

Pursuant to due call and notice there of the Southside Township Board of Supervisors met for a special meeting on Wednesday March 3, 2021 at Southside Town hall at 7:00 p.m. for the purpose of discussing 61st ST NW. The following members were present: Chairman Tim Hable, Supervisors Jim Hallstrom and Marty Ferguson, and Clerk/Treasurer Carmen Merrill. Also present Mike Couri, Township attorney, Ross & Terri Danielson, Northland Title, Stephen Penney, Peter MacMillan, attorney for Molly Van Metre, Laurie & Craig Kleschult, Anita & Doug Nelson, Miryah Bosio, Jenna & Brent Schall.

Chairman Hable opened the meeting and turned it over to Mike Couri.

Mike showed an area survey with highlighted road areas that were either an easement or a vacated road. He stated the vacated road portion was petitioned for vacation to the township board in 1990. The Board approved the vacation, but it was not recorded as vacated. In 2016 the township received a call from a title company asking them to file a resolution for the vacation and record it at the county. The Board did this. Mike has reviewed all the paperwork and determined the vacation was never done properly. No notice of service was in the file nor were there any release of damages. So it is his opinion the road has not been vacated. Had it been vacated it would have left two properties without access to their property. Mike stated we do not know what the intent was in 1990. Our purpose for the meeting is to find out what the property owners would like to do about the road.

One solution would be to create a cartway which is typically a 30' wide road that would allow access. The property owners could petition the township for the cartway but would have to bear the cost of the legal and cost of construction for the cartway including purchasing land for the cartway. Molly VanMetre is the owner of the land around the easement on the survey. She could donate the land for the road.

Along with the vacated road, the survey shows a large easement road that was published the same time the vacated road was done. The green easement portion of the survey is the area most of the residents use to access their property. Those present stated the vacated road cannot be a road again because there is a garage and at least one septic system in the road. Miryah stated she does not use either road to access her property, lot 5&6, she uses a small bituminous road to access her house. Molly VanMetre has started a quiet title that will take away not only the large easement that was done in 1990 but the bituminous road.

Mike explained how a quiet title action can eliminate an easement.

Ross Danielson stated he is working on a petition for a cartway with a property owner. He would like to see a cartway done since it would be a permanent solution rather than an easement.

Supervisor Hallstrom stated we need to determine if the easement the owners of Lot 1-4 use to access their property is legal. Once we determine that we can begin to work on the solutions.

Mike will work with the VanMetre's attorney to determine if the easement is intact for lots 1-4 access. If the easement exists that will take care of lots 1-4. He will also discuss the black top portion that is used for access to lot 5&6. If a cartway must be done the landowners will have to petition the Board and bear the cost of the cartway.

Mike stated it is best to work this out between the neighbors.

Ross Danielson will send Mike the documents he has found regarding the vacated road and easement as well as the quiet title action. Mike will meet with all attorneys to get everyone up to speed. He asked that the property owners present leave their phone numbers and emails.

Mike will put the pieces together and then we will have another meeting to discuss what was discovered.

The meeting was adjourned at 8:35 p.m.