OFFICE OF COUNTY RECORDER
Olmsted County, Minnesota

I hereby certify that this document was filed in this office on 11/16/2011 at 2:00 PM and was duly recorded as document number **A- 1272766**

W MARK KRUPSKI - Co Recorder, by_____ Deputy

Well Certifcate:____ Received ____ Not Required

Abstr. - yes _____ no _____

Fees: $46.00

COVER SHEET

Pt NW-SW → 15-107-11
71.15.31.041441

Received from/return to:
OLMSTED COUNTY PUBLIC WORKS
ATT DALE PRESTEGARD
2122 CAMPUS DR SE
ROCHESTER MN 55904

DOCUMENT TYPE: Resolution 11-55 Vacating Excess Right of Way on CSAH 10

NAME: Olmsted County Public Works

RETURN TO: Dale Prestegard

LEGAL DESCRIPTION:

That part of the Northwest Quarter, NW ¼, of the Southwest Quarter, SW ¼, of Section 15, Township 107 North, Range 11 West, further described on the attached resolution;

Cover sheet added by Olmsted County Public Works Office for Recording Purposes.

11-14-11
Co. Public Works
Dale P.

RESOLUTION No. 11-55

WHEREAS, right of way from adjoining property owners Delmer and Mary Jane Ihrke was acquired for the reconstruction and realignment of County State Aid Highway, CSAH, 10 from Dover to CSAH 2 west, and;

WHEREAS, during construction fill material was used from certain locations adjacent to the CSAH 10 right of way removing several high spots and flattening the backslopes, and;

WHEREAS, it has been determined by the County Public Works Department that excess right of way exists at these locations which the County does not wish to maintain; and,

WHEREAS, therefore the County's right of way easement in this area should be vacated so that the adjacent property owners will again own this land in fee title subject only to only other existing title restrictions, and;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners does, pursuant to the authority of Minnesota Statute 163.11, Subd. 4, vacate and relinquish their interest in the following described portion of CSAH 10:

That part of the Northwest Quarter of the Southwest Quarter of Section 15, Township 107 North, Range 11 West, Olmsted County, Minnesota described as follows:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter, thence on an assumed bearing of South 89 degrees 51 minutes 26 seconds East along the north line of said Northwest Quarter of the Southwest Quarter, 60.01 feet to the northeast corner of Olmsted County Right of Way Plat No. 184; thence south 00 degrees 44 minutes 34 seconds East along the east line of said Olmsted County Right of Way Plat No. 184, a distance of 324.60 feet to the point of beginning; thence South 22 degrees 32 minutes 39 seconds East along the east line of said Olmsted County Right of Way Plat No. 184, a distance of 80.78 feet; thence South 00 degrees 44 minutes 34 seconds East along the east line of said Olmsted County Right of Way Plat No. 184, a distance of 175.00 feet; thence South 30 degrees 13 minutes 15 seconds West along the east line of said Olmsted County Right of Way Plat No. 184, a distance of 58.31 feet; thence North 00 degrees 44 minutes 34 seconds West, 300.00 feet to the point of beginning.

The Board of Commissioners further authorizes execution, personal service, posting and filing of this resolution and such other documents as in the opinion of the County Attorney are necessary to effect this vacation.

Dated at Rochester, Minnesota this 11th day of October, 2011.

OLMSTED COUNTY BOARD OF COMMISSIONERS

Paul Wilson, Chairperson

ATTEST:

Richard G. Devlin, Clerk/Administrator

T:\Highway Division\Engineering Division\EngEmpFolders\Dale Prestegard\Turnbacks\CSAH 10\Resoultion to vacate rw D Ihrke 9-23-11.docx

STATE OF MINNESOTA)
) ss
COUNTY OF OLMSTED)

AFFIDAVIT OF PERSONAL SERVICE

Dale Prestegard, County of Olmsted, City of Rochester, being first duly sworn on oath, deposes and states that on the 14th day of October, 2011, he personally served the annexed:

RESOLUTION 11-55 OF THE OLMSTED COUNTY BOARD VACATING A PORTION OF FORMER RIGHT OF WAY OF COUNTY ROAD 10

Upon the following parties at the following addresses:

Delmer and Mary Jane Ihrke
4527 175th Avenue NE St. Charles, MN 55972

Kevin and Kim Ihrke
497 Meadow View Drive St. Charles, MN 55972

Pat and Jacqueline Ihrke
4215 175th Avenue NE St. Charles, MN 55972

By hand-delivering to said parties above-named at the address shown, the last known address of said party, a copy thereof enclosed in a sealed envelope.

Dale Prestegard

Subscribed and sworn to before me,
this 14 day of October, 2011

NOTARY PUBLIC

LORI COLLINS
Notary Public
Minnesota
My Commission Expires January 31, 2015

STATE OF MINNESOTA) AFFIDAVIT OF PUBLIC POSTING
) ss
COUNTY OF OLMSTED)

Dale Prestegard, County of Olmsted, City of Rochester, being first duly sworn on oath, deposes and states that on the 17 day of October, 2011, he personally observed the public posting of the annexed:

RESOLUTION 11-54 OF THE OLMSTED COUNTY BOARD VACATING A PORTION OF FORMER RIGHT OF WAY OF COUNTY ROAD 10

AND

RESOLUTION 11-55 OF THE OLMSTED COUNTY BOARD VACATING A PORTION OF FORMER RIGHT OF WAY OF COUNTY ROAD 10

Copies of said resolutions were publicly posted on the County Administration bulletin board located on the ground floor of the Government Center at 151 4th Street SE Rochester, MN 55904

Said resolutions shall remain publicly posted for 10 days beginning on the above said date and ending on October 27, 2011.

Dale Prestegard

Subscribed and sworn to before me,
this 18 day of Oct, 2011

SUSAN J. STRUCKMANN
Notary Public
Minnesota
My Commission Expires January 31, 2016

Susan J. Struckmann
NOTARY PUBLIC