



Board of County Commissioners Agenda Request

2F
Agenda Item #

Requested Meeting Date: June 11, 2019

Title of Item: Frontier Communications Convert Annual Leases to Perpetual Easement

<input type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input checked="" type="checkbox"/> CONSENT AGENDA	<input type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input checked="" type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Hold Public Hearing*

Submitted by: Rich Courtemanche	Department: Land
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Presenter (Name and Title): Rich Courtemanche, Land Commissioner	Estimated Time Needed: N/A
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Summary of Issue:

Frontier Communications of Mountain Lake MN is requesting to convert eleven (11) annual leases for utility easements to perpetual (50 year) easements. See attached table.

In 2010, the Aitkin County Land Department proposed converting annual leases to a perpetual easement. Recent revelations of a lapse in lease payments have renewed interest in making these utility perpetual.

Frontier Communications agrees that converting annual leases to perpetual easements will facilitate administration of the utility corridors on Aitkin County lands. The Easements total \$9,250 plus recording fee of \$46 = \$9,296

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Approve easement subject to Frontier Communication paying the Utility Easement Cost and recording fee = \$9,296 for the eleven easements. In addition, Frontier Communication must bring past due telecommunication easement fees current (\$1,376.24).

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No *Please Explain:*

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED June 11, 2019

By Commissioner: xx

20190611-0xx

Frontier Communications Convert Annual Leases to Perpetual Easement

EASEMENT

Pursuant to the authority given to the County Auditor of Aitkin County, by the County Board of said County of Aitkin, as set forth in their resolution adopted by the County on June 11, 2019 to, Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159, a perpetual easement to construct and maintain a utility easement lying over, under, and across the following Aitkin County managed lands to wit:

The easement is described as follows:

LEGAL DESCRIPTION –

1 Lease #15210	2 Soo Line RR R/W encroachments west of MP 211 at McGrath, Mn survey station 1249-80
3 Lease #23563	4 Soo Line RR R/W 2061+85 approx. 4,032' west of MP 280 at Palisade, Mn.
5 Lease #15656	6 Soo Line RR R/W – 1 anchor encroachment W of MP 209 at McGrath, Mn survey station 1279+68
7 Lease #14870	8 Soo Line RR R/W overhead wire crossing, 2 pole encroachments W of MP 258 Lawler, Mn survey station 901+74
9 Lease #19818	10 Soo Line RR lease 2036+25 approx. 1,100 feet E of MP 281 Palisade, Mn.
11 Lease #23005	12 Soo Line RR lease survey station 2116+03 approx. 4,170 feet W of MP 281 Palisade, Mn.
13 Lease #15874A	14 Soo Line RR lease overhead wire crossing w/ 2 poles and 6 anchor encroachment at survey station 2098+18 approx. 2,383 feet W of MP 281 Palisade, Mn.
15 Lease #28958	15 Soo Line RR ROW easement McGregor to east county line
16 Lease #365123	17 Part of SE-SW 36-51-23
18 Lease #134825	19 Part of E ½-NE of 13-48-25 (McGregor exchange)
20 Lease #144825	21 Part of NE-SE, SE-NE 14-48-25 and SW-NW, N ½-N 1/2 13-48-25

WHEREAS, said applicant will be charged \$9,250 for the easement and timber charges as appraised by the County Land Commissioner, and

WHEREAS, the Aitkin County Land Commissioner, after making an investigation of such application, has advised that he finds no objection to granting such permit and easement.

NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor be and is hereby authorized to issue to Frontier Communications of P.O. Box 368, Mountain Lake, MN 56159 a perpetual easement to use said strip of land, if consistent with the law, as in the special conditions set forth herein, and

BE IT FURTHER RESOLVED, that said easement be granted, subject to the following terms, and conditions:

1. The communication infrastructure shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and the land area shall be open for public use, as long as said easement is in force.
2. Any timber cut or destroyed shall be paid for at the usual rate as soon as determined by the Land Commissioner. (Timber has been included in the easement costs.)

3. Aitkin County manages County owned and tax-forfeited lands to produce direct and indirect revenue for the taxing districts. This management includes the harvesting and extraction of timber, gravel, minerals, and other resources. The issuing and use of this easement shall not adversely affect the management and harvesting of timber and other resources on County owned and tax forfeited land. If for any reason, including township or county road construction or reconstruction, the easement needs to be relocated, the county and township will not be responsible for any relocation costs.
4. Any such easement may be canceled by resolution of the County Board for any substantial breach of its terms or if at any time its continuance will conflict with public use of the land, or any part thereof, on which it is granted, after ninety (90) days written notice, addressed to the record owner of the easement at the last known address.
5. Land affected by this easement may be sold or leased for any legal purpose, but such sale or lease shall be subject to this easement and excepted from the conveyance or lease, while such easement remains in force.
6. Failure to use the right of way described in this document for the purpose for which this easement is granted for a period of five years, shall result in the cancellation of this easement and any rights granted to the grantee by this easement shall cease to exist and shall revert to the grantor.
7. Aitkin County manages the property for many purposes such as a motorized and non-motorized recreation trails, access to county managed and other lands for resource management purposes, including the harvesting of timber, extraction of gravel, peat, fill dirt, etc., and the mining and extraction of minerals. The issuing and use of this easement shall not adversely affect any other Aitkin County authorized uses of this strip of land.
8. After construction, the lessee shall mark the location of the utilities and shall return the land to the same condition as prior to issuing of the easement.
9. If the County shall make any improvements or changes on all or any part of its property upon which utilities have been placed by this permit, the utility owner shall, after notice from the County, change vacate, or remove from County property said works necessary to conform with said changes without cost whatsoever to the County.

Commissioner xx moved for adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 11th day of June, 2019 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 11th day of June, 2019

Jessica Seibert
County Administrator