

**MINUTES – BENSON CITY COUNCIL – SPECIAL MEETING  
NOVEMBER 18, 2004**

The meeting was called to order at 5:00 p.m. by Mayor Kittelson. Members present: Lee Westrum, Gary Landmark, and Paul Kittelson. Members absent: Sue Fitz and Bob Claussen. Also present: Finance Director Glen Pederson and City Attorney Don Wilcox.

The City Attorney informed the Council that the City needs to dedicate a portion of Lot Five and Outlots A and B of Benson Industrial Rail Second Addition as a public right of way. Council Member Landmark offered the following Resolution and moved its adoption:

**RESOLUTION TO DEDICATE A PORTION OF  
LOT FIVE AND OUTLOTS A AND B,  
BENSON INDUSTRIAL RAIL SECOND ADDITION  
(RESOLUTION NO. 2004-33)**

**WHEREAS**, the City of Benson, a municipal corporation, herein referred to as “the City”, is the owner of real property located in the City of Benson, Swift County, Minnesota, described as Lot Five (5) and Outlots A and B, Benson Industrial Rail Second Addition to the City of Benson; and,

**WHEREAS**, the City, for itself and its successors and/or assigns, desires to establish and set aside a permanent right of way across said real property for the construction, use and maintenance of a public electric utility distribution line or system or other public utilities;

**NOW THEREFORE**, the City does hereby dedicate to the public, for public use forever, the property described herein as follows, for use as perpetual right of way over, across or under said property for the construction, operation and maintenance of a public electric utility distribution line or system, and/or such other public utility lines or systems as may from time to time be appropriate, over, across or under all that property located in Lot Five (5) and Outlots A and B, Benson Industrial Rail Second Addition to the City of Benson lying within twenty-one (21) feet on either side of the following described line:

Commencing at the northwest corner of said Lot Five (5), Block One (1), Benson Industrial Rail Second Addition; thence South 00 degrees 09 minutes 13 seconds East, record bearing along the west line of said Lot Five (5), a distance of 249.58 feet to the point of beginning of the line to be described; thence North 89 degrees 57 minutes 09 seconds East 2052.08 feet; thence South 34 degrees 04 minutes 42 seconds East 60.16 feet to the southeasterly line of said Outlot B and there terminating

including the right to erect, construct, reconstruct, replace, remove, maintain, and use a line of towers thereon with such wires and cables as shall from time to time suspend therefrom for the transmission of electric energy, and for communication purposes, and all necessary and proper foundations, footings, cross arms, and other appliances and fixtures for use in connection with such towers, wires, and cables, or necessary in connection with any utility line or system located in the dedicated area.

Adopted this 18<sup>th</sup> day of November, 2004.

Council Member Westrum seconded the foregoing Resolution and the following vote was recorded: AYES: Landmark, Westrum, Kittelson. NAYS: None. ABSENT: Fitz and Claussen. Whereupon the Mayor declared Resolution No. 2004-33 duly passed and adopted.

The City Attorney presented an ordinance to vacate unused utility easements lying within Benson Industrial Rail Addition and Benson Industrial Rail Second Addition. It was moved by Westrum, seconded by Landmark and carried unanimously to approve the First Reading of An Ordinance to Vacate Utility Easements. The unused utility easements are described as follows:

1. That utility easement dated December 9, 1959 and filed for record December 9, 1959 in Book 85 of Deeds page 349 as Document number 131000 in the office of the Swift County Recorder covering land located in Swift County, Minnesota described as the Northwest Quarter (NW ¼) of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40).
2. That utility easement dated January 21, 1956 and filed for record July 8, 1957 in Book 80 of Deeds page 618 as Document number 126903 in the office of the Swift County Recorder covering land located in Swift County, Minnesota described as the Southeast Quarter (SE ¼) of Section One (1), Township One Hundred Twenty-one (121), Range Forty (40).

There being no additional items to come before the Council, the meeting was adjourned at 5:06 p.m.

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Mayor

Attest: \_\_\_\_\_  
City Clerk