

Madam Chair Peggy Clayton  
20356 Wendigo Park Road  
Grand Rapids, MN 55744  
Phone 218-259-1551

# Harris Township

SINCE 1909



NEIGHBORS, SHORES & MORE

Supervisor VC Mike Schack 340-8852  
Supervisor Ryan Davies 929-0610  
Supervisor Dan Gilbert 259-4967  
Supervisor Jim Kelley 327-0317  
Treasurer Nancy Kopacek 398-3497  
Clerk 244-1811

[harristownshipclerk@gmail.com](mailto:harristownshipclerk@gmail.com)

## Mission Statement:

The Harris Town Board strives to enhance the quality of life, protect the environment, and maintain economic stability for the residents of their community.

[www.harristownshipmn.org](http://www.harristownshipmn.org)

### Public Hearing Vacation of Platted ROW January 11, 2023 3:00 pm Harris Town Hall

**Present:** Madam Chair Clayton, Vice Chair Schack, Supervisors Davies, and Kelley

**Absent:** Supervisor Gilbert

**Others Present:** Township Attorney Andy Shaw, and Randy Helmbrecht

The Public Hearing was called to order at 3:00 pm by Madam Chair Clayton.

The Pledge to the flag was conducted.

The purpose of the public hearing was to finalize the petitioners, Randy and Kathy Helmbrecht, request to vacate a Platted Right of Way.

Chair Clayton turned over the Public Hearing to Township Attorney, Andy Shaw.

Attorney Shaw explained the petition, by stating that the Platted ROW, that portion of the public roadway known as "Bayview Place" where the same abuts and lies northeasterly of the following described real property; the West boundary of said Lot 1, Section 25, Township 54 N., Range 25 W., Itasca County, Minnesota is assumed and north and south bearing, and commencing at a point that is on the right of way of the old County Road, a distance of 550.43 feet north and 272.41 feet east of the southeast corner of said lot 1; thence North 32° 45 minutes east along said right of way a distance of 213.45 feet; thence North 36° 49 minutes west a distance of 100 feet more or less to the shore of Pokegama Lake and the point of beginning of the line to be described; thence south 36° 49 minutes east a distance of 105 feet more or less to the south easterly right of way Bayview Place, also known as County Highway, as depicted on a survey for James Kent by Jonathan Bunkowske, LS24606, of Landecker and Associates, dated 4/24/2006, and there terminate.

At that point, a motion was made by Supervisor Kelley and seconded by Supervisor Davies to recess the Public Hearing at 3:03 pm to depart from the Town Hall to view the site. Ayes-4; Nays-0; Absent-Supervisor Gilbert. Motion carried.

Supervisors viewed the platted ROW, and asked questions of Randy Helmbrecht.

A motion was made by Supervisor Kelley and seconded by Supervisor Schack to reconvene the Public Hearing at 3:35 pm at the Town Hall. Ayes-4; Nays-0; Absent-Supervisor Gilbert. Motion carried.

Attorney Andy Shaw stated to the Board that said petition for vacating the town road pursuant to M.S. 164.07 was properly filed with the town clerk; and that the right of way proposed to be vacated as a platted right of way is legally described as:

That portion of the public roadway known as "Bayview Place" where the same abuts and lies northeasterly of the following described real property; the West boundary of said Lot 1, Section 25, Township 54 N., Range 25 W., Itasca County, Minnesota is assumed and north and south bearing, and commencing at a point that is on the right of way of the old County Road, a distance of 550.43 feet north and 272.41 feet east of the southeast corner of said lot 1; thence North 32° 45 minutes east along said right of way a distance of 213.45 feet; thence North 36° 49 minutes west a distance of 100 feet more or less to the shore of Pokegama Lake and the point of beginning of the line to be described; thence south 36° 49 minutes east a distance of 105 feet more or less to the south easterly right of way Bayview Place, also known as County Highway, as depicted on a survey for James Kent by Jonathan Bunkowske, LS24606, of Landecker and Associates, dated 4/24/2006, and there terminate.

Attorney Shaw further stated that the right of way under consideration does not abut on public waters, no notice was required to be provided upon the Commissioner of the Minnesota Department of Natural Resources as mandated by M.S. 164.97; that it has been made to appear to the satisfaction of this Board by affidavits and otherwise that said order was served by mailed notice on each affected owner of land at least 10 days before the hearing, and that 10 days posted noticed thereof has been given, to which affidavits and proofs reference is hereby made as part hereof; that said petition was signed by not less than eight owners of said town who own real estate, or occupy real estate under the homestead or preemption laws or under contract with the state, within 3 miles of the Platted Road proposed to be vacated, therein described and is in all things regular according to law.

The Town Board has viewed the right of way proposed for vacation pursuant to M.S. 164.07, subd. 3 and has held a hearing at the Town Hall in which evidence was presented regarding the petition and the same considered by the Town Board.

Chair Clayton asked for those favoring the road vacation be heard. Randy Helmbrecht was heard and was in favor of the road vacate. Chair Clayton asked for those opposing the road vacation be heard. There were none.

Based upon the testimony and evidence provided at the public hearing, the Town Board determined that the portion of Platted ROW proposed for vacation has been replaced by an alternate right of way dedicated to the Town, and the retention of the existing right of way is not necessary or desirable. No useful purpose lies in maintaining the right of way proposed for vacation under Township authority or for any foreseeable potential future public use; That it is the intent of the affected landowners to utilize the vacated right of way for residential use, the same which would constitute a benefit to the effective landowners with no detriment to the general public and is therefore in the public interest.

The town board determined that no public purpose is served by the retention of the public right of way above described. The vacation of this right of way as a public right of way is in the best interest of the public and the petition for vacation was therefore granted.

A motion was made by Supervisor Schack and seconded by Supervisor Kelley to close the public hearing. Ayes-4; Nays-0; Absent-Supervisor Gilbert. Motion carried.

The Town Board discussed the road vacation and there was no opposition by the Board.

Chair Clayton conducted a roll call vote: Ayes-4, Nays-0; Absent-Supervisor Gilbert. "Resolution Vacating a Platted Right of Way" was adopted this 11th day of January 2023, by the Harris Town Board.

A motion was made by Supervisor Schack and seconded by Supervisor Davies to recess and close the public hearing at 3:38 pm. Ayes-4; Nays-0; Absent-Supervisor Gilbert. Motion carried.

### **Application for the Dedication of Land for a Township Road**

Attorney Andy Shaw explained the "Application for the Dedication of Land for a Township Road". (Legal descriptions are included in the application), which is part of the road vacate. The owners of land situated in Harris Township, Itasca County, Minnesota, are Randy and Kathy Helmbrecht, Joshua and Laura Helmbrecht, and Brian and Kelly Maki, who made the application pursuant to M.S. 164.15, subd. 1, and do dedicate the following described portion of the (below) land to the Township for public road purposes:

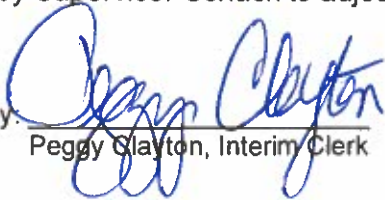
A 66 foot roadway easement for ingress, egress, and utility purposes over, under and across that part of government Lot 1, section 25, Township 54 N., Range 25 W., Itasca County, Minnesota lying southerly of the established centerline of county highway, being left and right, as indicated, of the following described center line; commencing at the southeast corner of said government Lot 1; thence north 0° 28 minutes 02 seconds west, assigned bearing, along the east line of said government Lot 1, a distance of 735.13 feet; thence North 90° 00 minutes 00 seconds West 155.57 feet to the point of beginning, said point also being the center of a cul-de-sac having a 60 foot radius; with the following segment being 33 feet left and 33 feet right; thence south 79° 25 minutes 26 seconds west 220.36 feet; thence southwesterly 160.83 feet along a tangential curve, concave to the southeast, having a radius of 300 feet and a central angle of 30° 43 minutes 01 seconds; thence South 48° 42 minutes 24 seconds west, tangent to said curve, 196.40 feet; thence southwesterly 140.55 feet, along a tangential curve, concave to the northwest, having a radius of 300 feet and a central angle of 26° 50 minutes 32 seconds; thence South 75° 32 minutes 57 seconds west, tangent to said last described curve 256.10 feet; thence southwesterly 183.49 feet, along at tangential curve, concave to the southeast having a radius of 300 feet and a central angle of 35° 02 minutes 40 seconds; thence South 40° 30 minutes 16 seconds West, tangent to last describe curve, 145.03 feet to the east line of the West 33 feet of said government Lot 1; thence South 0° 51 minutes 43 seconds East, along said East line 169.01 feet to the south line of said government Lot 1 and described centerline there terminating. The sidelines of said roadway easement shall be prolonged or shortened to terminate of the South line of said government lot 1 and said County Road center line.

The dedication includes all of the trees, shrubs and brush that are currently on or may grow upon the above describe real property.

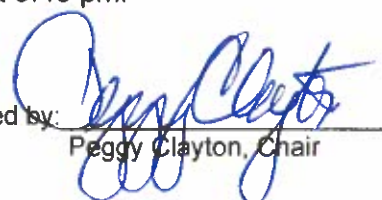
A motion was made by Supervisor Schack and seconded by Supervisor Davies to adopt the Dedication of Land for a Township Road. Ayes-4; Nays-0; Absent-Supervisor Gilbert. Motion carried.

There being no further business to come before the board, a motion was made by Supervisor Kelley and seconded by Supervisor Schack to adjourn the Public Hearing at 3:45 pm.

Submitted by:

  
Peggy Clayton, Interim Clerk

Signed by:

  
Peggy Clayton, Chair

