

Pursuant to due call and notice there of the Southside Township Board of Supervisors met for a special meeting on Thursday, May 27, 2021 at 7:00 p.m. at Southside Town Hall for the purpose of discussing 61st St NW. The following members were present: Chairman Tim Hable, Supervisor Jim Hallstrom, Supervisor Marty Ferguson, Clerk/Treasurer Carmen Merrill. Also present: Ross Danielson, Northland Title, Rick Poteris, Anita & Doug Nelson, Brent & Jenna Schall, Peter MacMillan for Molly VanMetre, Laurie & Craig Kleschurt, Miryah & Michael Bosio, Steve Penny, Mike Couri, township Attorney.

Supervisor Hallstrom opened the meeting and turned it over to Mike Couri. Mike went over the map of the 61st ST NW area. He explained the 2018 quiet title action by Molly VanMetre wiped out the easements for the road that many residents used to access their properties. He also explained 61st ST NW was presumably vacated in 1990 but the township did not do it properly as no property owners were notified of the public hearing. In Mike's opinion the road has not been vacated. A garage has been built in the road right of way as well as two drain fields. Mike stated Molly is willing to work with property owners so they can get to their properties, but she does not wish to reinstate the easement for the road that goes up and around. Mike drove the road and he does not feel a fire truck could get through the road next to the garage and there is steep hill along one side that adds to the problem.

Mike explained Molly took away the easement in a quiet title action to set the boundaries of her property. Property owners with easements in their titles should have been notified. Once judgement is entered it's done, and the easements are gone.

Mr. Penny stated he would like to see 61st St NW vacated, and the easement put back in place. Supervisor Hallstrom stated the township would be happy to vacate but will do so only after we know everyone has legal access to their properties.

Mike stated a cartway could be done if a property petitions for it, but the township would have to accept the road and he would advise the township to not accept as it is not a safe road.

Several people asked how to get Molly to give the easement back. Mr. McMillan state she does not want to give the easement back. Mike stated she does not have to do so.

Mike stated a mandatory cartway petition by a property owner could be done but the property must be at least 2.5 acres before 1998. The township would have to pay damages but would require a deposit to cover the costs.

Mr. Penny asked if the residents could do an easement over the township road. Mike stated easements could be given, each property owner would have to give their neighbor an easement to get over each other's property. If everyone had easements and an emergency vehicle can get through, then the township will vacate the road. We would need a practical access. He has talked with Molly who is not opposed to the lower portion easement, but it is not a guarantee.

Mr. Ross suggested having a property owner petition for a mandatory cartway. The cartway petition would go along the edge of the garage and could be 16.5' wide to provide access to the Penny property.

Van Metre and other property owners would have to waive damages. The township would have to waive the requirement for the road to be 33' wide. Something would have to be done with the hill.

The residents will have a contractor come out to look at the hill alongside the road. The road, which is currently 13' wide, needs to be wider to allow for an additional foot of roadway. The road would also have to be made level.

Mr. Ross will work on the cartway petition with Mr. Penny. Mike will send out letters again if another meeting needs to be held.

The meeting was adjourned at 8:38 p.m.