COLLEGEVILLE TOWNSHIP

STEARNS COUNTY, MINNESOTA
27724 County Road 50
Cold Spring, MN 56320

ORDER VACATING A PORTION OF A TOWN ROAD

WHEREAS, the Town Board received a petition (Exhibit A) calling for the vacation of a portion of 315th Street, a town road, under Minn. Stat. § 164.07;

WHEREAS, the Town Board held a hearing on said petition on the 20th day of September, 2011, notice thereof having been given;

WHEREAS, the Town Board passed resolution 201206 (Exhibit B) on the 12th day of September, 2012 vacating a portion of the road;

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described road is hereby vacated:

That part of the NE1/4 SW1/4, the SE1/4 NW1/4, the NW1/4 SW1/4, and the SW1/4 NW1/4, all in Section 3, Township 124, Range 30, Stearns County, Minnesota; which lies westerly of Line A described below and which lies easterly and southeasterly of the southeasterly right of way line of C.S.A.H. No. 50.

Said Line A described as follows: Commencing at the east quarter corner of said Section 3, Township 124, Range 30; thence South 88 degrees 10 minutes 55 seconds West, on an assumed bearing, along the east-west quarter line of said Section 3, a distance of 2438.77 feet, to the intersection with the centerline of Fruit Farm Road; thence continue South 88 degrees 10 minutes 55 seconds West, along said east-west quarter line, a distance of 803.05 feet; thence North 01 degrees 49 minutes 05 seconds West, a distance of 33.00 feet, to the northerly right of way line of 315th Street, being the point of beginning of said Line A to be described; thence South 01 degrees 49 minutes 05 seconds East, a distance of 66.00 feet, to the southerly right of way line of 315th Street, and said Line A there terminating.

Dated this 12th day of September, 2012 by The TOWN BOARD

Town Board Chair

Attest: _____
Town Clerk

BOARD OF SUPERVISORS

Supervisor
Craig Guggenberger
(320)685-4343

Supervisor
Eldred Ruegemer
(320)597-3661

Supervisor
Bill Fahrney
(320)333-5183

Treasurer
Bob Simon
(320)363-7865

Clerk
Joe Pohl
(320)293-5009

Exhibit A

TOWN ROAD VACATION PETITION

To the Town Board of Collegeville Township, Stearns County, Minnesota:
The undersigned legal 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 described below hereby petition you to vacate the following described road:

The west portion of **315th Street** from the east side of County Road 50 extending east for 591 feet. This road is in Section 3 of Collegeville Township.

The purpose and necessity of the requested road vacation is to eliminate a safety risk for vehicles turning on to and off of County Road 50.

We ask that you proceed with such vacation pursuant to Minn. Stat. § 164.07.

Dated this 9th day of September, 2011.

Property Owner Name (Printed)	Address	Signature
Robert J. Simon	16173 Cty RD #37 St. Joseph, MN 56374	Robert Simon
Ron Eisenschenk	30638 Co Rd 50 St Joseph MN 56374	Ron Eisenschenk
Pat Klaphake	29737 Co. Rd 50 Cold Spring, MN 56320	Pat Klaphake
Elaine Eiynck	15714 Fruit Farm Rd. St. Joe, MN. 56374	Elaine Eiynck
Mark Klein	15703 Fruit Farm Rd. 56374	Mark J. Klein
Greg Eiynck	15396 Fruit Farm Rd.	Greg Eiynck
Mike Siemers	15401 Fruit Farm Rd	Mike Siemers
Robert K Mungs	16214 315 St Avon	Robert K Mungs
Troy Klein	15973- 315th St.	Troy Klein

COLLEGEVILLE TOWNSHIP

STEARNS COUNTY, MINNESOTA
27724 County Road 50
Cold Spring, MN 56320

Exhibit B

Resolution 201206

RESOLUTION VACATING A PORTION OF 315th STREET

WHEREAS, the Town Board of Collegeville Township, Stearns County, Minnesota received a petition (Exhibit A) calling for the vacation of the following described road pursuant to Minn. Stat. § 164.07:

> That part of the NE1/4 SW1/4, the SE1/4 NW1/4, the NW1/4 SW1/4, and the SW1/4 NW1/4, all in Section 3, Township 124, Range 30, Stearns County, Minnesota; which lies westerly of Line A described below and which lies easterly and southeasterly of the southeasterly right of way line of C.S.A.H. No. 50.
>
> Said Line A described as follows: Commencing at the east quarter corner of said Section 3, Township 124, Range 30; thence South 88 degrees 10 minutes 55 seconds West, on an assumed bearing, along the east-west quarter line of said Section 3, a distance of 2438.77 feet, to the intersection with the centerline of Fruit Farm Road; thence continue South 88 degrees 10 minutes 55 seconds West, along said east-west quarter line, a distance of 803.05 feet; thence North 01 degrees 49 minutes 05 seconds West, a distance of 33.00 feet, to the northerly right of way line of 315th Street, being the point of beginning of said Line A to be described; thence South 01 degrees 49 minutes 05 seconds East, a distance of 66.00 feet, to the southerly right of way line of 315th Street, and said Line A there terminating.

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 town board conducted a public hearing on the petition on the 20th day of September, 2011, 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 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;

NOW, THEREFORE, BE IT RESOLVED, that the town board of Collegeville Township, Stearns County, Minnesota hereby vacates a portion of 315th Street described as follows:

> That part of the NE1/4 SW1/4, the SE1/4 NW1/4, the NW1/4 SW1/4, and the SW1/4 NW1/4, all in Section 3, Township 124, Range 30, Stearns County,

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Exhibit B

Resolution 201206

Minnesota; which lies westerly of Line A described below and which lies easterly and southeasterly of the southeasterly right of way line of C.S.A.H. No. 50.

Said Line A described as follows: Commencing at the east quarter corner of said Section 3, Township 124, Range 30; thence South 88 degrees 10 minutes 55 seconds West, on an assumed bearing, along the east-west quarter line of said Section 3, a distance of 2438.77 feet, to the intersection with the centerline of Fruit Farm Road; thence continue South 88 degrees 10 minutes 55 seconds West, along said east-west quarter line, a distance of 803.05 feet; thence North 01 degrees 49 minutes 05 seconds West, a distance of 33.00 feet, to the northerly right of way line of 315th Street, being the point of beginning of said Line A to be described; thence South 01 degrees 49 minutes 05 seconds East, a distance of 66.00 feet, to the southerly right of way line of 315th Street, and said Line A there terminating.

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 Stearns County;

Adopted this 12th day of September, 2012 by the following vote:

Town Supervisor:	Yes	No
Eldred Ruegemer	X	
Bill Fahrney	X	
Craig Guggenberger	X	

Town Board Chair

Attest: _____
Town Clerk

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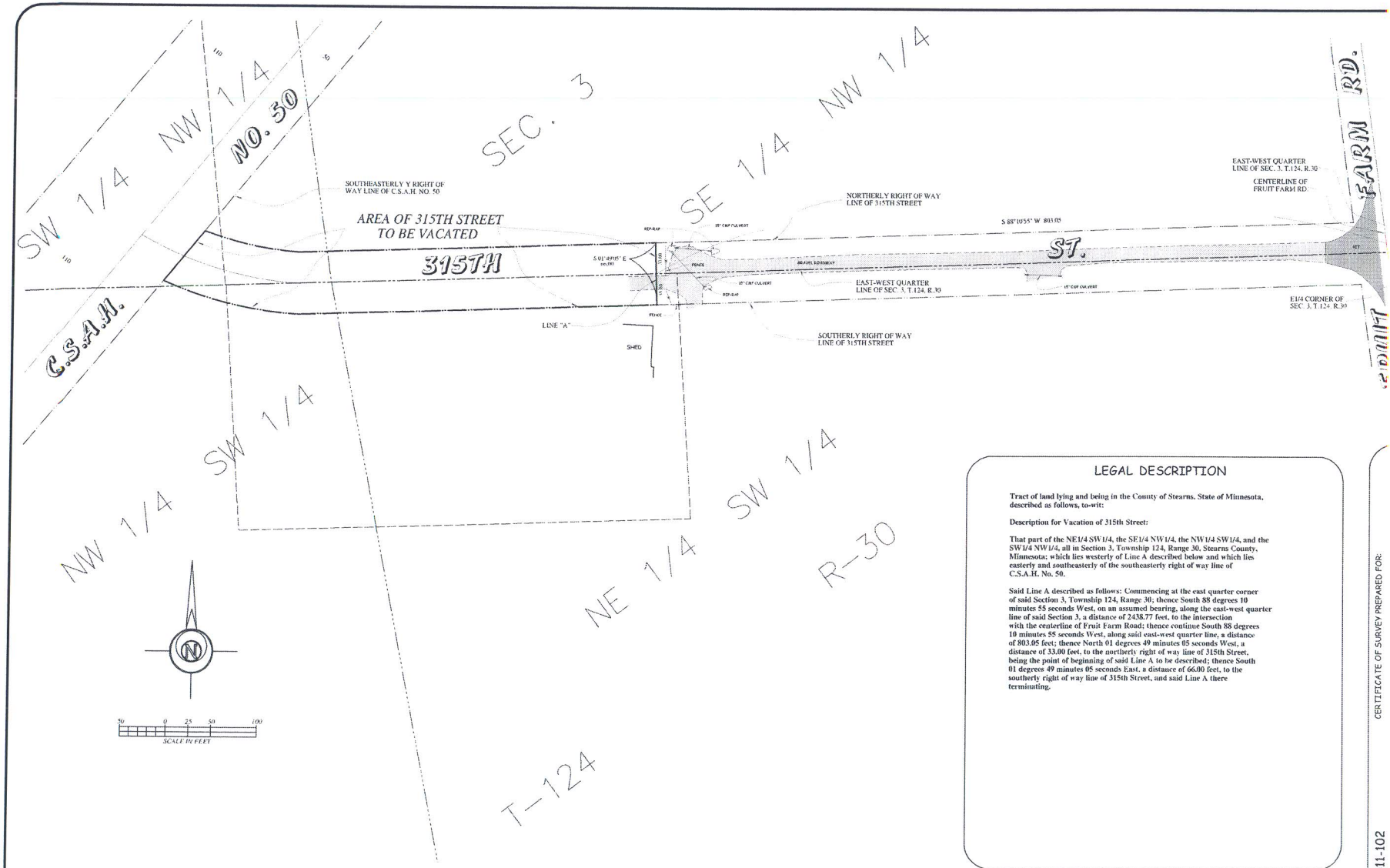

LEGAL DESCRIPTION

Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

Description for Vacation of 315th Street:

That part of the NE1/4 SW1/4, the SE1/4 NW1/4, the NW1/4 SW1/4, and the SW1/4 NW1/4, all in Section 3, Township 124, Range 30, Stearns County, Minnesota; which lies westerly of Line A described below and which lies easterly and southeasterly of the southeasterly right of way line of C.S.A.H. No. 50.

Said Line A described as follows: Commencing at the east quarter corner of said Section 3, Township 124, Range 30; thence South 88 degrees 10 minutes 55 seconds West, on an assumed bearing, along the east-west quarter line of said Section 3, a distance of 2438.77 feet, to the intersection with the centerline of Fruit Farm Road; thence continue South 88 degrees 10 minutes 55 seconds West, along said east-west quarter line, a distance of 803.05 feet; thence North 01 degrees 49 minutes 05 seconds West, a distance of 33.00 feet, to the northerly right of way line of 315th Street, being the point of beginning of said Line A to be described; thence South 01 degrees 49 minutes 05 seconds East, a distance of 66.00 feet, to the southerly right of way line of 315th Street, and said Line A there terminating.

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

370 CHAPEL HILL RD., SUITE 105
COLD SPRING,MN 56320
PH. 320-685-5905
FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:

O'MALLEY & KRON LAND SURVEYORS, INC.

328 SW 3RD ST.
WILLMAR,MN 56201
PH. 320-235-4012
FAX 320-214-9380

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

_____ DATE: 05-30-2012
DANIEL M. KRON
MINNESOTA REGISTRATION NO. 42621

SHEET 1 OF 1

CERTIFICATE OF SURVEY PREPARED FOR:

JOB NO: 2011-102