

FAIRVIEW TOWNSHIP SPECIAL ROAD VACATION MEETING

July 24, 2018

A special meeting of the Fairview Township Board of Supervisors was called to order at 6:00 PM on Tuesday, July 24, 2018 for making a final decision on the vacation of a portion of S. Agate Shore Dr SW. Board members in attendance were Supervisors Jim Weizenegger, Walt Richmond and Tom Dechmann, and Clerk Marla Yoho.

Interested property owners in attendance included: Shorty Spohn, Sandy and Rick Besmehn, and Lee Wangstad.

Jim Weizenegger read the most recent letter sent to Mr. Spohn into the minutes:

Dear Mr. Spohn;

At the July 10th meeting of the Fairview Township Board, the Supervisors had hoped to finalize the vacation of the segment of S. Agate Shore Dr. SW that extends into the Birch Bay Resort, but you were not attendance. However, since your property will be losing access to an existing public road, it was essential that you be a part of the discussion or indicate your agreement with the proceedings.

The Board was pleased to receive a copy of the signed contract between Birch Bay Resort and Anderson Bros. Construction for the construction of the paved cul-de-sac. The Board has also entered into a contract with Anderson Bros. Construction for the paving of the 400-foot section of road leading from the cul-de-sac to the currently paved portion of S. Agate Shore Dr SW.

The Board has scheduled one more meeting to finalize this road vacation. It will be held on Tuesday, July 24th at 6:00 PM. It is important that you attend this meeting.

At this meeting, before finalizing the vacation, the Board would like to have the following information:

1. Assurance that the "Birch Bay RV Resort" sign will be removed from the intersection of S. Agate Shore Dr. SW and Cty. 77, and when that may take place.

2. Assurance that you have contacted Cass County to have your mailing address changed from S. Agate Shore Dr SW to Sandy Point Rd. Your contact at Cass County for this change is:

Jessica Watts GIS Tech Support Specialist

*Cass County MIS, 303 Minnesota Ave W, PO Box 3000, Walker MN 56484, 218-547-7380,
jess.watts@co.cass.mn.us*

3. We would like the cul-de-sac installed prior to or in conjunction with the paving of the roadbed to assure the large trucks won't damage the newly paved roadbed. Do you have a date established with them?

4. To prevent the chance of large RV's and campers driving across the cul-de-sac and breaking up the edges, we would like to have the barrier fence installed to prevent pass-through within 5 days after the completion of the cul-de-sac.

The township is in the process of assessing what signage may be necessary to prevent large RV's and campers from entering S. Agate Shore Dr. SW. It is imperative that the traffic on that road be limited to standard vehicles, traveling at a speed conducive to residential homes and residents.

If you will not be able to attend this meeting, please advise us at once. The meeting has been posted.

The Board asked Mr. Spohn to address each of the points raised in the letter.

1. The sign will be removed from the S Agate Shore Dr and Cty 77 intersection as soon as the road is closed off.

2. The Spohns have spoken with Jessica Watts who is sending the necessary paperwork. The address should be changed as soon as that paperwork is filled out and processed.

3. Mr. Spohn did not have a specific date yet, but Tom Dechmann has spoken with Scott Hendrickson at Anderson Bros. Construction and was told that the projects could be combined. The Spohns will do the

initial construction of the cul-de-sac (excavating), but they will be working in conjunction with Anderson Bros.

4. The Spohns will plan to install the fence within the requested timeframe.

Richmond/ Dechmann/ Unanimous: Motion to vacate the portion of S. Agate Shore Dr SW (Birch Drive) in front of Lots 6, 7, 8, and 9 as described below and in Exhibit A: (Aye: Weizenegger, Richmond, Dechmann; Nay: None)

That portion of Birch Drive, now known as South Agate Shore Drive, dedicated by the subdivision of BIRCH BAY ON AGATE, on file in the Office of the Registrar of Deeds, Cass County, Minnesota, which lies adjacent to Lot 6, Lot 7, Lot 8, and Lot 9, AND which lies northerly of a circumference of a circle having a radius of 66.00 feet. The center of said circle is described as follows:

Commencing at the southeast corner of Lot 9, BIRCH BAY ON AGATE; thence South 64 degrees 08 minutes 04 seconds East, bearings are based on the Cass County coordinate system, a distance of 66.59 feet to the intersection with the easterly right of way line of Birch Drive; thence North 34 degrees 47 minutes 05 seconds East, along said easterly right of way line, a distance of 56.54 feet to the center of said circle.

The township will be installing temporary signs on S Agate Shore DR and S Agate Shore Trail which read:
NO RV's or CAMPERS BEYOND THIS POINT
Return to Cty Rd. 77 Use north entrance to RV Resort ½ mile north on Sandy Point Rd.

Respectfully submitted,

Marla Preston-Yoho, Clerk-Treasurer

Jim Weizenegger, Chairman