



Forest Township

Rice County
3625 Millersburg Boulevard
Faribault, Minnesota

Wednesday, January 12, 2022

6:00 PM

Special Meeting: Tupa Cartway Petition minutes

1. CALL MEETING TO ORDER

Chairman Ron Gernandt called the meeting to order at 6:00 pm.

Forest Township members present: Ron Gernandt, Charlie Peters, Ashley Anderson

2. BUSINESS

Ashley read the minutes for the December 21 Tupa Cartway Petition Special Meeting.

Charlie made a motion to approve the minutes. Ron seconded the motion. All voted and favor and the motion carried

The Township has received a cartway petition from Julie and Nathan Tupa. The petition appears to be in order. If the statutory requirements are met, the town board must establish a two-rod wide cartway for access to the landlocked parcel. The board needs to determine the following:

- 1) What will be the exact location of the cartway?
- 2) What are the damages associated with the establishment of the cartway? The petitioner will be required to cover the determined damages such as: surveyor fees, appraiser fees, lawyer fees, administration fees, and the damages to the impacted property owners. If all impacted property owners cannot agree on the cost of damages, an appraiser is hired to determine property value impacts.

At the December 21 Special Meeting, a resolution was passed requiring a bond. The bond company was not comfortable with the language around the bond. Charlie suggested requiring a check from the Tupas to be deposited in the Forest Township account. All bills paid with the funds provided by the Tupas would be cleared by both legal counsels.

The board reviewed the proposed cartway petition map. The board also reviewed the Jenou route, which has an incomplete easement to the Tupa's property. The Tupas came up with the proposed cartway route which they felt was a straighter and clearer option than then Jenou route.

Jake Wellentin stated that the proposed cartway would start with the driveway he built and maintains and would go right by his house. He stated that the edge of the cartway is 37 feet from his front step. He stated he has put approximately \$7,000 in class 5 gravel in the area. There is also a creek near the proposed cartway and when it rains, water goes over the road.

When the location is determined and a cartway is established, Forest township would give it back to the property owner and they would be responsible for maintaining it. It will not become a township road.

There is approximately 900 feet of shared driveway on the proposed cartway route with Jake Wellentin. The township would require a maintenance agreement on any portion of shared driveway. According to statute, the owners work to agree on the division of shared maintenance costs. If they cannot agree, the board would decide.

There is a field road, which is about 12 or 14 feet wide, already established on the proposed cartway route. Some of this is owned by Lester Wellentin. Ben Rezac, who has not been notified of the cartway petition as the proposed cartway does not cross his land, has a 99-year lease on Lester Wellentin's section of the proposed cartway, so he can access a piece of land for hunting.

Regardless of the location, when the cartway is established, the property owner would take ownership over the two-rod section of land. John Simones has an agreement with Lester Wellentin allowing him the use of the field road, which is a part of the proposed cartway. If the proposed cartway petition is granted, John would like to know if he would lose his ability to use the cartway/field road or if continued use be built into the agreement.

The group discussed other options including the Jeno route, which includes an incomplete easement. There is not a statutory time limit for the board to decide.

Charlie made a motion that they will review the current incomplete easement and mapping of the Jeno route. After review of the Jeno route, the board will set up a special meeting to go out to the property and review all options for the location of the cartway to the Tupa property. Ron seconded the motion. All voted and the motion carried.

Charlie made a motion requiring a \$10,000 check from the Tupas, which will be deposited into the Forest Township account. Prior to paying any bills with these funds, the town board will seek approval from both the Township's attorney and the Tupa's attorney. Ron seconded the motion. All voted in favor and the motion carried.

3. ADJOURN

Charlie Peters made a motion to adjourn the meeting at 6:55 pm. Ron seconded the motion. All in favor and the motion carried.

Respectfully submitted by Ashley Anderson, Clerk, Forest Township.