

CITY OF ROCKVILLE, MINNESOTA

**NOTICE OF THE CITY OF ROCKVILLE'S INTEREST IN
FOWLER ROAD**

Pursuant to Resolution No. _____ of the City Council for the City of Rockville dated _____, please take notice that the City of Rockville has recorded its interest in Fowler Road, which traverses the following described real property:

<insert legal description>

The above property is encumbered by the existence of the road and its right-of-way. A map showing the location of Fowler Road is attached as **Exhibit A**.

Dated: _____, 2010

Jeff Hagen, Mayor

ATTEST:

Rena Weber, City Administrator-Clerk

RESOLUTION NO. _____

**A RESOLUTION ADOPTING FINDINGS OF FACT DECLARING FOWLER ROAD A
PUBLIC ROAD PURSUANT TO MINN.STAT. § 160.05**

WHEREAS, Minnesota Statute 160.05 provides for public dedication of a road after six years of continuous maintenance by the City;

WHEREAS, the Rockville City Council has considered officially declaring Fowler Road a public road and hereby makes the following:

FINDINGS OF FACT

1. The City of Rockville, since its consolidation on June 1, 2002, has maintained Fowler Road at the expense of the City.
2. Some of the City's maintenance is described in the Affidavit of Rick Hansen in **Exhibit A**.
3. Prior to incorporation of the City of Rockville, Rockville Township maintained Fowler Road as described in the Affidavit of Brian Herberg in **Exhibit B**.
4. Maintenance of Fowler Road by the City includes snow removal, grading, and addition of gravel.
5. The ditches and shoulders of Fowler Road have been used by the City continuously for storage of snow removed from the road each winter.
6. The ditches and shoulders of Fowler Road have been used by the City continuously to support and maintain the traveled portion of the road.
7. Fowler Road is currently used by the public and has been used by the public for at least as long as Rockville has been a City.
8. The City of Rockville has used, kept in repair, and worked Fowler Road for at least six continuous years.
9. Fowler Road traverses the properties described in **Exhibit C** and depicted on **Exhibit D** to this Resolution.
10. The affected properties adjacent to Fowler Road are:
 - a. Charles and Polly Grell, 21096 Fowler Road (PID 76.41647.0400);
 - b. Scott and Susan Palmer, 21108 Fowler Road (PID 76.41647.0700); and

- c. The Elizabeth J. Klein Revocable Trust, 21107 Fowler Road (PID 76.41648.0400).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The above Findings of Fact are adopted.
2. Pursuant to Minnesota Statute 160.05 and common law dedication, Fowler Road is deemed dedicated to the public.
3. Fowler Road is officially declared a public road of the City of Rockville.
4. The width of Fowler Road includes the road surface, shoulders and ditches as used and maintained by the City.
5. The City Council authorizes the Mayor and City Administrator-Clerk to execute and record a Notice of Interest on each affected property.
6. The City Council directs the City Administrator-Clerk to take all necessary action to effect the proper process to officially make Fowler Road a public road.

The City Council passed this Resolution on _____, 2010, by a vote of _____ voting in favor of the Resolution and _____ opposed to the Resolution

Adopted this _____ day of _____, 2010.

Jeff Hagen
Mayor

ATTEST:

Rena Weber
Administrator-Clerk

Exhibit A
Affidavit of Rick Hansen

Exhibit B

Affidavit of Brian Herberg

Exhibit C

General Description of Fowler Road

An approximately 386 foot long road varying in width from 10 feet to 22 feet that traverses the following legally described properties:

Grell

That part of the Government Lot 4, Section 28, Township 123, Range 29, Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Government Lot; thence North 01 degrees 22 minutes 17 seconds East, assumed bearing, on the West line of said Government Lot a distance of 529.50 feet; thence South 88 degrees 37 minutes 43 seconds East 168.70 feet; thence North 57 degrees 47 minutes 17 seconds East 141.15 feet to the point of beginning of the land to be described; thence continue North 57 degrees 47 minutes 17 seconds East 20.85 feet; thence North 29 degrees 27 minutes 43 seconds West 97.80 feet; thence South 57 degrees 52 minutes 17 seconds West 16.56 feet; thence South 26 degrees 57 minutes 43 seconds East 98.12 feet to the point of beginning. Together with that part of Government Lot 4, Section 28, Township 123, Range 29, Stearns County, Minnesota, described as follows:

Commencing at the Southwest corner of said Government Lot; thence North 01 degrees 22 minutes 17 seconds East, assumed bearing, on the West line of said Government Lot a distance of 529.50 feet; thence South 88 degrees 37 minutes 43 seconds East 168.70 feet; thence North 57 degrees 47 minutes 17 seconds East 162.00 feet; thence North 29 degrees 27 minutes 43 seconds West 97.80 feet; thence South 57 degrees 52 minutes 17 seconds West 16.56 feet to the point of beginning of the land to be described; thence North 57 degrees 52 minutes 17 seconds East 16.56 feet; thence south 29 degrees 27 minutes 43 seconds East 97.80 feet; thence South 57 degrees 47 minutes 17 seconds West 203.39 feet; thence South 47 degrees 04 minutes 46 seconds East 11.29 feet; thence South 50 degrees 55 minutes 26 seconds East 102.11 feet; thence South 41 degrees 23 minutes 56 seconds East 96.72 feet; thence South 31 degrees 51 minutes 39 seconds East 65.58 feet; thence South 10 degrees 31 minutes 17 seconds West 28.63 feet to the center line of a township road; thence Southeasterly 73.00 feet on said center line and on a non tangential curve concave to the South having a radius of 394.84 feet and a central angle of 10 degrees 35 minutes 35 seconds, the chord of said curve bears South 76 degrees 59 minutes 16 seconds East; thence South 71 degrees 41 minutes 28 seconds East on said center line and tangent to said curve 409.07 feet; thence North 15 degrees 57 minutes 46 seconds East 264.82 feet; thence Northerly 38.52 feet on a tangential curve concave to the West having a radius of 96.47 feet and a central angle of 22 degrees 52 minutes 48 seconds, the chord of said curve bears North 04 degrees 31 minutes 22 seconds East; thence North 57 degrees 39 minutes 02 seconds West not tangent to said curve 383.46 feet; thence North 39 degrees 00 minutes 36 seconds West 304, more or less, to the shore line of Grand Lake; thence Southwesterly on said shore line 168 feet, more or less, to the intersection with a line which bears North 26 degrees 57 minutes 43 seconds West from the point of beginning; thence South 26 degrees 57 minutes 43 seconds East 99 feet, more or less, to the point of beginning.

Palmer

That part of Government Lot 4, Section 28, Township 123, Range 29, Stearns County, Minnesota, described as follows:

Commencing at the southwest corner of said Government Lot; thence North 01 degrees 22 minutes 17 seconds East, assumed bearing, on the west line of said Government Lot a distance of 529.50 feet; thence South 88 degrees 37 minutes 43 seconds East 168.70 feet; thence North 57 degrees 47 minutes 17 seconds East 141.15 feet; thence North 26 degrees 57 minutes 43 seconds West 98.12 feet to the point of beginning of the land to be described; thence South 57 degrees 52 minutes 17 seconds West 176.14 feet; thence South 57 degrees 04 minutes 46 seconds East 101.36 feet; thence South 57 degrees 47 minutes 17 seconds West 41.39 feet; thence South 47 degrees 04 minutes 46 seconds East 11.29 feet; thence South 50 degrees 55 minutes 28 seconds East 102.11 feet; thence South 41 degrees 23 minutes 56 seconds East 96.72 feet; thence South 31 degrees 51 minutes 39 seconds East 65.68 feet; thence South 10 degrees 31 minutes 17 seconds West 28.63 feet to the center line of a township road; thence westerly 121.60 feet on said center line on a non tangential curve concave to the south having a radius of 394.84 feet and a central angle of 17 degrees 38 minutes 45 seconds, the chord of said curve bears South 88 degrees 53 minutes 34 seconds West; thence South 80 degrees 04 minutes 12 seconds West on said center line and tangent to said curve 203.45 feet to the West line of said Government Lot; thence North 01 degrees 22 minutes 17 seconds East on said west line 282.55 feet; thence North 74 degrees 07 minutes 17 seconds East 106.39 feet; thence North 47 degrees 04 minutes 46 seconds West 102.55 feet; thence North 61 degrees 52 minutes 17 seconds East 74.44 feet; thence North 26 degrees 57 minutes 43 seconds West 58 feet, more or less, to the shore line of Grand Lake; thence Northeasterly 150 feet, more or less, on said shore line to the intersection with line which bears North 26 degrees 57 minutes 43 seconds West from the point of beginning; thence South 26 degrees 57 minutes 43 seconds East 99 feet, more or less, to the point of beginning.

Together with that part of Government Lot Four (4), Section Twenty-eight (28), Township One Hundred Twenty-three (123), Range Twenty-nine (29), Stearns County, Minnesota, described as follows:

Commencing at the southwest corner of said Government Lot; thence North 01 degrees 22 minutes 17 seconds East, assumed bearing, on the west line of said Government Lot a distance of 529.50 feet; thence South 88 degrees 37 minutes 43 seconds East 168.70 feet to the point of beginning of the land to be described; thence North 57 degrees 47 minutes 17 seconds East 141.15 feet; thence North 26 degrees 57 minutes 43 seconds West 98.12 feet; thence South 57 degrees 52 minutes 17 seconds West 176.14 feet; thence South 47 degrees 04 minutes 46 seconds East 101.36 feet to the point of beginning, and which said land hereafter shall not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the tract to which it is being attached, unless said land shall become a part of a duly recorded plat.

Klein

That part of Government Lot 4 and that part of Lot 1, Molitor's Addition according to the registered plat thereof, Section 28, Township 123 North, Range 29 West, Stearns County, Minnesota, described as follows: Commencing at the southwest corner of said Government Lot 4; thence North on an assumed bearing along the west line of said Government Lot 605.50 feet; thence North 60 degrees 30 minutes 00 seconds East 150.00 feet to the point of beginning of the tract to be described; thence South 60 degrees 30 minutes 00 seconds West 150.00 feet to said west line of Government Lot 4; thence South along said west line 75.50 feet; thence South 72 degrees 45 minutes 00 seconds West 90.00 feet; thence North 08 degrees 45 minutes 00 seconds West parallel with the west line of said Lot 1 a distance of 101 feet, more or less, to the shoreline of Grand Lake; thence northeasterly along said shoreline to the intersection with a line which bears North 28 degrees 20 minutes 00 seconds West from the point of beginning; thence South 28 degrees 20 minutes 00 seconds East 60 feet, more or less, to the point of beginning. Subject to any easements of record. Said tract contains 0.44 acres, more or less;

AND

That part of Government Lot Four (4), Section Twenty-eight (28), Township One Hundred Twenty-three (123), Range Twenty-nine (29), Stearns County, Minnesota, described as follows: Commencing at the Southwest corner of said Government Lot; thence North on an assumed bearing along the West Line of said Government Lot a distance of 520.00 feet to the point of beginning of the land to be described; thence North 72 degrees 45 minutes 00 seconds East 100.00 feet; thence North 23 degrees 53 minutes 55 seconds West 96.09 feet; thence South 60 degrees 30 minutes 00 seconds West 65.00 feet to said West line; thence South along said West line 85.50 feet to the point of beginning. Containing 0.17 acres, more or less.

LESS AND EXCEPT

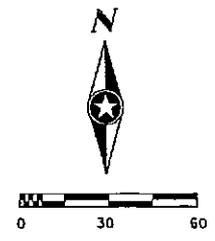
That part of Govt. Lot 4, Sec. 28, T.123, R. 29 desc. as follows: Commencing at SW corner of said Govt. Lot; thence N. on an assumed bearing along the W. line of said Govt. Lot a distance of 605.50 ft.; thence N. 60° 30' 00" E. 103 ft. to the point of beginning of the land to be desc.; thence continuing N. 60° 30' 00" E. 47 ft.; thence N. 28° 20' 00" W. to the low water mark of Grand Lake; thence W'y along the low water mark to a point lying N. 28° 20' 00" W. of the point of beginning herein; thence S. 28° 20' 00" E. 60 ft. more or less to the point of beginning;

(As depicted in Exhibit D)

Exhibit D

Map

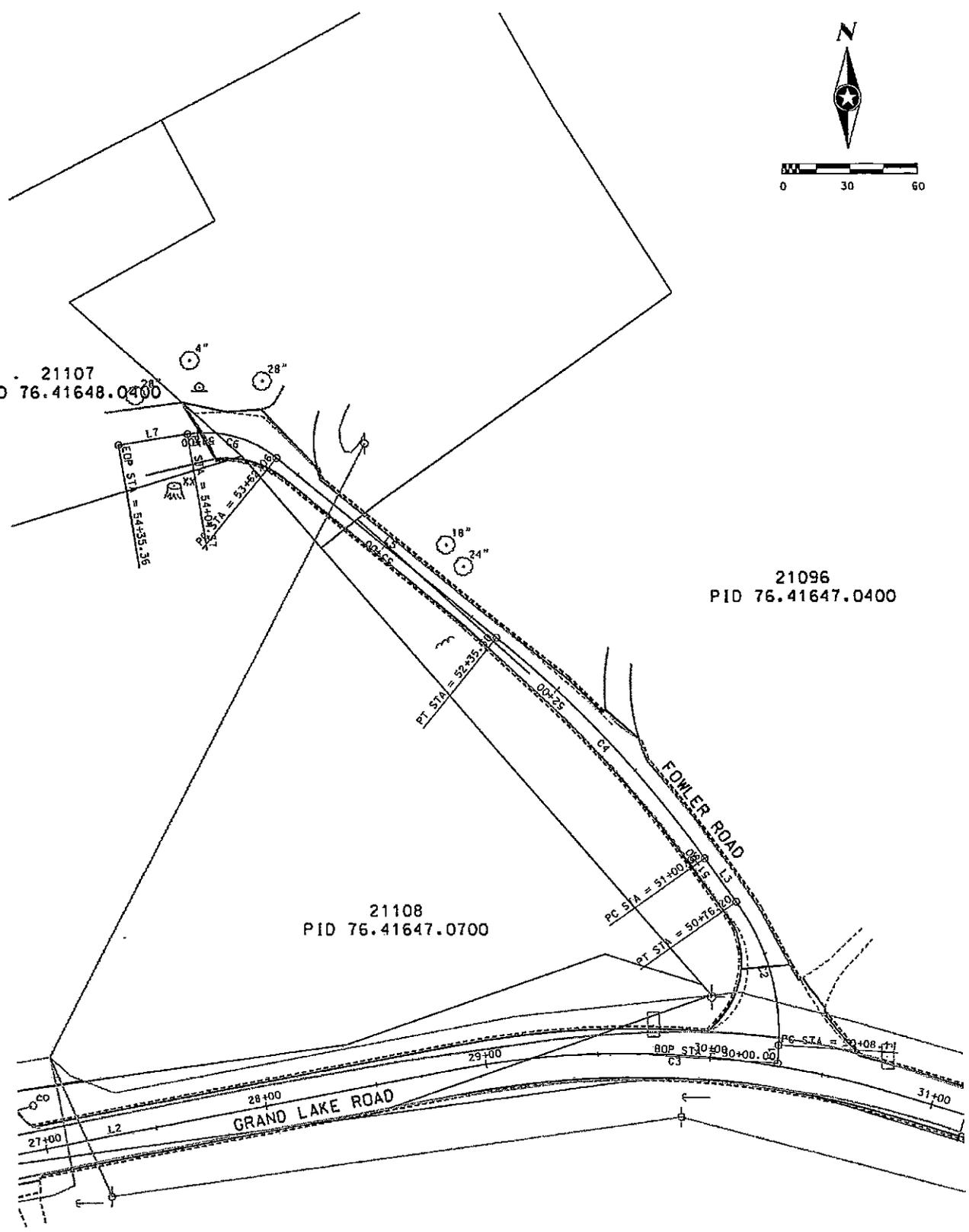
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FWLER ROAD
ROCKVILLE, MINNESOTA

RESOLUTION NO. 2010-15
RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the improvement of:

ROAD RE-CONSTRUCTION – GRAND LAKE ROAD AND FOWLER ROAD

Bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

AND WHEREAS, it appears that _____ is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKVILLE, MINNESOTA:

1. The Mayor and Administrator/Clerk are hereby authorized and directed to enter into the attached contract with _____ in the name of the City of Rockville for the improvement according to the plans and specifications therefore approved by the city council and on file in the office of the Administrator/Clerk.
2. The Administrator/Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCKVILLE THIS
_____ **DAY OF** _____, **2010**

ATTEST:

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR