

**SHAMROCK TOWNSHIP
PUBLIC HEARING
July 15, 6:00 p.m.**

Board Chairman Charles Quale called the hearing to order at 6:00 p.m. on 497th Lane. Present were Supervisors Ron Smith and Allen Eld, Clerk Candace Kral, Treasurer John Brula, township attorney Troy Gilchrist, property owners Alan Hancock, Louise Orttel, and Betty Christian.

The purpose of the hearing was to act on the petition presented by Alan Hancock for a cartway to access landlocked property.

The group viewed the location of the proposed path for the cartway as outlined in the petition. Troy explained the process involved in acquiring a cartway. The group walked the proposed cartway and the current easement from Betty Christian's property to Highway 65. The landscape of the petitioner's property and alternate routes suggested by Russ Sampson previously were viewed along with Alan Hancock's and Louise Orttel's property and how the properties connect to Highway 65. There was discussion of continuing the cartway all the way to Betty Christian's property. This continuation would add Betty as a Petitioner with Alan Hancock. The heavily wooded and the ash swamp areas were recognized. At 6:35 p.m. the hearing was continued to allow the group to go to the town hall.

The hearing reconvened at the town hall at 6:48 p.m. Troy informed the group that this first public hearing is to determine eligibility and route for the petitioned cartway. The property is five acres or larger to satisfy one requirement of a cartway, the primary question is whether or not the property is landlocked. Alan Hancock's property connects to Highway 65. The property connecting to said highway is low and classified as wetland. The board needs to decide if there is another practical access to a public road. Alan informed the board that he had tried to gain access otherwise. He presented an email from Aitkin County Planning & Zoning stating that the county would deny access due to the property being a wetland. He also had a letter from the Minnesota Department of Transportation stating that the MNDOT would be against creating an opening in the guardrail or that he would not have the required sight distance for an approach. For Alan to find access another way he would need to make a road through other people's properties and would still be going through woods and part of the wetland area. The amount of fill that would be required to make a cartway or driveway through the woods and lowlands to go any other way would be impractical and extremely costly if permission from other agencies were granted. After further discussion, the board has determined that Alan Hancock's property is landlocked.

It was stated that the current proposed path for the cartway is a driveway/road that has been in use for 50 years or longer. Charles Quale informed the board that Mr. Sampson was not able to attend the scheduled public hearing due to prior commitments and that he and the clerk met with Mr. Sampson Thursday morning at the site of the cartway. The concerns of Mr. Sampson and his suggested alternate routes were viewed and discussed at that time. Charles Quale communicated Mr. Sampson's concerns and suggestions to the board. Suggested routes consisted of an existing approach that connects Mrs. Orttel's property to Highway 65 that would bring a driveway either along Orttel's property running next to her guest house or behind her house to Hancock's property. Other suggested routes continued to go through the ash swamp passing through other properties. Again county permits, the amount of fill, the wetlands, the trees and the cost become an issue making said suggestions impractical alternate solutions. The board determined that the petitioned cartway route is the least disruptive route for the cartway.

Troy Gilchrist reviewed the Resolution 2016-14 Determining Eligibility and Conditionally Granting a Cartway providing access from Mr. Hancock's property to Highway 65. Said resolution will state the board's discussion and reasons leading to their conclusion. A licensed appraiser will be hired to prepare amount of monetary damages to be paid for the taking of the cartway. All costs and damages are paid for by the Petitioner. The board shall continue this hearing until October 6, 2016, at 6:00 p.m. at the Shamrock Town Hall, at which time it will review the survey, the appraisal report and information to assist the Town Board to properly assess and award damages.

Motion made by Ron Smith, seconded by Allen Eld, to approve the Resolution 2016-14 Determining Eligibility and Conditionally Granting a Cartway based on Alan Hancock's petition and authorizing the Chair and Clerk to sign it once the town attorney has finalized the form. Motion carried.

Motion made by Ron Smith, seconded by Allen Eld, to continue this hearing until October 6, 2016, 6:00 p.m. at the Town Hall for the purpose of continuing this hearing proceeding. Motion carried.

Adjourn 8:13 p.m.

Candace Kral
Clerk

Charles Quale
Board Chairman

MINUTES WERE APPROVED AT THE AUGUST 10, 2016, REGULAR BOARD MEETING