Avon Township
Stearns County, Minnesota

Resolution No. 09-02-26-1

RESOLUTION INITIATING PROCEEDINGS FOR THE PARTIAL VACATION OF PARKWOOD COURT

WHEREAS, Parkwood Court is a public right-of-way located within Avon Township, Stearns County, Minnesota;

WHEREAS, a portion of the Parkwood Court right-of-way consists of excess right-of-way associated with the existing cul-de-sac;

WHEREAS, the Township has previously considered requests concerning vacation of a portion of the Parkwood Court right-of-way, including proceedings and discussions occurring in 2022 through 2025;

WHEREAS, during those prior proceedings, the Township encouraged affected property owners to attempt to reach agreement concerning the configuration of a proposed partial vacation, but the affected property owners have not reached agreement;

WHEREAS, the Town Board has determined that the absence of an agreement among the affected property owners does not preclude the Township from independently considering whether vacation of a portion of the public right-of-way is in the public's interest;

WHEREAS, Avon Township is an urban township exercising powers under Chapter 368;

WHEREAS, Minnesota Statutes § 368.01, subdivision 25, authorizes the Town Board, on its own motion, to consider vacation of all or part of a street or public way following notice and a public hearing as provided by law;

WHEREAS, Minn. Stat. § 164.06, subd. 1 allows a town board to initiate the town road establishment, vacation, or alteration procedure contained in Minn. Stat. § 164.07 upon receiving authorization of the town electors;

WHEREAS, the issue of vacating Parkwood Court (platted as Sunshine Circle on Sunridge at Avon Plat, Document No. 518299) was raised and discussed at the annual town meeting of the electors of Avon Township, Stearns County, Minnesota on March 11, 2025, at which the electors expressed support for the Town Board proceeding with consideration of a vacation;

WHEREAS, the affected property owners, Jeremy & Holly Maurstad (15063 Parkwood Court; PID No. 03.01530.0069) and Shawn & Kellie Primus (15047 Parkwood Court; PID No. 03.01530.0091), were present at the 2025 annual town meeting to initiate the request to vacate Parkwood Court;

WHEREAS, the vacation action was placed on hold until the affected property owners completed a survey to determine boundaries of the partial vacation;

WHEREAS, the issue of vacating Parkwood Court was once again brought up in June 2026 by property owners Shawn and Kellie Primus. They agreed to obtain and pay for a survey of the boundaries of the vacation;

WHEREAS, the vacation of Parkwood Court was discussed at the August 12, 2026 Township Meeting and at the August 26, 2026 Planning Commission Meeting;

WHEREAS, the Town Board understands that vacation of the public right-of-way terminates the Township's public interest in the Vacation Area but does not itself adjudicate the respective fee ownership or boundaries of adjoining private property owners;

WHEREAS, the Town Board acknowledges that Minnesota caselaw generally provides that the current owner of a lot abutting a platted right-of-way is presumed to hold fee title to the land underlying that right-of-way even though it is not included in a legal description-- meaning that upon the Township's vacation of the right-of-way, the current owner generally retains fee simple ownership of the vacated portion, rather than the original platter or the platter's successors;

WHEREAS, based on current caselaw, it is presumed that the vacation of the Vacation Area will not landlock any property or cause damage to any property;

WHEREAS, the purpose of the proposed vacation is to eliminate unnecessary public right-of-way that is not needed for roadway or other public purposes, while leaving questions concerning ownership and boundaries of the underlying property to be determined under applicable law rather than by the Township;

WHEREAS, the Town Board desires to initiate a new proceeding to consider the proposed vacation of the Vacation Area so that all affected property owners have notice and an opportunity to be heard concerning the specific configuration presently under consideration.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Avon Township, Stearns County, Minnesota hereby initiates the road vacation procedure for Parkwood Court as follows:

1. **Proceeding Initiated.** The Town Board hereby initiates proceedings pursuant to Minnesota Statutes § 368.01, subdivision 25, to consider to vacate Parkwood Court.

2. **Public Hearing.** A public hearing concerning the proposed vacation shall be held on October 7, 2026, at 7:10 p.m. at the Avon Township Hall, 16881 Queens Road, Avon Minnesota.

3. **Notice.** The Town Clerk is directed to cause notice of the public hearing to be published and posted for two weeks as required by Minnesota Statutes § 368.01, subdivision 25. The Clerk shall also mail written notice of the hearing, together with a copy of this Resolution, to each property owner affected by the proposed vacation at least ten days before the hearing, including without limitation:

    A. Jeremy & Holly Maurstad (15063 Parkwood Court; PID No. 03.01530.0069)
    B. Shawn & Kellie Primus (15047 Parkwood Court; PID No. 03.01530.0091)

4. **Prior Proceedings.** This Resolution initiates a new and independent proceeding under Minn. Stat. § 368.01, subd. 25, concerning the Vacation Area. The Town Board acknowledges that prior discussions or actions contemplated that the affected property owners would mutually agree upon the configuration of a proposed vacation. That agreement was not reached. To the extent any prior Township action conditioned further

consideration of the vacation upon such agreement, the Town Board hereby supersedes that condition for purposes of this proceeding.

5. **No Determination of Private Ownership.** The proposed vacation concerns only whether the Township should extinguish the public interest in the Vacation Area. Neither this Resolution nor any subsequent vacation by the Township shall determine ownership of the underlying fee, establish or alter a private boundary, or adjudicate competing private property interests.

Adopted this 2nd day of September, 2026.

BY THE TOWN BOARD

	Yes	No	Abstain
Supervisor _____ Craig Blonigen	X	____	____
Supervisor _____ Chad Klocker	X	____	____
Supervisor _____ Bryan Rassier	X	____	____

Attest:

_____
Stephen Saupe, *Clerk*

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