

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**  
**December 15, 2022**  
**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 David Carlson

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, David and Kathleen Carlson, and Walker and Danielle Maasch, 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, is that part of Mesabi Avenue lying Westerly of the Southeasterly extension of the northeasterly line of Lot 104, and lying easterly of the south easterly extension of the centerline of Midway Avenue; along with that part of Midway Avenue bounded on the Northwest by the southwesterly extension of the northwesterly line of Lot 138, bounded on the southwest by the centerline of said Midway Avenue and bounded on the south by the northerly line of said Mesabi Avenue, as depicted on the Plat of KAYNOSH BEACH filed and of record in the Office of the Itasca County Recorder.

At that point, a motion was made by Supervisor Kelley and seconded by Supervisor Schack to recess the Public Hearing at 3:08 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 David Carlson.

A motion was made by Supervisor Kelley and seconded by Supervisor Davies to reconvene the Public Hearing at 3:36 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 part of Mesabi Avenue lying Westerly of the Southeasterly extension of the northeasterly line of Lot 104, and lying easterly of the south easterly extension of the centerline of Midway Avenue; along with that part of Midway Avenue bounded on the Northwest by the southwesterly extension of the northwesterly line of Lot 138, bounded on the southwest by the centerline of said Midway Avenue and bounded on the south by the

northerly line of said Mesabi Avenue, as depicted on the Plat of KAYNOSH BEACH filed and of record in the Office of the Itasca County Record.

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 Roaf 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. David Carlson 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 never been opened by Harris Township or used by the general public for any known purpose.

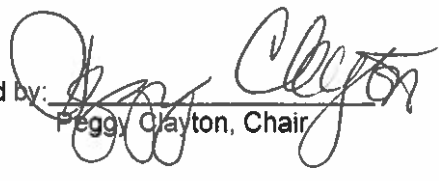
A motion was made by Supervisor Schack and seconded by Supervisor Kelley to close the public hearing. Ayes-4; Nays-0; Absent-Supervisor Gilbert. Motion carried.

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 15<sup>th</sup> day of December 2022, by the Harris Town Board.

There being no further business to come before the board, a motion was made by Supervisor Schack and seconded by Supervisor Davies to adjourn the Public Hearing at 3:42 pm.

Submitted by:   
Peggy Clayton, Interim Clerk

Signed by:   
Peggy Clayton, Chair