

**AVON TOWNSHIP  
RESOLUTION NO. 06-10-20**

**RESOLUTION DENYING VACATION PETITION  
WITHIN THE CONNAUGHT PLAT**

**WHEREAS**, Alice Thelen is the owner of Lots 21 and 22 of the Connaught plat in Avon Township;

**WHEREAS**, Paul Nathe is the owner of Lots 19 and 20 of the Connaught plat in Avon Township;

**WHEREAS**, the Kelly Skalicky Trust is the owner of real property immediately adjacent to the northern portion of the Connaught plat in Avon Township;

**WHEREAS**, Alice Thelen, through her son David Thelen, submitted a petition dated May 5, 2020 seeking the vacation of a platted but unopened portion of public road right of way lying north of Lots 19, 20, 21, and 22 of the Connaught plat (the "Petition");

**WHEREAS**, the Petition was signed by not less than eight voters of the town who own real estate within three miles of the road;

**WHEREAS**, the Avon Town Board, after receipt of the Petition on May 6, 2020, at its May 13, 2020 meeting ordered a site inspection and public hearing on June 10, 2020 as required by Minnesota Statute § 164.07;

**WHEREAS**, at its May 13, 2020 meeting, the Avon Town Board informally heard from both Paul Nathe and Alice Thelen and requested that the parties work towards a voluntary, private solution for access prior to the vacation public hearing;

**WHEREAS**, after visiting the site, listening to testimony, and reviewing evidence received at the site inspection and public hearing on June 10, 2020, the Avon Town Board determined that the requested vacation would not serve the public's interest due to the conflict between private property owners that would result and uncertainty of boundary lines.

**NOW, THEREFORE, the Town Board of Avon Township makes the following findings of fact:**

1. Paul Nathe and Alice Thelen could not resolve disputed access prior to the June 10, 2020 site inspection and public hearing.

2. Paul Nathe, through his legal counsel, objected to the vacation request and stated that the private easement proposed by the Thelens was not reasonable and would cause significant damages to the Paul Nathe property.
3. Alice Thelen's legal counsel submitted a letter in support of the vacation asserting that the easement was reasonable and no damages existed.
4. Surveys provided by Paul Nathe and the Kelly Skalicky Trust appear to show inconsistent boundary lines for the respective parcels and the platted right of way; no title work was provided to the Township.
5. The petitioners did not provide affidavits or other proof of service as required to demonstrate that proper notice of the hearing was provided.

**NOW, THEREFORE, be it resolved by the Town Board of Avon Township:**

1. The Petition dated May 5, 2020 for the vacation of a portion of public road right of way within the Connaught plat is hereby denied.
2. The Town Board directs the Town Clerk to provide copies of this resolution to Alice Thelen, Paul Nathe, and the Kelly Skalicky Trust.

Adopted this 1<sup>st</sup> day of July, 2020.

Township Supervisor

Yes/No

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Ken Mergen

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\_\_\_\_\_  
Mike Linn

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\_\_\_\_\_  
Rich Sanoski

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\_\_\_\_\_  
Town Board Chair, Mike Linn

ATTEST:

\_\_\_\_\_  
Town Clerk, Stephen Saupe