNR general comment. It was hoped that the DNR could get access on the east end of the lake but that has not happened. Now if there is access on the north end of the lake I would be more than happy to look at it. By vacating this road you would be denying the public, the people of Minnesota access to their own waters. Tom was asked when the lake was stocked, Tom stated he would guess the 1970's.

Mike Brandt stated the lake association stocks Long Lake and works to keep it a clean.

Tom Peterson state, If there is a public access the DNR would stock the lake.

Barbara Preston stated, It sounds like they haven't treated it as a public access for last 30 years. If they have not stocked it and have not called this a public access, it is kind of a contradiction.

Paul Preston stated they have met with the DNR on numerous occasions, at least two, and asked if they would stock the lake and they said no because walleye will not multiply there, will breed there and therefore they will not put any walleye in Long Lake and that is why they chose to stock the lake themselves.

Will Deyo asked Paul Preston if he meant to state that Long Lake is a private lake. Paul stated he knew the lake is considered public water. Will Deyo asked Tom Peterson how the DNR would stock the lake, would you go through the woods or would you clear the woods to have access? Tom Peterson said he could not speak for the fisheries division but would suspect that they would get permission from a land owner. If the DNR would clear a path from the road it would be just for shore fishing or to put in kayaks in.

Chair Terry Nelson closed the public testimony portion of the public hearing.

Terry Nelson motioned, supported by Will Deyo to approve the road vacation. Terry Nelson aye. Will Deyo aye. ALL IN FAVOR. MOTION CARRIED.

**RESOLUTION VACATING A TOWN ROAD**

**WHEREAS**, the town board of Cotton Township, St. Louis County, Minnesota received a petition calling for the vacation of the following described road pursuant to Minn Stat. §164.07 to vacate the following described road:

Township 54 Range 16 Section 13

That part of the road in the PLAT OF MORLEY BEACH which lies Westerly of the Southeasterly extension of the Northeasterly line of Lot Two (2) MORLEY BEACH FIRST DIVISION, St. Louis County, Minnesota.

**WHEREAS**, said petition was signed by not less than eight voters of the town who own real estate, or occupy real estate under the homestead or preemption laws or under contract with the state, within three miles of the road.

**WHEREAS**, the road passes over the following described tracts of land in Cotton Township, St. Louis County, Minnesota, owned by the following named owners:

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<u>Owner</u>	<u>Description of Land</u>
Paul & Barbara Preston	LOT 1 & 2 MORLEY BEACH FIRST DIVISION
Jeannie & Michael Brandt	PART OF LOT 9 COMM AT E1/4 COR OF SEC 13 THENCE W ALONG E/W 1/4 LINE 1730 FT MORE OR LESS TO CENTERLINE OF MORLEY BEACH ROAD & PT OF BEG THENCE S48DEG W ALONG CENTERLINE OF MORLEY BEACH ROAD 674.84 FT THENCE N43DEG34' 45"W 371.42 FT THENCE N24DEG E 200 FT TO INTERSECTION OF E/W 1/4 LINE THENCE E ALONG E/W 1/4 676.43 FT TO PT OF BEG

**WHEREAS**, the town board conducted a public hearing on the petition on the 6<sup>th</sup> day of August, 2008, after personal and posted notice provided by the petitioners pursuant to Minn Stat. §164.07 subd. 2, and published notice provided by the town board.

**WHEREAS**, the petitioners presented the town board with affidavits at the hearing as proof that the required notice was given.

**WHEREAS**, the town board examined the road, heard the interested parties, and considered the matter;

**WHEREAS**, the town board determined that the petitioned for action is consistent with the public interest;

**WHEREAS**, the Owners listed have released in writing all claims for damages from such vacation.

**NOW, THEREFORE, BE IT RESOLVED**, that the town board of Cotton Township, St. Louis County, Minnesota hereby vacates a town road legally described as follows:

Township 54 Range 16 Section 13  
That part of the road in the PLAT OF MORLEY BEACH which lies Westerly of the Southeasterly extension of the Northeasterly line of Lot Two (2) MORLEY BEACH FIRST DIVISION, St. Louis County, Minnesota.

**BE IT FURTHER RESOLVED**, that the town board chair and town clerk are hereby authorized and directed to execute and record a town road order vacating said town road and to record the same with the county recorder of St. Louis County;

**BE IT FURTHER RESOLVED**, that the town clerk is authorized and directed to provide a copy of this resolution to each of the affected owners listed above.

Adopted this 6<sup>th</sup> day of August, 2008 by the following vote:

<u>Town Supervisor</u>	<u>Yes</u>	<u>No</u>
<u>Terry Nelson</u>	<u>  X  </u>	<u>      </u>
<u>Will Deyo</u>	<u>  X  </u>	<u>      </u>

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

COTTON TOWN BOARD  
\_\_\_\_\_  
Cotton Town Board Chair

**PUBLIC HEARING**

**August 6, 2008**

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MORLEY BEACH**

Will Deyo motioned, supported by Terry Nelson to adjourn the public hearing at 6:30 p.m.  
Terry Nelson aye. Will Deyo aye. ALL IN FAVOR. MOTION CARRIED.

Respectfully submitted,

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Town Clerk