

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, John Kummer, Karen Herman and Jim Keller

ABSENT: None

STAFF PRESENT: Attorney Troy Gilchrist (Kennedy-Graven), Engineer Ryan Stempski (Focus Engineering) Planner Erin Perdu (WSB)

CALL TO ORDER: Meeting called to order @ 7:00 PM by Chair Higgins

AGENDA APPROVAL: K Higgins added Washington County Request.

Motion J Moore/2nd J Keller approval of agenda as amended. All In Favor. Motion Carried 5-0-0.

CONSENT AGENDA APPROVAL: K Higgins pulled 04/28/15 Portfolio Minutes. K Herman pulled 04/06/15 Board Minutes. Pulled minutes addressed in Business Items. **Motion J Moore/2nd J Keller approval of consent agenda items which include 04/14 & 04/28/15 LBAE Minutes, Claims #10497-10509, EFT payments- PERA 328629, MN Tax Deposit 0413221760, Federal Tax Deposit 707077, payroll ending 05/01/2015 and financial reports. All In Favor. Motion Carried 5-0-0.**

HEARING DECISIONS/ZONING ACTIONS: 8210 Neal Ave S-Bryan & Dawn Johnson Conditional Use Permit (CUP) PID 18.027.20.11.0003 Bryan & Dawn Johnson Present.

Applicants currently have 2 houses, which were grandfathered in, on a 20 acre parcel. One home is a small Rambler and the other is a 2 bedroom apartment which was built in 1974 and is located in the refurbished Dairy Barn. Applicants purchased the property from family in 2011. Plan was to renovate the barn home. Going through the process with the Building Inspectors, applicants found the barn not to be a viable building for a residence. Applicant is requesting to build a new house on the property and revert the barn back to a barn. Result would be to have only 2 residences on the property as is currently.

Planner provided 04/09/15 staff report with Finding of Fact and recommended conditions. Planner noted that the Board has the ability to grant CUP for a nonconforming use in any district. The request is for a continuation of the existing nonconforming use of 2 homes on the parcel, switching it from the use of the barn home to a new home. The request meets the criteria in the ordinance for granting a permit. Use will not be changing. Condition of the permit is that the residence in the barn will be converted back to barn use/storage within 90 days from the issuance of the certificate of occupancy for the new home. The preliminary site plan for the new house indicates that there would be no problems meeting setback requirements, which will be a condition of the permit.

Planning Commission held a public hearing on the request on 4/20/15 and recommended conditional approval of the CUP request.

Draft Resolution incorporates the findings and conditions that were forwarded by the Planning Commission. Language in the draft CUP includes removal of all toilet fixtures in the barn. Applicant indicated that when the original structure was built, the milk house had running water/bathroom in it and would like to keep that in the barn. There is a different bathroom in the living quarters which will be removed. There are 2 barn septic systems and the one for the living quarters will be removed. Board consensus that the bathroom in the milk house may remain. Attorney will revise language in condition #2 to indicate fixtures in the milk house may remain.

Motion J Kummer/2nd J Moore approval of Resolution 2015-03 Approving A Conditional Use Permit For A Non-conforming Use At 8210 Neal Avenue South, subject to amended language in condition #2. All In Favor. Motion Carried 5-0-0.

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

PUBLIC COMMENT: Tom Lavelle-resident Oakgreen Ave S
Inquired on weight restrictions on Oakgreen. Weight restriction depends on the number of axles a vehicle has. Tom noted that the road needs repairing. Roads supervisor noted that he has spoken with Rumpca and they indicated that the road will be reclaimed in portions in 2015 and 2016. Tom also noted that the trucks using Oakgreen are not spaced out, and sometimes multiple trucks run, one after the other. Issue of property value is resident's main concern. Inquired on how to be compensated for loss of value. Property value was reduced at the Board of Appeal. Mr. Lavelle will discuss further with county. Mr. Lavelle was advised to document in writing any concerns, which could be addressed when the pit permit comes up for renewal.

BUSINESS ITEMS:

Holiday/County Point Concept Plan Review:

The intent of the sketch plan is to enable the subdivider to save time and expense in reaching general agreement with the township as to the form of the development and the objectives of these regulations. The Town Board will take no formal or informal action at this stage of review and discussion that occurs at this meeting cannot be construed as approval or denial of the proposed plat. The sixty (60) day time lines set forth in Section 15.99 and/or the one hundred twenty (120) day time period as set forth in Minn. Stat. § 462.358 shall not begin to run while the Town Board is reviewing a concept plan, unless the applicant has also filed a complete application for preliminary subdivision approval.

Present: Bill Wanner (BNA), Bob Barth (Planner for BNA), John Burbank (Planner for Denmark).

John Burbank reviewed and presented BNA's concept for a proposed planned use development. BNA is proposing to develop commercial property at a 14.66 acre property at Hwy 10/61.

Site plan includes construction of gas station, parking, sidewalks, landscaping, stormwater ponds and additional buildings for sale/lease.

Proposed are private wells/septic for individual buildings.

Fire suppression requirement will depend on the sizes/use of the individual buildings.

Environmental testing for soil contamination will be conducted once the existing building site is removed/scraped and old tanks removed.

Bill Wanner - partner with SSG Corp, currently operating the existing gas station. Plans include adding a carwash to the gas station/convenience store facility. Phase 1 would be the construction of the convenience store and the retail strip center directly across the street from it, which would be retained/owned by BNA/SSG. Other 3 lots would be self sufficient and owners of these lots would be required to seek conditional use permits from the Township.

All soil/septic tests have been done for primary/secondary septic locations.

Applicant is in the opinion that sidewalks within the site that has no pedestrian traffic would not be necessary. Would rather see a well lit road/corridor that would run full length east/west from the convenience store to the other lots on the site. Site being in more of a rural setting, Board Member in agreement with Applicant's assessment of full use of sidewalks in the proposed development.

Questions arose regarding property to the north of the proposed site and future development access to Hwy 10 from that property.

SSG currently owns a chain of 33 gas station/convenience stores in MN and WI and has had a lot of experience in development.

The new gas station/convenience store is planned to be approximately 6,300 sq ft. The existing liquor/convenience/restaurant is about 10,000 sq ft total.

Existing houses on the property would be demolished with their well/septic systems removed.

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

Developer is conducting a traffic impact study for ingress/egress on Hwys 61 & 10. Applicant would like to maintain the northbound in/out access on Hwy 61.

Applicant is working with MnDOT regarding the corner parcel (ponding area) grading and Landscaping. Questions regarding pond area and the downsizing of it to create more land use for proposed development site. Corner parcel is not available for purchase at this time, but may be available in future.

Bob Barth (WSB) - MnDOT intends to remove the bituminous surface in the park & ride and also scrub trees on the corner parcel.

Applicant would like the Hwy 10 access slightly to the east of where MnDOT has proposed it to be, indicating that it would more safe.

Discussion re: 127th St Access. There is a fair amount of traffic in the Hwy 61/10 intersection area. A 127th St access would seem to offer some relief and provide better access to the property. Even if 127th St access was right in/right out only to keep traffic moving eastbound, seems like a good opportunity. Business on corner of Hwy10/127th and 2 residences on 127th (so side of Hwy 10) would need 127th St to access their property.

Warrior Dash 2015: Nathan (Afton Alps) present. Received Warrior Dash application page/maps. Deadline for full application is May 11, 2015. Traffic route map appears to have the exiting traffic going west on 90th and south on Neal Ave. Board preference that traffic be routed to Manning Ave rather than Neal Ave. Higgins also noted that turnarounds in and near the parking areas should be addressed as soon as possible with the county. Festival area will be at the top of the hill near the maintenance buildings. Music normally starts around 7:30 AM and band will play from 9 AM-6:30 PM. Speakers will project towards the east. Residents near the site will be notified.

Cottage Grove Building Inspection Services: Cottage Grove is requesting modification of the Building Inspection Services Agreement (increase of 3%), to address their additional staff and overhead costs. Denmark currently received 75% and Cottage Grove 25% of Denmark's Building Permit revenues. The agreement has an automatic renewal date of 07/01/15. Proposed change is Denmark 72%/Cottage Grove 28%. Attorney provided draft amendment addressing section 7 collection and retention of fees. **Motion J Kummer/2nd J Moore to approve an amendment to the Building Inspection and Code Enforcement Services Agreement between Cottage Grove and Denmark Township which identifies the 3% increase for Cottage Grove, to cover staff and costs. All In Favor. Motion Carried 5-0-0.**

MnDOT Agreement: Many of the ROW's are prescriptive easements, which occur just by virtue of the road maintenance (6 yrs) and these easements are not recorded. Attorney noted that prescriptive agreements have the possibility of being challenged in the future, but doesn't anticipate a problem. Attorney provided draft Agreement with revisions and draft resolution regarding transfer of ROW from MnDOT. Attorney added language in the agreement regarding MnDOT's responsibility to provide such information as may be needed and for defending at its own cost Denmark against any legal actions or claims challenging the validity or extent of any portion of the roadway segment transferred to Denmark pursuant to the agreement. MnDOT is reviewing the revisions of the agreement.

Engineer noted that MnDOT indicated that they would turn over any past maintenance records that they uncover. Board amended item #2 in the resolution to state "The Town Chairperson, Road Supervisor and Clerk- Treasurer are hereby authorized to work with the Town Attorney to finalize the Agreement and to execute it on the Town's behalf". **Motion J Kummer/2nd J Moore to approve Resolution 2015-04 Regarding Transfer Of Right-Of-Way From The Minnesota Department Of Transportation, as amended. All In Favor. Motion Carried 5-0-0.**

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

Accessory Structure Location Approval: Gene Vang- 13616 122nd St S is requesting to locate an accessory structure closer to the road than the house location. Mr. Vang submitted a map of his property with the proposed location and the following narrative to support his request.

Proposal is for a 40x56 storage building 50 ft on the east from of the home on a pad. The pad was already designed as the foundation for a building since 2006 when the home construction permit was passed. The backyard is only hills and valleys, which is not suitable for any construction due to guaranteed flood risks as inspected by the county. The backyard was the proposed location for the septic, but was denied due to the flood risks. Construction of a road to the back is not viable due to the steep hills along both sides of the home. The trees to the west are also on a steep hill and would not be viable for a road even if the trees were cleared. Going around the trees is also not possible due to the only path being under power lines, which no construction is allowed. The proposed location does not hinder visibility of the home from the road or driveway since the building will not be directly in front of the home but off to the side. The septic is already in the west front of the home on an elevation and cannot be relocated to make room for a storage building. The building meets the guidelines for neighboring perimeters. Property is 20 acre parcel-proposed structure is approximately 2240 sq ft.

Motion J Kummer/2nd J Moore to approve request by Gene Vang-13616 122nd St S Accessory Structure Location as submitted, subject to compliance with setbacks. All In Favor. Motion Carried 5-0-0.

Roads: J Kummer spoke with Rumpca's regarding repair of Oakgreen. Plans are to repair/reclaim Oakgreen from 80th to 70th in 2 separate sections in 2015 and 2016.

Engineer provided summary of road tour and updated Street Inventory for Board review.

2015 Crack Seal & Sealcoat Maintenance (Joint Services with Cottage Grove)

Neal Ave (100-110th) and Homestead Estates. Crack Seal engineer estimate \$10,500. Seal Coat engineer estimate \$40,000. Adding Crack Seal only on Neal Ave (110-122nd) engineer estimate \$5,000.

2015 Total Crack Seal & Sealcoat construction cost \$55,500.

Reviewed proposed 2016 Crack Seal & Sealcoat Projects on planning guide schedule. Approximately \$33K (without 117th, Osprey).

120th St, Mendel Ave, Mendel Ave Ct.- seal coat layer visible, numerous cracks/distresses apparent. Continue to monitor, further evaluation needed.

117th St and Osprey Ave- sealcoat layer in good condition-recommendation is to remove from 2015 schedule/

2017 streets scheduled (Fieldcrest-Omar, Omar Ct., Odell, Eagle's Watch 122nd (61-122nd) amounts to approximately \$63K.

65th pulled from schedule in 2014. J Kummer- would make sense to look at and do when in Fieldcrest if needed.

Engineer will place 65th St into 2017 schedule. Some of the 2017 scheduled streets may be pulled forward to 2016. Board consensus to have J Kummer/Engineer review streets that are scheduled, or may need to be scheduled.

Striping- Intersections of Morgan/122nd and Morgan/127th. Cottage Grove has already bid out striping project. Engineer has received price of \$780.00 from contractor doing striping for Cottage Grove, to do Denmark's striping. Board consensus to approve striping project. Roads Supervisor will check roads for 2016 striping needs.

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

2015 Street Improvements

Reclaim Paris Ave (110th to north cul-de-sac) and Panama Ave (110th to south cul-de-sac)

Total estimated project cost \$198,000. Before price can be confirmed, Engineer and Roads contractor will need to auger roads to determine existing thickness of aggregate base under pavement. If additional gravel needed, may need to add up to \$27,000 (using the avg. market price/likely lower with Denmark's quoted gravel prices) to project. Kummer noted that 10% contingency in estimate may be high.

Motion J Kummer/2nd J Moore to add Paris Ave (110th to north cul-de-sac) and Panama Ave (110th to south cul-de-sac) to the 2015 Street Improvements for reclamation, Engineering Estimate of \$198,000, with an allowance of possibly an additional \$27,000.00 for additional base gravel, and to authorize Engineer to proceed with 04/29/15 project schedule. All In Favor. Motion Carried 5-0-0.

Miscellaneous Road Items:

131st St Court- Engineer will check with MnDOT to see if 131st could get paved with the Hwy 61 Improvements in 2016.

J Kummer will speak with roads contractor regarding shoulder/road erosion at Morgan/122nd St. and paving of an apron at 100th/Manning. Will bring back info to Board.

J Kummer will have roads contractor patch 80th St.

Ditch Mowing Proposal: Current Ditch Mowing Agreement expired November 1, 2014. Tri-County submitted proposal of \$85/hr for a 1-3 year contract. Prior 2 yr contract at \$80/hr. Proposed rate and projected value of a 2 yr contract would stay under \$25,000, which would allow contract to be awarded on open market.

Motion J Kummer/2nd J Keller to award a 2 year ditch mowing contract to Tri-County Services at a rate of \$85.00/hr on open market, authorizing Chair and Clerk to sign contract.

All In Favor. Motion Carried 5-0-0.

Town Hall Mowing Proposal: Town Hall mowing contract expired October 15, 2015. Contract was a 3 yr term at a rate of \$120.00 per mowing. 2014 Budget \$1500 and 2014 actual mowing costs \$1320. 2015 Budget \$1500.

J Moore has been in contact with Mabry Services who would be agreeable to enter into a 3 year contract at the same rate of \$120 per mowing.

Motion J Moore/2nd J Kummer to approve Town Hall mowing contract with Mabry Services for a 3 year term at the rate of \$120.00 per mowing, on open market, authorizing Chair and Clerk to sign contract. All In Favor. Motion Carried 5-0-0.

Recycling: K Higgins-County has recycling funds available for shared services. Cottage Grove currently contracts with Jennifer McLoughlin for recycling coordinator consulting services. Higgins provided Board with a proposal for consulting services, with a scope of services and fee schedule.

To the extent possible, this is still on project components and pieces of it will come back to the Board as much as possible. **Motion J Keller/2nd J Moore to authorize J Keller, K Higgins to work with Attorney to develop an agreement with Cottage Grove for recycling coordinator consulting services, with a commitment to participate in the plan. All In Favor. Motion Carried 5-0-0.**

Washington County Request: The Washington County Development Code currently does not address or permit commercial solar energy facilities. Solar panels are currently allowed for personal use with building permits. County is polling the Townships to see if they have any interest in the allowing and regulating of commercial solar energy facilities.

Board consensus that at this time Denmark is not interested in allowing and regulating commercial solar energy facilities.

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

Pulled 04/28/15 Portfolio Meeting Minutes: Minutes pulled to formalize the removing of fire sign installation from supervisor duty and having roads contractor install fire signs as he already install signs for the Township. **Motion J Moore/2nd J Keller to approve the job duties and the 04/28/15 Portfolio Meeting Minutes as submitted.** All In Favor. Motion Carried 5-0-0. K Herman will get supplies to roads contractor.

Pulled 04/06/15 Board Meeting Minutes: K Herman expressed concern that the 04/06/15 Board Meeting Minutes did not contain information discussed during the closed meeting. She would have liked to see the minutes reflect more comments made during the closed session. Attorney noted that closed meetings minutes are not to be made public in the Board Meeting Minutes. Only a summary of the closed meeting should be included in the Board Meeting Minutes. After the closed meeting, the Chair did make a summary of the closed meeting which was made part of the regular meeting.

Motion J Kummer/2nd J Keller to approve 04/06/15 Board Meeting Minutes as drafted. Voting Yes- J Kummer, J Keller, J Moore, K Higgins. Voting No- K Herman. Motion Carried 4-1-0.

LEGAL UPDATES:

Strohfus Minor Subdivision- correction to the final plat. Signature blocks may, but don't need to include Planning Commission signatures on final plat. Attorney does not believe there is a need for it. Board consensus that Planning Commission would not need to sign off on a final plat. **Motion J Kummer/2nd J Moore that Denmark Township does not require the Planning Commission to sign final plats.** All In Favor. Motion Carried 5-0-0. Town will contact County to document Board's action.

10:28 PM **Motion J Kummer/2nd J Moore to adjourn.** All In Favor. Motion Carried 5-0-0.

Becky Herman
Denmark Township Clerk/Treasurer

Denmark Township Chair

Addendum Resolutions 2015-03 and 2015-04

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA**

Resolution No. 2015-03

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
A NONCONFORMING USE AT 8210 NEAL AVENUE SOUTH**

WHEREAS, Bryan and Dawn Johnson, (“Owners”) own the property located at 8210 Neal Avenue South, Denmark Township, Washington County, Minnesota (PID 18.027.20.11.0003), and legally described in Exhibit A, which is attached hereto and made a part of this Resolution (“Property”);

WHEREAS, the Property is located in the Agricultural A-2 Zoning District and under Chapter Two, Part 1, Section 2.1(2) of the Denmark Township Development Code (“Ordinance”) the maximum allowed density in the District is one dwelling unit per 20 acres;

WHEREAS, two dwelling units were constructed on the Property prior to adoption of the Ordinance in 1982 and the Owners have maintained the two dwelling units since they were built;

WHEREAS, Owners submitted an application to the Town seeking a conditional use permit (“CUP”) to continue the nonconforming use of the Property by allowing the construction of a new residential dwelling unit to replace one of the existing dwelling units;

WHEREAS, the Planning Commission held a public hearing on the application on April 20, 2015 and voted to forward the application to the Town Board with a recommendation that the Town Board issue the requested CUP with certain conditions; and

WHEREAS, the Town Board has considered this matter and hereby finds and determines as follows:

- a. The Planner’s memorandum dated April 9, 2015, which is attached hereto as Exhibit B, is incorporated herein including, but not limited to, the findings contained therein. The proposed permit conditions contained in the memorandum are superseded by the conditions contained in this Resolution;
- b. The Property contains approximately 20 acres and is located within the Town’s Agricultural, A-2 District;
- c. The Town was not presented with any evidence, and is not aware of any facts, to suggest the Owners have lost the lawful nonconforming status of the two homes on the Property;
- d. The Owners originally wished to renovate the dwelling unit inside of the barn, but determined that it was infeasible to do so given various concerns about the safety of the structural integrity of the building;
- e. The Town Board is permitted to grant a conditional use permit for a nonconforming use in any district in accordance with Chapter One, Section 16.1(3) of the Ordinance;
- f. Chapter One, Section 16.2(1)(A) of the Ordinance allows the enlargement, alteration, or expansion of a nonconforming structure if the enlargement, alteration, or expansion does not violate any other provisions of the Ordinance other than the one making the structure nonconforming and the long-term sewage disposal needs can be met. The proposed replacement of one of the dwelling units with a new dwelling unit is consistent with the policy underlying this provision, does not result in any further violations of the Ordinance, and the sewage treatment needs will be addressed through the installation of a new septic system in accordance with the County’s regulations;
- g. The proposed CUP would continue to provide the same benefit to the Property that it was receiving under the grandfathered treatment which allowed the Owners to maintain two dwelling units on 20 acres;
- h. The Owners will abandon the dwelling unit inside of the barn within 90 days of issuance of the certificate of occupancy for the newly constructed single-family residence;
- i. The proposed CUP has no effects on utilities, traffic, or school capacities; and
- j. The proposed CUP does not conflict with the Town’s Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter and the findings and determinations contained herein, the Town Board hereby approves and issues a conditional use permit for a nonconforming use on the Property to allow a new dwelling unit (single-family home) to be built on the Property to replace the dwelling unit currently located in the barn conditioned on compliance with all of the following:

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

1. Scope of Permit. This permit serves to allow the Owners to maintain their nonconforming use of the Property by continuing to maintain two dwelling units on their Property. The two dwelling units allowed by this permit shall be existing home constructed in the 1950's and a new single-family residential dwelling to be constructed on the Property to replace the barn dwelling unit.
2. Abandon Barn Dwelling Unit. Within 90 days of being issued a certificate of occupancy for the new single-family residence, the Owners shall convert the barn to barn uses and cease using the structure for any residential purposes or overnight accommodations. The conversion shall include the removal of all toilet fixtures in the apartment portion of the barn (the fixtures in the milk house portion of the barn may remain).
3. Site Plan. The Owners shall submit a site plan with the building permit application for the new home, demonstrating compliance with all setback, buildable area, lot coverage, and building height requirements.
4. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this permit. The Town's building inspector shall conduct an inspection of the barn after the 90 day period to confirm it has been fully converted back into a barn as required herein. Prior notice to inspect the Property is not required in the event of an emergency.
5. Reimburse Costs. The Owners shall pay all application fees and pay, from the escrow or in addition to the escrow if it is not sufficient, the costs the Town incurred related to processing its application.
6. No Waiver. A failure by the Town to take action with respect to any violation of any condition, covenant, or term of this CUP shall not be deemed to be a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
7. Compliance. This permit is subject to the requirements of the Town's ordinances and the Owners are required to comply with all applicable federal, state and local laws, rules and ordinances, and to obtain such other permissions and permits as may be required. This includes any required building permits, septic permits, and any other items ordinarily necessary for building a new home.
8. Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Owners shall be given written notice of any violation and reasonable time, as determined by the Town, to cure the violation before a revocation of the permit may occur. Adherence to the terms of this permit shall be monitored on a complaint basis.
9. Binding Effect. The permit and its conditions are binding on the parties, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Owners under this permit shall also be the obligations of any subsequent owners of the Property.
10. Review. Pursuant to the Ordinance, periodic review of this CUP is imposed as a condition of its grant. Adherence to the terms of this CUP may be reviewed annually at the Annual Town Meeting.
11. Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification or reservation.

DENMARK TOWN BOARD MEETING MINUTES
May 4, 2015

BE IT FINALLY RESOLVED, the Town Clerk-Treasurer shall provide the Owners a copy of this Resolution and shall record it, at the Owners' expense, in the office of the County Recorder. Adopted this 4th day of May, 2015. **BY THE TOWN BOARD**

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-04

**RESOLUTION REGARDING TRANSFER OF RIGHT-OF-WAY
FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION**

WHEREAS, Denmark Township ("Town") and the Minnesota Department of Transportation ("MnDOT") have worked cooperatively regarding MnDOT's intersection project to reconstruct TH 10/61, including the installation of a new signal; and

WHEREAS, MnDOT desires to transfer to the Town, and the Town desires to accept, the right-of-way for a portion of the old alignment of TH 10 and 127th Street South in accordance with the terms and conditions set out in the Change of Roadway Jurisdiction Agreement No. 1000418 ("Agreement") negotiated between the parties.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board as follows:

1. The Agreement with MnDOT providing for payment by MnDOT to the Town for the jurisdictional transfer of portions of old T.H. 10 consisting of Point Douglas Drive South (old TH 10 alignment), 127th Street South lying east and west of TH 10 and Norell Road lying south of TH 10 in lieu of the Town having any maintenance responsibilities for the proposed traffic control signal system at T.H. 10/T.H. 61/Maycrest Ave. is hereby approved.
2. The Town Chairperson, Road Supervisor, and Clerk-Treasurer are hereby authorized to work with the Town Attorney to finalize the Agreement and to execute it on the Town's behalf.

Adopted this 4th day of May, 2015. **BY THE TOWN BOARD**