

PUBLIC HEARING  
CITY OF CROSSLAKE  
MONDAY, JANUARY 12, 2004  
6:00 P.M. – CITY HALL

Pursuant to due notice and call, the Crosslake City Council met on Monday, January 12, 2004 at 6:00 P.M. for the purpose of holding a public hearing on a Petition Request for Road Vacation to vacate a portion of road right-of-way adjacent to Lot 32, the Pineway Addition. Present at the hearing were Mayor Darrell Swanson, Dean Eggena, Chuck Miller, Dick Phillips and Irene Schultz. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, Park and Recreation Director Jon Henke, Public Works Director Ted Strand, City Attorney Paul Sandelin and Clerk/Treasurer Darlene Roach. Other individuals in attendance were Art Vadnais and Cindy Holden. (Sign in sheet included as a permanent part of the minutes).

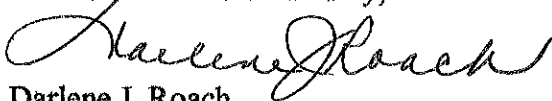
Mayor Swanson called the public hearing to order at 6:00 P.M. and turned the meeting over to Community Development Director Ken Anderson who stated that the purpose of the meeting was to hear a request for road vacation as a result of a petition submitted by Charles and Denise Hicks. The property requested for vacation is approximately 33' wide and 220' in length. City Ordinance requires that the Public Works Commission, Park and Recreation Commission and Planning and Zoning Commission review requests for road vacations. Each of these Commissions has reviewed the request for vacation and their findings are as follows: 1.) Public Works Commission has no opposition to the request, 2.) Planning and Zoning Commission recommends approval of the request; and 3.) Park and Recreation Commission recommends that the Council not proceed until the research underway regarding vacations is complete. If the Council does agree to approve the vacation request, approval of a resolution is required. It was noted that a fair amount of public interest has been shown from individuals receiving the notice of the public hearing. Most inquires were related to whether or not the property to be vacated extended to the lake. Councilmember Schultz inquired why the strip of land was left there. Anderson stated that at some point in time this strip of land was a roadway and the property to the South was vacated and for some reason this strip did not get vacated. Councilmember Miller asked if this property gives access to someone else's property. City Administrator Swenson stated that the City was unaware of this property being utilized by other property owners. Councilmember Phillips asked if the property owners have expressed an interest in subdividing the property and Ken Anderson stated that the property owner's intent is unknown. Councilmember Miller stated that he would like to table the issue until next month since the Park and Recreation Commission has expressed a concern with the vacation. City Attorney Sandelin stated that the plat was approved in 1924 and the Council needs to determine what the purpose was when it was dedicated. Park and Recreation Director Jon Henke stated that he has contacted Senator Ruud and Representative Howes regarding the issue of road vacations and has requested that they look at changing State Law whereas the property can be sold and the proceeds used to develop other property. Henke also stated that the Trails and Waterway Division of the DNR is opposed to the vacating of property. Henke stated that his personal opinion is that government should not get into the role of approving the vacating of property that

would allow property owners to benefit financially from the vacation. Henke stated that he has been researching this issue for over two years and has become very familiar with the process. Councilmember Eggena asked if the Park Commission was objecting to this particular piece of property or all properties. Henke stated that they are opposed to vacating all pieces, but especially this one. The Commission does not feel that the City should give away property that could, at some future date, be used by the City for either a public purpose or for greenspace. Henke asked what the public benefit would be to give the property away to a benefiting property owner. Councilmember Eggena stated that he thought the strip of land was an easement not a part of a plat dedicated to the public. City Attorney Sandelin stated that it is unknown whether this strip of land is an easement or dedicated to the property owners within the plat. City Attorney Sandelin stated that the Council could request that the applicant provide title work. Councilmember Phillips stated that he doesn't see where this presents a hardship for the property owner and suggested tabling as Councilmember Miller suggested. Henke commented that if this strip of land is an easement, it belongs to the property owners. If it was dedicated to the public, that is a different issue.

The hearing was open to the public for comments. Art Vadnais addressed the Council and stated that he was in receipt of the letter from the City but was unsure as to where this property was located. He asked whether the property went to the lake and he was informed that it did not extend to the lake. While he stated that he was not present to object to the vacation, he did agree that the property could represent a value to the property owner since two lots in this area recently sold for \$163,000 each. City Administrator Swenson asked if tabling the matter would be affected by the sixty-day rule. City Attorney Sandelin stated that it could be affected, however neither the applicants nor a representative were present to answer questions. MOTION PH1-01-04 WAS MADE BY CHUCK MILLER AND SECONDED BY DICK PHILLIPS TO TABLE THE ROAD VACATION REQUEST UNTIL THE FEBRUARY REGULAR MEETING. MOTION CARRIED WITH ALL AYES.

MOTION PH1-02-04 WAS MADE BY DEAN EGGENA AND SECONDED BY IRENE SCHULTZ TO ADJOURN THIS PUBLIC HEARING AT 6:27 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,



Darlene J. Roach  
Clerk/Treasurer

Shared/PUBLIC HEARING – Hicks Road Vacation – January 12, 2004

