

Senator Bachmann introduced--

S.F. No. 1105: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to state lands; authorizing the private sale  
3 of tax-forfeited land bordering public waters in  
4 Washington County.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING  
7 PUBLIC WATER; WASHINGTON COUNTY.]

8 (a) Notwithstanding Minnesota Statutes, sections 92.45 and  
9 282.018, subdivision 1, and the public sale provisions of  
10 Minnesota Statutes, chapter 282, Washington County may sell the  
11 tax-forfeited land described in paragraph (c) by private sale,  
12 under the remaining provisions of Minnesota Statutes, chapter  
13 282.

14 (b) The conveyance must be in a form approved by the  
15 attorney general for the appraised value of the land.

16 (c) The land to be sold is property ID number  
17 22.032.21.12.0001, located in Washington County, and described  
18 as: the Northwest Quarter of the Northeast Quarter of Section  
19 22, Township 32 North, Range 21 West of the 4th Principal  
20 Meridian, except the following: that part platted as GREEN  
21 VALLEY-2ND PLAT according to the recorded plat thereof. And  
22 also except the South 220 feet of the West 40 feet of said  
23 Northwest Quarter of the Northeast Quarter. And also except the  
24 East 300 feet of the West 750.41 feet of said Northwest Quarter  
25 of the Northeast Quarter. And also except commencing at the

1 northwest corner of Lot 4, GREEN VALLEY according to the  
2 recorded plat thereof, which point is on the north line of said  
3 Section 22; thence East (North 90 degrees 00 minutes East) along  
4 the north line of said GREEN VALLEY and said north line of  
5 Section 22 a distance of 418 feet to the northeast corner of Lot  
6 7 of said GREEN VALLEY and the point of beginning; thence South  
7 00 degrees 03 minutes East, along the easterly line of said Lot  
8 7, a distance of 295.6 feet to the southeast corner of said Lot  
9 7 and the north line of GREEN VALLEY-2ND PLAT, according to the  
10 recorded plat thereof; thence South 76 degrees 49 minutes East,  
11 along said north line of GREEN VALLEY-2ND PLAT, a distance of  
12 872.7 feet; thence North 54 degrees 37 minutes 30 seconds East a  
13 distance of 202.8 feet; thence North 78 degrees 04 minutes 30  
14 seconds East a distance of 505 feet, more or less, to the shore  
15 of Shields Lake; thence northerly, along the shore of Shields  
16 Lake, a distance of 280 feet, more or less, to said north line  
17 of Section 22; thence West along said north line a distance of  
18 1573.16 feet, more or less, to the point of beginning.

19 (d) The county has determined that the county's land  
20 management interests would be best served if the lands were  
21 returned to private ownership.



## Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-40\_\_

March 14, 2005

Representative Tom Hackbarth  
Chair, Environment & Natural  
Resources Committee  
409 State Office Building  
St. Paul, Minnesota 55155

Senator John Marty  
Chair, Environment & Natural  
Resources Committee  
323 Capitol  
St. Paul, Minnesota 55155

Dear Committee Chairs:

Minnesota Statutes 282.018, subd. 1(d) directs the DNR to evaluate sale proposals of certain tax forfeit lands involving public waters and to make a recommendation to the legislature regarding proposed disposition.

M.S. 282.018 subd. 1(d)

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the Commissioner of Natural Resources, the authority may submit proposals for disposition of the lands to the commissioner. The Commissioner of Natural Resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

Please accept this letter as the Department's written recommendation of disposition regarding the proposed sale of the following tax-forfeit property:

**Washington County HF 1207 SF 1105**

**Department's Recommendation: No objection**

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

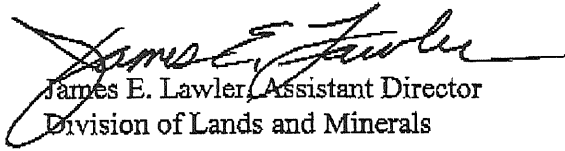
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If you have any questions, please feel free to call Gloria Johnson, Division of Lands and Minerals at (651) 296-9559.

Yours truly,



James E. Lawler, Assistant Director  
Division of Lands and Minerals

cc: Senator Tom Saxhaug, Chair, Senate Lands Subcommittee  
Senator Michele Bachmann  
Representative Ray Vandev eer

**Washington  
County****Assessment,  
Taxpayer Services and  
Elections Department**Kevin Corbid  
Director

Tuesday, March 15, 2005

MEMBERS OF THE ENVIRONMENT AND NATURAL RESOURCES SUBCOMMITTEE ON  
LAND AND WATERS  
MINNESOTA HOUSE OF REPRESENTATIVES**Re: Application by Robin Eilers to purchase parcel 22.032.21.12.0001**

Dear Members of the Subcommittee,

Robin Eilers, a resident of Washington County, has approached our office last year. She noticed that her residential property is adjacent to the above piece of tax-forfeited land and she wanted to know if she might be able to acquire it. We explained to her that because this parcel of tax-forfeited land has more than 150 feet exposure to water it cannot be sold per Minnesota Statutes 282.01, but it can be conveyed through a special piece of legislation. This letter is issued to express the fact that Washington County is not opposed to the acquisition of the above parcel by Robin Eilers.

Sincerely,

Bogdan Filipescu  
Land Records & Research Division  
Phone: 651-430-6197  
Email: [Filipescu@co.Washington.mn.us](mailto:Filipescu@co.Washington.mn.us)

Senators Olson and Hann introduced--

S.F. No. 1508: Referred to the Committee on Environment and Natural Resources.

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A bill for an act

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relating to state lands; authorizing the conveyance of certain tax-forfeited land that borders public water in Hennepin County; authorizing the sale or conveyance to governmental subdivisions for authorized public use of certain state lands pursuant to Minnesota Statutes, section 282.01.

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9

Section 1. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON

10

PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

11

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding

12

Minnesota Statutes, sections 92.45, 103F.535, and 282.018,

13

subdivision 1, Hennepin County may sell or convey for public use

14

without monetary consideration to the city of Brooklyn Park, a

15

governmental subdivision, for an authorized public use for Storm

16

Water Retention Area, the parcel of tax-forfeited land bordering

17

public water or natural wetlands containing in excess of 150

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feet of frontage on Shingle Creek, that is described in

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subdivision 2, under the remaining provisions of Minnesota

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Statutes, chapter 282.

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(b) Any such conveyance shall be subject to restrictions

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imposed by the commissioner of the Department of Natural

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Resources and subject to the clause for reversion to the state

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for failure to use, or abandonment of use for which the

25

tax-forfeited lands were acquired in Minnesota Statutes, section

26

282.01.

1 (c) The conveyance must be in a form approved by the  
2 attorney general.

3 Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
4 may be conveyed is described as: Unplatted, Section 30,  
5 Township 119, Range 21, the East 187.1 feet of the West 1,182.6  
6 feet of the South 597 feet of the Southwest 1/4 of the Northeast  
7 1/4. Also that part of the Southwest 1/4 of the Northeast 1/4  
8 lying East of the West 1,182.6 feet thereof and lying  
9 southwesterly of Registered Land Survey No. 304.

10 (b) The land described must be sold under the sale  
11 provisions in Minnesota Statutes, section 282.01.

12 (c) Hennepin County has determined that the county's land  
13 management interests would best be served if the lands were  
14 returned to private ownership or conveyed to a governmental  
15 subdivision for an authorized public use.

16 [EFFECTIVE DATE.] This section is effective the day  
17 following final enactment.

18 Sec. 2. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON  
19 PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

20 Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding  
21 Minnesota Statutes, sections 92.45, 103F.535, and 282.018,  
22 subdivision 1, Hennepin County may sell or convey for public use  
23 without monetary consideration to the city of Minnetrista, a  
24 governmental subdivision, for an authorized public use for  
25 Preservation of Wetlands and Wildlife, the parcel of  
26 tax-forfeited land bordering public water or natural wetlands  
27 containing in excess of 150 feet of frontage on Painter Creek  
28 and Jennings Bay on Lake Minnetonka, that is described in  
29 subdivision 2, under the remaining provisions of Minnesota  
30 Statutes, chapter 282.

31 (b) Any such conveyance shall be subject to restrictions  
32 imposed by the commissioner of the Department of Natural  
33 Resources and subject to the clause for reversion to the state  
34 for failure to use, or abandonment of use for which the  
35 tax-forfeited lands were acquired as provided in Minnesota  
36 Statutes, section 282.01.

1 (c) The conveyance must be in a form approved by the  
2 attorney general.

3 Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
4 may be conveyed is described as: Outlot 2, Sun Valley.

5 (b) The land described must be sold under the sale  
6 provisions in Minnesota Statutes, section 282.01.

7 (c) Hennepin County has determined that the county's land  
8 management interests would best be served if the lands were  
9 returned to private ownership or conveyed to a governmental  
10 subdivision for an authorized public use.

11 [EFFECTIVE DATE.] This section is effective the day  
12 following final enactment.

13 Sec. 3. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON  
14 PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

15 Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding  
16 Minnesota Statutes, sections 92.45, 103F.535, and 282.018,  
17 subdivision 1, Hennepin County may sell or convey to the city of  
18 Eden Prairie, a governmental subdivision, for an authorized  
19 public use for wetland purposes, the parcel of tax-forfeited  
20 land bordering public water or natural wetlands containing in  
21 excess of 150 feet of frontage on Lake Idlewild (27-74P), that  
22 is described in subdivision 2, under the remaining provisions of  
23 Minnesota Statutes, chapter 282.

24 (b) Any such conveyance shall be subject to restrictions  
25 imposed by the commissioner of the Department of Natural  
26 Resources and subject to the clause for reversion to the state  
27 for failure to use, or abandonment of use for which the  
28 tax-forfeited lands were acquired as provided in Minnesota  
29 Statutes, section 282.01.

30 (c) The conveyance must be in a form approved by the  
31 attorney general.

32 Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
33 may be conveyed is described as Lot 21 except parts platted as  
34 Registered Land Survey No. 895 and Idlewood Lake Addition and  
35 Anderson Idlewild Addition and Anderson's Idleview, Auditor's  
36 Subdivision No. 335, Hennepin County, Minnesota.



1 (b) The land described must be sold under the sale  
2 provisions in Minnesota Statutes, section 282.01.

3 (c) Hennepin County has determined that the county's land  
4 management interests would best be served if the lands were  
5 returned to private ownership or conveyed to a governmental  
6 subdivision for an authorized public use.

7 [EFFECTIVE DATE.] This section is effective the day  
8 following final enactment.

9 Sec. 4. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON  
10 PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

11 Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding  
12 Minnesota Statutes, sections 92.45, 103F.535, and 282.018,  
13 subdivision 1, Hennepin County may sell or convey to the city of  
14 Eden Prairie, a governmental subdivision, for an authorized  
15 public use of wetland purposes, the parcel of tax-forfeited land  
16 bordering public water or natural wetlands containing in excess  
17 of 150 feet of frontage on Lake Idlewild (27-74P) or the  
18 majority of the parcel under water, that is described in  
19 subdivision 2, under the remaining provisions of Minnesota  
20 Statutes, chapter 282.

21 (b) Any such conveyance shall be subject to restrictions  
22 imposed by the commissioner of the Department of Natural  
23 Resources and subject to the clause for reversion to the state  
24 for failure to use, or abandonment of use for which the  
25 tax-forfeited lands were acquired as provided in Minnesota  
26 Statutes, section 282.01.

27 (c) The conveyance must be in a form approved by the  
28 attorney general.

29 Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that  
30 may be conveyed is described as Outlot A, Anderson Idlewild  
31 Addition.

32 (b) The land described must be sold under the sale  
33 provisions in Minnesota Statutes, section 282.01.

34 (c) Hennepin County has determined that the county's land  
35 management interests would best be served if the lands were  
36 returned to private ownership or conveyed to a governmental

- 1 subdivision for an authorized public use.
- 2 [EFFECTIVE DATE.] This section is effective the day
- 3 following final enactment.



# Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-40\_\_

March 8, 2005

Representative Tom Hackbarth  
Chair, Environment & Natural  
Resources Committee  
409 State Office Building  
St. Paul, Minnesota 55155

Senator John Marty  
Chair, Environment & Natural  
Resources Committee  
323 Capitol  
St. Paul, Minnesota 55155

Dear Committee Chairs:

Minnesota Statutes 282.018, subd. 1(d) directs the DNR to evaluate sale proposals of certain tax forfeit lands involving public waters and to make a recommendation to the legislature regarding proposed disposition.

M.S. 282.018 subd. 1(d)

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the Commissioner of Natural Resources, the authority may submit proposals for disposition of the lands to the commissioner. The Commissioner of Natural Resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

Please accept this letter as the Department's written recommendation of disposition regarding the proposed sale of the following tax-forfeit property:

**Hennepin County      HF 1581 SF 1508**

**Department's Recommendation: No objection**

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If you have any questions, please feel free to call Gloria Johnson, Division of Lands and Minerals at (651) 296-9559.

Yours truly,



James E. Lawler, Assistant Director  
Division of Lands and Minerals

cc: Senator Tom Saxhaug, Chair, Senate Lands Subcommittee  
Senator Gen Olson  
Rep. Steve Smith  
Senator David Hann

Hennepin County, Minnesota  
RESOLUTION NO. 05-2-84

The following Resolution was offered by Commissioner Koblick, seconded by Commissioner Stenglein:

BE IT RESOLVED, that Hennepin County adopts a 2005 Legislative Platform that supports the transfer or sale of tax-forfeit properties bordering public waters to governmental subdivisions; that supports the sale of certain properties bordering public waters to private citizens; and that the Director of Taxpayer Services be authorized to obtain Minnesota Department of Natural Resources approval to transfer or sell tax-forfeit parcels bordering public waters.

Commissioner Koblick moved to amend by striking the following; "; that supports the sale of certain properties bordering public waters to private citizens;" seconded by Commissioner Steele and ADOPTED unanimously.

The question was on the adoption of the Resolution as amended and there were 7 YEAS and 0 NAYS, as follows:

COUNTY OF HENNEPIN BOARD OF COUNTY COMMISSIONERS	<u>YEA</u>	<u>NAY</u>	<u>OTHER</u>
Michael Opat	<u>X</u>	---	---
Mark Stenglein, Vice-Chair	<u>X</u>	---	---
Gail Dorfman	<u>X</u>	---	---
Peter McLaughlin	<u>X</u>	---	---
Linda L Koblick	<u>X</u>	---	---
Penny Steele	<u>X</u>	---	---
Randy Johnson, Chair	<u>X</u>	---	---

RESOLUTION ADOPTED ON 02/08/05

ATTEST: \_\_\_\_\_  
Clerk of the County Board

**HENNEPIN COUNTY'S TAX-FORFEITED LAND PARCELS PROPOSED  
FOR SPECIAL LEGISLATION 2005 SESSION**

<b>PID#</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>DISPOSITION</b>
30-119-21-13-0006	48 Address Unassigned	Brooklyn Park	Conveyance for Public Use for Storm Water Retention Area

This parcel forfeited on 05/16/91. This parcel borders Shingle Creek with more than 150 ft on the East line and has a pond on the South end. The City of Brooklyn Park has requested this parcel be conveyed to them for the public purpose of storm water retention area. Tom Hovey of the DNR has inspected the site with members from the City's Engineering Department and is aware of the City's plans for the parcel.

<b>PID#</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>DISPOSITION</b>
12-117-24-22-0019	36 Address Unassigned	Minnetrista	Conveyance for Public Use for Preservation of Wetlands and Wildlife

This parcel forfeited on 10/07/93. This parcel is wetlands, land locked and borders with more than 150 ft on Painter Creek and Jennings Bay on Lake Minnetonka. The City of Minnetrista has requested this parcel be conveyed to them for the public purpose of preservation of wetlands and wildlife.

<b>PID#</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>DISPOSITION</b>
14-116-22-12-0026	61 Address Unassigned	Eden Prairie	Conveyance for Public Use for Wetland Purposes

This parcel forfeited on 07/26/01. This parcel is located on Lake Idlewild (27-74P) with more than 150 ft on the Lake. The majority of the parcel is under water. The City of Eden Prairie has requested this parcel be conveyed to them for the public purpose of wetland purposes.

<b>PID#</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>DISPOSITION</b>
14-116-22-12-0017	61 Address Unassigned	Eden Prairie	Conveyance for Public Use for Wetland Purposes

This parcel forfeited on 06/08/00. This parcel is located on Lake Idlewild (27-74P) with more than 150 ft on the Lake. The majority of the parcel is under water. The City of Eden Prairie has requested this parcel be conveyed to them for the public purpose of wetland purposes.

# Hennepin County, MN

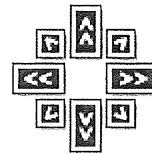
Click on map to view information on adjoining properties  
Scroll down to see property address, value & tax info



ZOOM LEVEL



PAN



Last update: 3/03/2005 at 1:00 PM

### READ IMPORTANT DISCLAIMER INFORMATION BELOW

Property ID	Approximate Property Perimeter	Approximate Property Area
30-119-21-13-0006	3,222 ft.	281,184 sq.ft. = 6.455 acres
Property Address	Market Value	Total Tax (2005)
ADDRESS UNASSIGNED BROOKLYN PARK, MN 0	\$	\$ .00

Click on Property Information Button below to view main tax information page for the property you have selected

**HENNEPIN COUNTY SURVEYOR MAP PRODUCTS**



The data contained on this page is derived from a compilation of records and maps and may contain discrepancies that can only be disclosed by an accurate survey performed by a licensed land surveyor. The perimeter and area (square footage and acres) are approximates and may contain discrepancies. The information on this page should be used for reference purposes only. Hennepin County does not guarantee the accuracy of material herein contained and is not responsible for any misuse or misrepresentation of this information or its derivatives.

Please report any map discrepancies to Bob Moulder (Hennepin County Survey Division) at (612) 348-2618 or via e-mail at [Bob.Moulder@co.hennepin.mn.us](mailto:Bob.Moulder@co.hennepin.mn.us)  
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NO 905

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(ASPEN LA W)

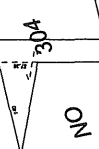
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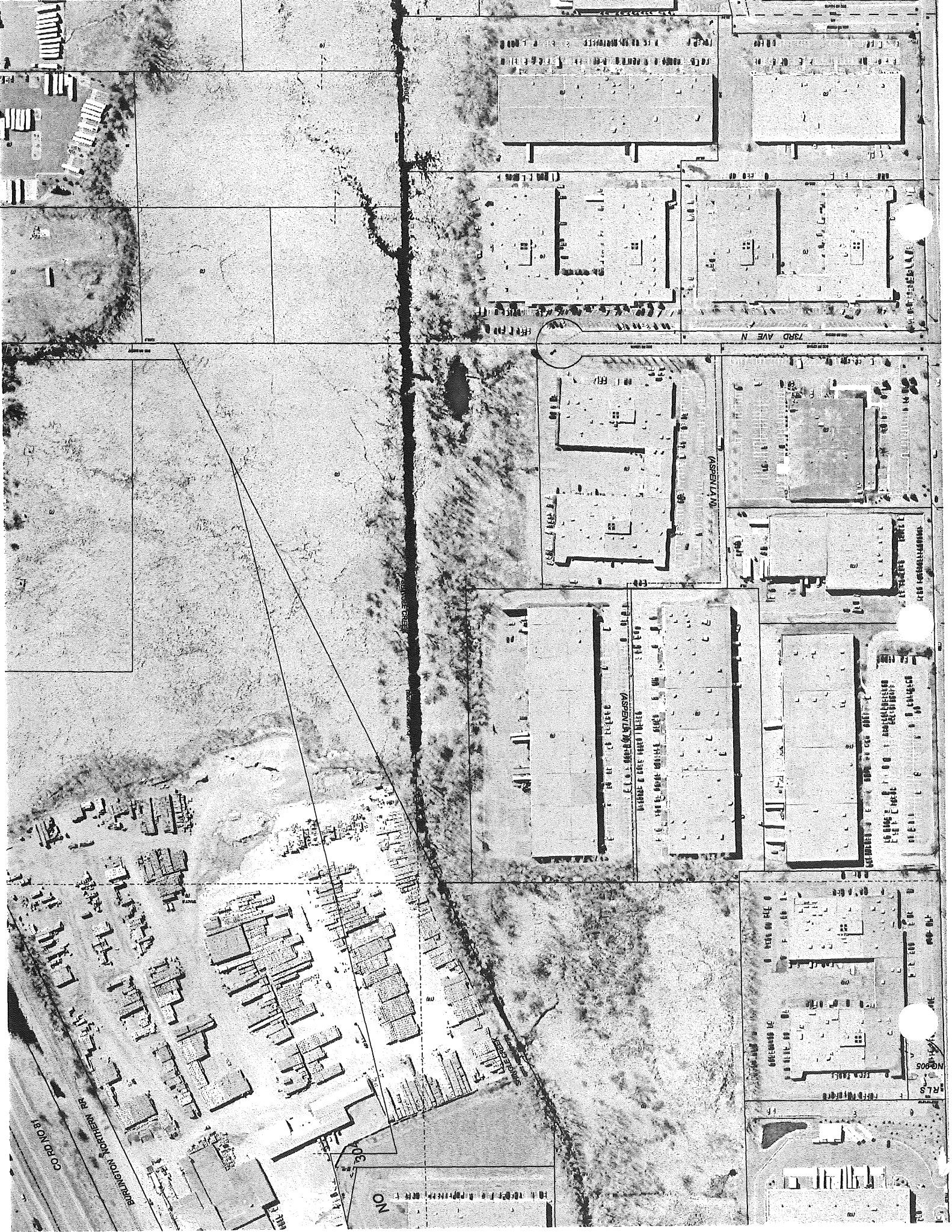


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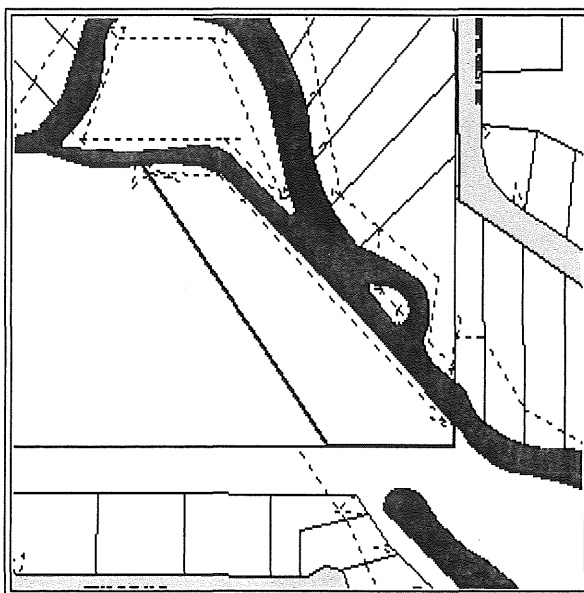
BENLINGTON NORTHERN RD

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NO

# Hennepin County, MN

Click on map to view information on adjoining properties  
Scroll down to see property address, value & tax info



**ZOOM LEVEL**

ZOOM IN

ZOOM OUT

PAN

Full navigation controls (up, down, left, right, home, end)

FULL VIEW

Last update: 3/03/2005 at 1:00 PM

### READ IMPORTANT DISCLAIMER INFORMATION BELOW

Property ID	Approximate Property Perimeter	Approximate Property Area
12-117-24-22-0019	2,004 ft.	153,131 sq.ft. = 3.515 acres
Property Address	Market Value	Total Tax (2005)
ADDRESS UNASSIGNED MINNETRISTA, MN 0	\$	\$ .00

Click on Property Information Button below to view main tax information page for the property you have selected

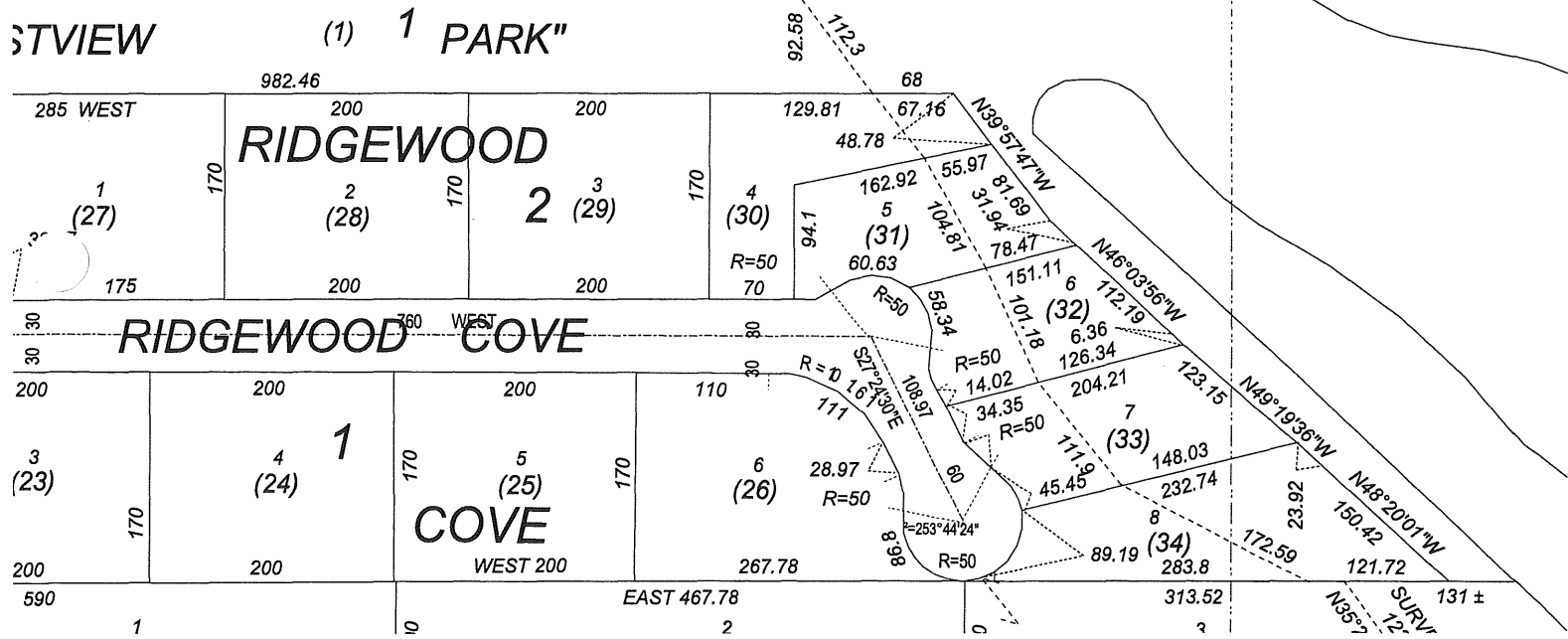
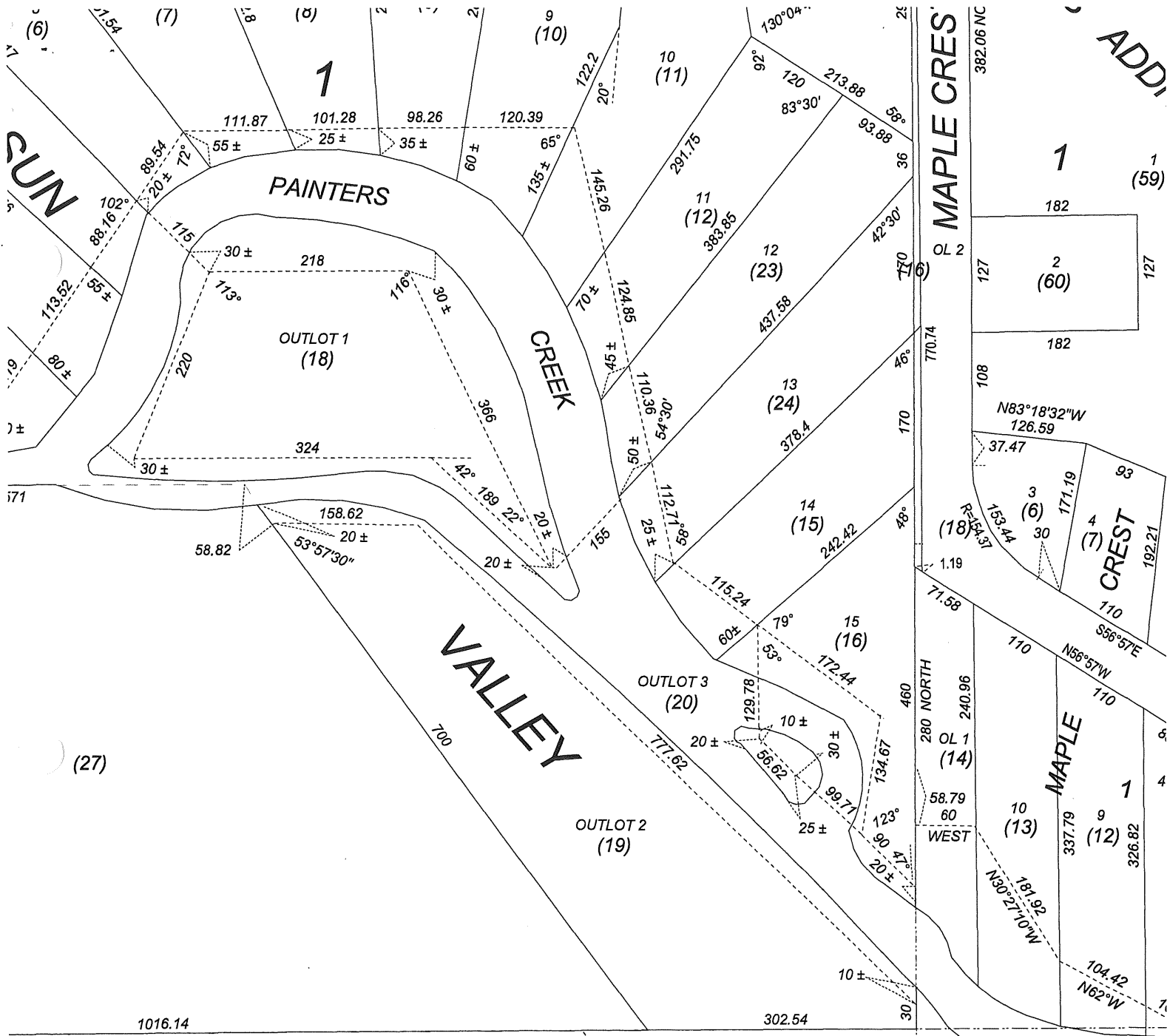
**HENNEPIN COUNTY SURVEYOR MAP PRODUCTS**

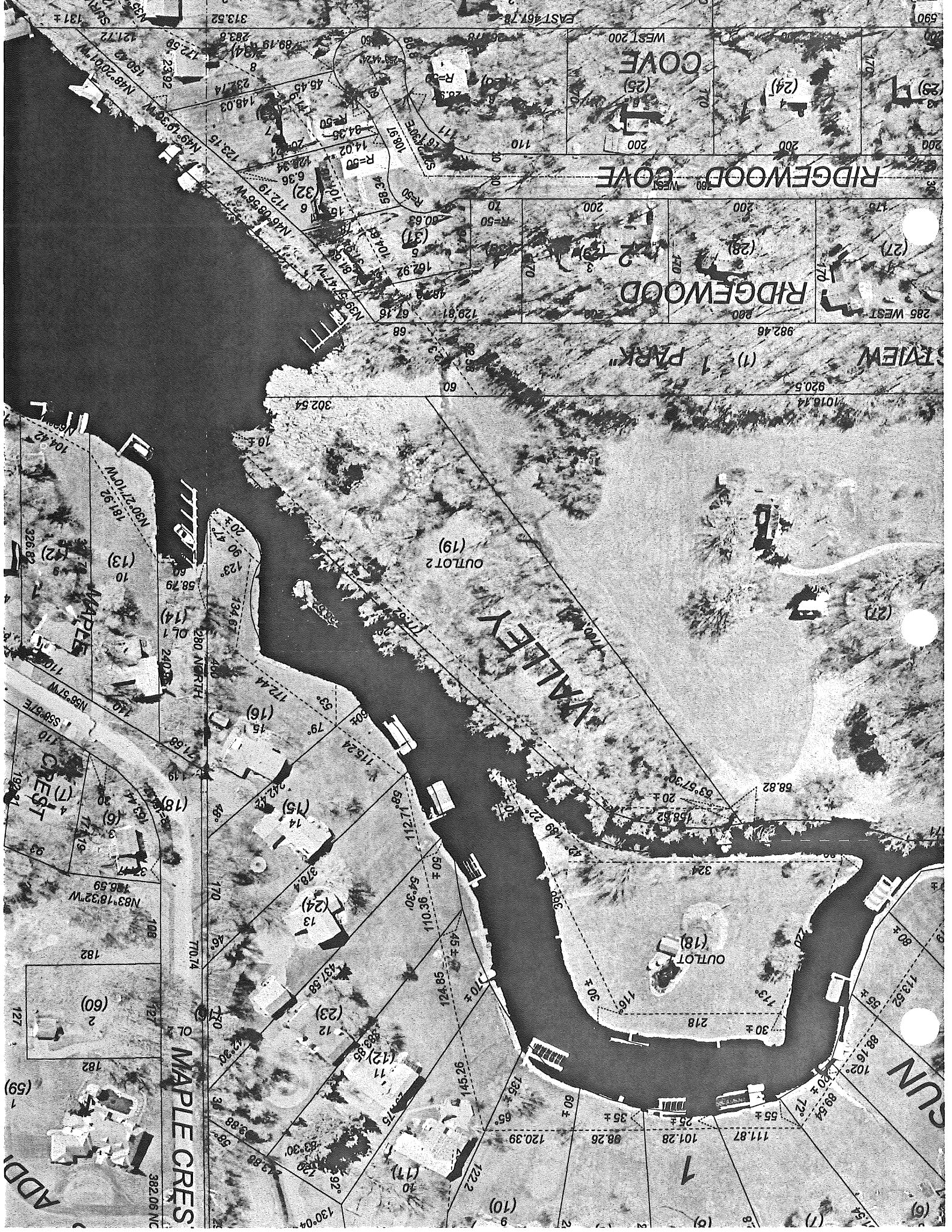
HOME    PROPERTY INFORMATION    HELP

NEW SEARCH BY PROPERTY ADDRESS    NEW SEARCH BY PROPERTY ID

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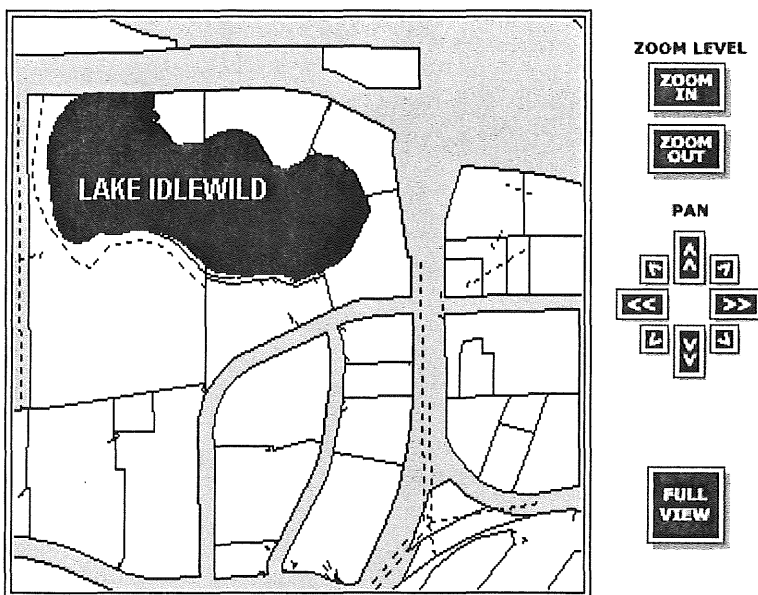
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# Hennepin County, MN

Click on map to view information on adjoining properties  
Scroll down to see property address, value & tax info



Last update: 3/03/2005 at 1:00 PM

**READ IMPORTANT DISCLAIMER INFORMATION BELOW**  
Click on Property Information Button below to view main tax information page for the property you have selected

**HENNEPIN COUNTY SURVEYOR MAP PRODUCTS**

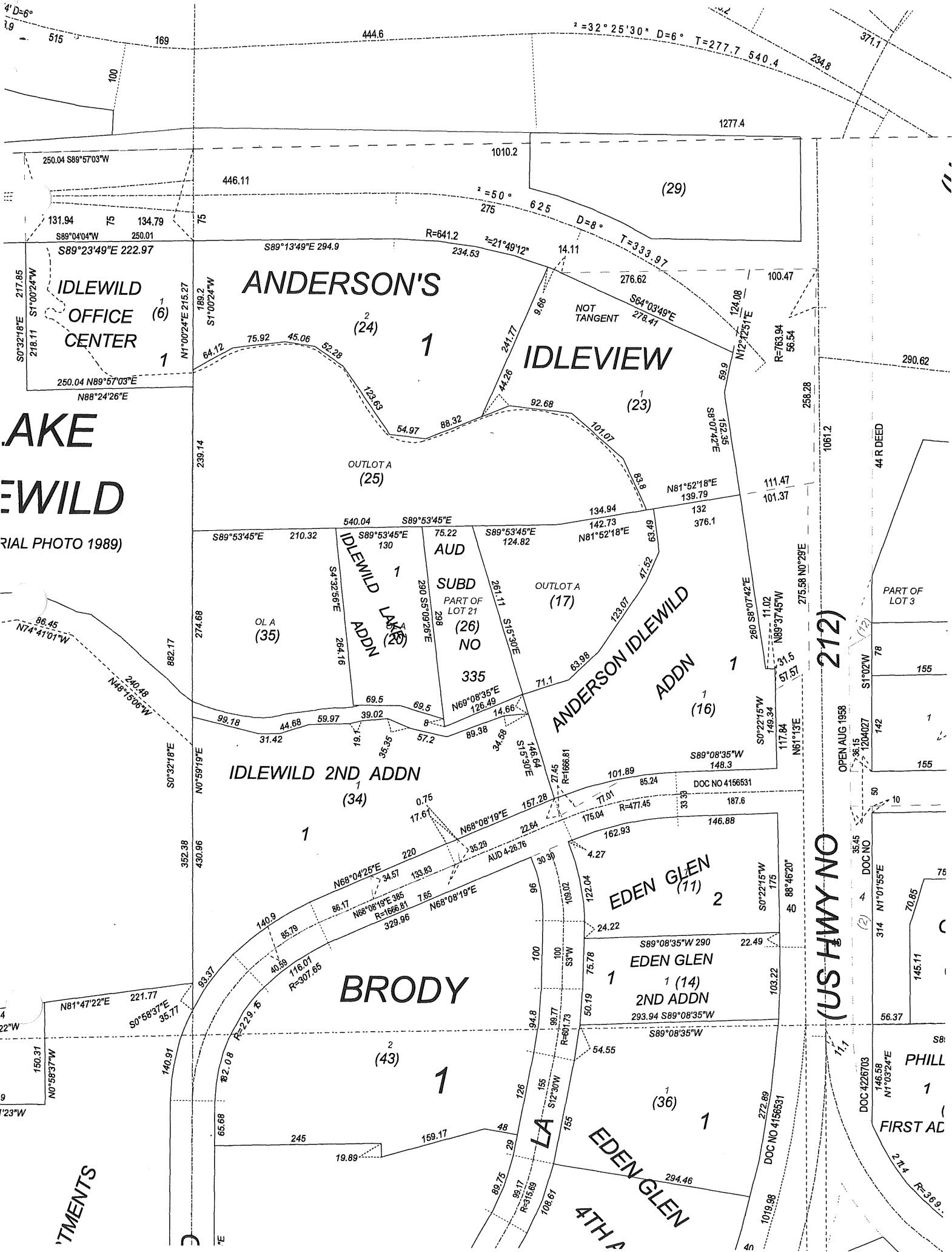
HOME    PROPERTY INFORMATION    HELP

NEW SEARCH BY PROPERTY ADDRESS    NEW SEARCH BY PROPERTY ID

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**LAKE WILD**  
AERIAL PHOTO 1989)

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EDEN GLEN (14)

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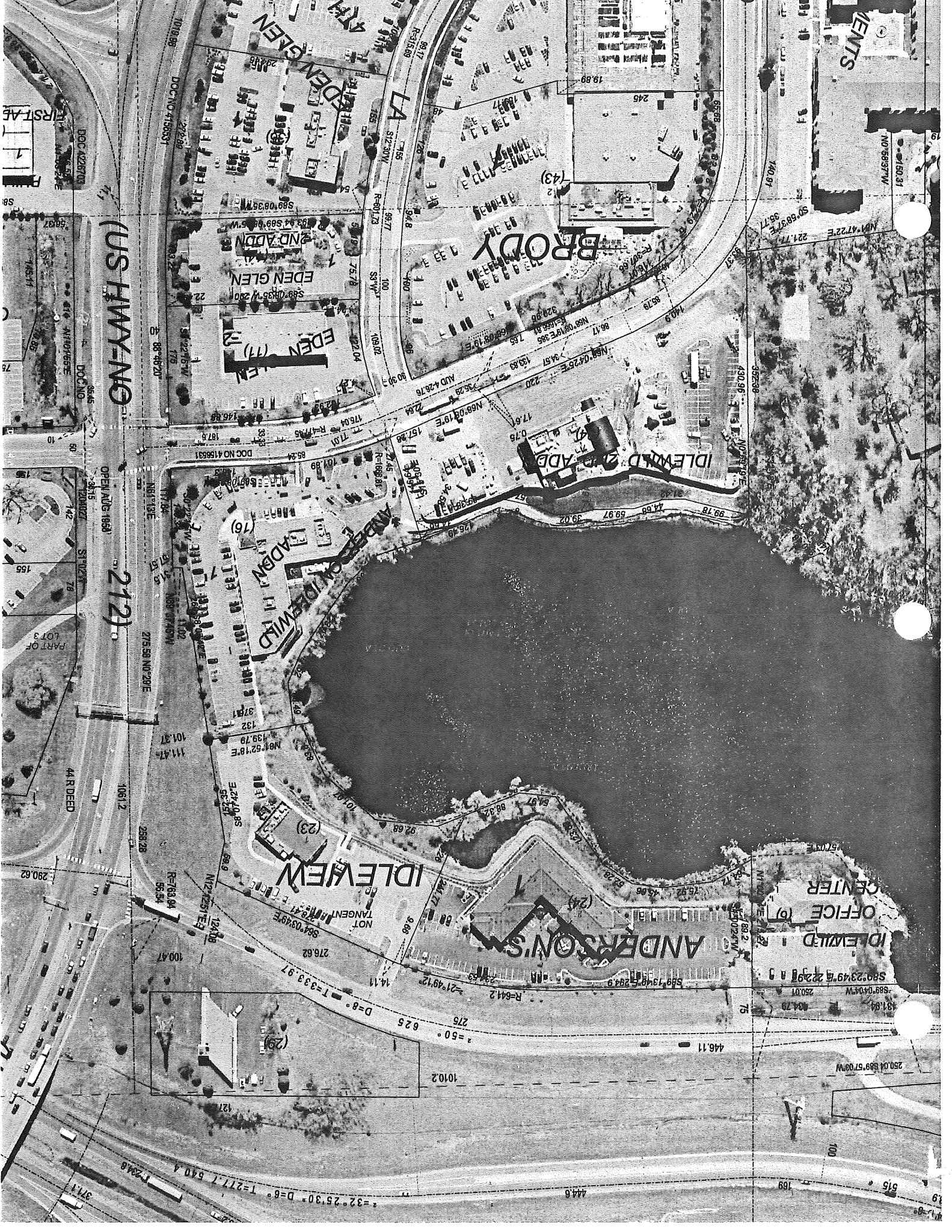
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Senator Skoe introduced--

S.F. No. 1527: Referred to the Committee on Environment and Natural Resources.

1

A bill for an act

2

relating to state lands; authorizing private sale of  
certain tax-forfeited land in Beltrami County.

3

4

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

5

Section 1. [PRIVATE SALE OF TAX-FORFEITED LAND; BELTRAMI

6

COUNTY.]

7

(a) Notwithstanding the public sale provisions of Minnesota

8

Statutes, chapter 282, or other law to the contrary, Beltrami

9

County may sell by private sale the tax-forfeited land described

10

in paragraph (c).

11

(b) The conveyance must be in a form approved by the

12

attorney general. The attorney general may make necessary

13

changes to the legal description to correct errors and ensure

14

accuracy.

15

(c) The land to be sold is located in Beltrami County,

16

contains 4.87 acres more or less, and is described as: a parcel

17

of land located north of the north right-of-way line of State

18

Highway 71 in the extreme northeasterly corner of the Northwest

19

Quarter of the Northeast Quarter, Section 32, Township 148

20

North, Range 32 West.

21

(d) The county has determined that the county's land

22

management interests would best be served if the lands were

23

returned to private ownership.



## Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-40\_\_

March 14, 2005

Representative Tom Hackbarth  
Chair, Environment & Natural  
Resources Committee  
409 State Office Building  
St. Paul, Minnesota 55155

Senator John Marty  
Chair, Environment & Natural  
Resources Committee  
323 Capitol  
St. Paul, Minnesota 55155

Dear Committee Chairs:

Minnesota Statutes 282.018, subd. 1(d) directs the DNR to evaluate sale proposals of certain tax forfeit lands involving public waters and to make a recommendation to the legislature regarding proposed disposition.

M.S. 282.018 subd. 1(d)

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the Commissioner of Natural Resources, the authority may submit proposals for disposition of the lands to the commissioner. The Commissioner of Natural Resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

Please accept this letter as the Department's written recommendation of disposition regarding the proposed sale of the following tax-forfeit property:

**Beltrami County HF \_\_\_\_\_ SF 1527**

**Department's Recommendation: No objection to a direct sale of the property to Minnkota Power.**

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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Page 2 HF \_\_\_\_/SF1527

If you have any questions, please feel free to call Gloria Johnson, Division of Lands and Minerals at (651) 296-9559.

Yours truly,

  
James E. Lawler, Assistant Director  
Division of Lands and Minerals

cc: Senator Tom Saxhaug, Chair, Senate Lands Subcommittee  
Senator Rod Skoe



# BELTRAMI COUNTY

## Board of Commissioners

---

March 15, 2005

The Honorable Rod Skoe  
124 State Capitol  
St. Paul, MN 55155

Dear Mr. Skoe:

On March 1, 2005 during the Beltrami County Board of Commissioners regular meeting, the Board expressed and approved support through motion for the direct sale of a parcel of tax-forfeited land to: Minnkota Power Cooperative, Inc.

Please include in the Omnibus Land Bill, the following tract of land:

*NW¼ NE¼ North and West of Highway 71  
Section 32, Township 148 North, Range 32 West*

On behalf of the Beltrami County Board, I would like to thank you for your involvement in this process.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Milne". The signature is fluid and cursive, written over a few lines.

Robert Milne,  
Director of Resource Management / Land Commissioner

cc. Jack Frost, Chair, Beltrami County Board

---



## Beltrami Electric Cooperative, Inc.

P.O. Box 488  
4111 Technology Dr. N.W.  
Bemidji, MN 56619-0488  
Telephone: (218) 444-2540  
800-955-6083

Honorable Rod Skoe  
State Senator  
124 State Capitol  
St. Paul, MN 55155

February 22, 2005

Senator Skoe,

This letter concerns parcel #86.0001700 of tax-forfeit land within Port Hope Township in Beltrami County. Beltrami Electric Cooperative and its wholesale power supplier Minnkota Power Cooperative are interested in acquiring this parcel to construct a substation to serve our member-owners in this area.

As you are well aware, there is significant growth in the area north of Bemidji, and the addition of a substation is necessary to ensure system reliability. The substation will support continued growth and will create system redundancies, giving us two-way feed capabilities to serve existing and future members in the area. Currently, there are approximately 2,400 services in that area, which translates into 6,000-7,000 people served.

This parcel is ideal due to its close proximity to existing distribution lines. For every mile away from this location we build, the cost to relocate existing feeders is approximately \$500,000.

We are asking for your help by including this parcel in the Omnibus Land Bill this legislative session. The speed with which Minnkota could otherwise acquire the parcel may not adequately address the concerns Minnkota and Beltrami Electric Cooperative have about maintaining system reliability. We understand Beltrami County is also willing to consider exploring this option. Anything you could do to facilitate the process would be greatly appreciated.

On behalf of the member-owners of Beltrami Electric Cooperative, I thank you.

Sincerely,

Dan Edens  
Manager of Operations  
Beltrami Electric Cooperative Inc.

February 23, 2005

Honorable Rod Skoe  
State Senator  
124 State Capitol  
St. Paul, MN 55155

**Re: Proposed Turtle River substation, Port Hope Township, Beltrami Co.**

Dear Senator Skoe:

As you know, Minnkota is a wholesale electric generation and transmission (G&T) cooperative supplier for three North Dakota and eight Minnesota electric distribution cooperative member-owner systems, including Beltrami Electric Cooperative (BEC) in Bemidji.

To formulate preliminary construction budgets, Minnkota annually sends the member-owner systems a letter inquiring about facilities each member system will be requesting Minnkota to install. To address electric consumer growth and system reliability in the area north of Bemidji, BEC submitted a Minnkota construction budget request for a new power delivery substation.

Minnkota considers several criteria in determining need for new substations. The electric load on existing substations is reviewed and the overall cost to the system to serve new load is analyzed. Alternatives are considered, including expansion of existing substations and electric distribution lines, versus construction of new substations optimally located to minimize transmission and distribution line costs.

In this case, an existing, nearby substation was determined to be running at maximum capacity and unsuitable for expansion. A new substation will help relieve pressure from growing load on the existing substation and, therefore, improve overall system reliability.

A potential new substation site was identified as meeting the criteria for minimizing the cost of new transmission and distribution line construction and minimal impact on adjacent landowners for acquisition of new right of way. Although the property has not been formally surveyed, the State of Minnesota tax-forfeited property can be described as:

A parcel of land located north of the north right of way line

Senator Skoe  
February 23, 2005  
Page 2 of 2

of State Highway 71 in the extreme northwesterly corner of the NW 1/4 NE 1/4 of Section 32, Township 148N, Range 32W of Beltrami County, Minnesota. Tract contains 4.87 acres more or less.

The property also provides cost benefits by minimizing tree clearing requirements and access road construction. Ideally, the property is less visible from nearby U.S. Highway 71 than alternative sites we have considered. This lowers the overall cost, from a security standpoint, by minimizing exposure to drive-by shooting damage.

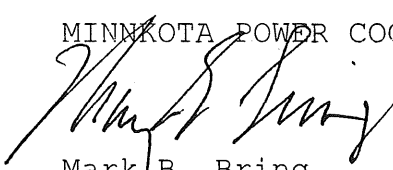
As the load continues to grow in BEC's service area, the construction of a new substation allows for interconnection between the power delivery points to increase reliability of the distribution system. This helps minimize customer outage time by allowing one substation to back feed another during equipment failures, equipment maintenance, and equipment replacement.

We would appreciate your willingness to consider including this parcel in the Omnibus Land Bill this legislative session. The speed with which Minnkota could otherwise acquire the parcel may not adequately address the concerns Minnkota and BEC have about maintaining system reliability. We understand Beltrami County is also willing to consider exploring this option.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me at (701) 795-4209.

Sincerely,

MINNKOTA POWER COOPERATIVE, INC.



Mark B. Bring  
Staff Attorney

MBB:mth

Senators Bakk and Saxhaug introduced--

S.F. No. 1633: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to state lands; authorizing public and  
3 private sales of certain tax-forfeited lands in St.  
4 Louis County.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING  
7 PUBLIC WATER; ST. LOUIS COUNTY.]

8 (a) Notwithstanding Minnesota Statutes, sections 92.45 and  
9 282.018, subdivision 1, St. Louis County may sell the  
10 tax-forfeited lands bordering public water that are described in  
11 paragraphs (c) to (g), under the remaining provisions of  
12 Minnesota Statutes, chapter 282.

13 (b) The conveyances must be in a form approved by the  
14 attorney general. The attorney general may make necessary  
15 changes to legal descriptions to correct errors and ensure  
16 accuracy.

17 (c) The land to be sold is located in St. Louis County and  
18 is described as:

19 (1) the westerly 400 feet of the easterly 800 feet of Lot  
20 4, Section 13, Township 54 North, Range 17 West; and

21 (2) the West Half of the Northwest Quarter of the Southwest  
22 Quarter, Section 33, Township 51 North, Range 16 West.

23 (d) The conveyances of land under this paragraph must  
24 retain for the state a 150-foot trout stream easement lying 75  
25 feet on each side of the centerline of the stream. The land to



1 be sold is located in St. Louis County and is described as:

2 (1) the Northeast Quarter of the Northeast Quarter, Section  
3 7, Township 50 North, Range 18 West;

4 (2) the North Half of the Northeast Quarter and the North  
5 Half of the Northwest Quarter, Section 8, Township 50 North,  
6 Range 18 West;

7 (3) the Northwest Quarter of the Northeast Quarter, except  
8 the North Half, and that part of the West 10 acres of the  
9 Northeast Quarter of the Northeast Quarter lying south of Lester  
10 River and the West 10 acres of the Northeast Quarter of the  
11 Northeast Quarter lying north of Lester River, except the North  
12 5 acres, Section 17, Township 51 North, Range 13 West;

13 (4) the Northwest Quarter of the Southeast Quarter, except  
14 the West Half, and the East 165 feet of the West Half of the  
15 Northwest Quarter of the Southeast Quarter, Section 5, Township  
16 51 North, Range 13 West;

17 (5) the East Half of the Southeast Quarter of the Southeast  
18 Quarter, Section 34, Township 58 North, Range 20 West; and

19 (6) Government Lot 2, Section 17, Township 51 North, Range  
20 12 West, Wonderland 1st Addition to the town of Duluth, Lot 22,  
21 Block 1.

22 (e) The conveyance of land under this paragraph must  
23 contain a deed restriction that is 75 feet in width along the  
24 shoreline, excluding a 15-foot access strip. The land to be  
25 sold is located in St. Louis County and is described as: Lot 6,  
26 Lot 7, and Lot 8, except the easterly 50 feet, Erickson's Beach,  
27 town of Fayal, Section 27, Township 57 North, Range 17 West.

28 (f) The conveyance of land under this paragraph must  
29 contain a deed restriction that is 75 feet in width along the  
30 shoreline. The land to be sold is located in St. Louis County  
31 and is described as: Lots 64 and 65, Vermilion Dells, 1st  
32 Addition Greenwood, Section 2, Township 62 North, Range 16 West.

33 (g) The conveyances of land under this paragraph must  
34 retain for the state a 150-foot conservation easement lying 75  
35 feet on each side of the centerline of the stream. The land to  
36 be sold is located in St. Louis County and is described as:

1 (1) the Northeast Quarter of the Southeast Quarter, Section  
2 31, Township 52 North, Range 14 West;

3 (2) the Northeast Quarter of the Southwest Quarter, Section  
4 31, Township 52 North, Range 14 West; and

5 (3) the South Half of the Southwest Quarter of the  
6 Southwest Quarter, except the westerly 15 acres, Section 31,  
7 Township 52 North, Range 14 West.

8 (h) The county has determined that the county's land  
9 management interests would best be served if the lands were  
10 returned to private ownership.

11 Sec. 2. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS  
12 COUNTY.]

13 (a) Notwithstanding the public sale provisions of Minnesota  
14 Statutes, chapter 282, or other law to the contrary, St. Louis  
15 County may sell by private sale the tax-forfeited land described  
16 in paragraph (c).

17 (b) The conveyances must be in a form approved by the  
18 attorney general and, except for the parcel under paragraph (c),  
19 clause (4), require the buyers to pay an administration fee to  
20 cover expenses incurred by the county. The attorney general may  
21 make necessary changes to legal descriptions to correct errors  
22 and ensure accuracy.

23 (c) The land to be sold is located in St. Louis County and  
24 is described as:

25 (1) the West 335 feet of the South 130 feet of the  
26 Northwest Quarter of the Northeast Quarter, Section 12, Township  
27 63 North, Range 12 West. This parcel contains 1.0 acres more or  
28 less;

29 (2) the westerly 165.00 feet of the southerly 80.00 feet of  
30 the easterly 490.00 feet of the Southeast Quarter of the  
31 Southeast Quarter, Section 14, Township 51 North, Range 14  
32 West. This parcel contains 0.3 acres;

33 (3) Lot 17, Block 5, Lyman Park Division of Duluth;

34 (4) the West 220 feet of the Southwest Quarter of the  
35 Northeast Quarter, Section 11, Township 54 North, Range 15 West;

36 (5) the West 115 feet of the Southeast Quarter of the

- 1 Northeast Quarter of Section 32, Township 63 North, Range 12  
2 West, lying north of the centerline of State Trunk Highway 169  
3 and subject to highway right-of-way easement. This parcel  
4 contains 1.2 acres more or less; and  
5 (6) the West 115 feet of the Southeast Quarter of the  
6 Northeast Quarter of Section 32, Township 63 North, Range 12  
7 West, lying south of the centerline of State Trunk Highway 169  
8 and subject to highway right-of-way easement. This parcel  
9 contains 2.5 acres more or less.
- 10 (d) The sales under this section resolve unintentional  
11 occupancy trespasses.



## Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-40

March 15, 2005

Representative Tom Hackbarth  
Chair, Environment & Natural  
Resources Committee  
409 State Office Building  
St. Paul, Minnesota 55155

Senator John Marty  
Chair, Environment & Natural  
Resources Committee  
323 Capitol  
St. Paul, Minnesota 55155

Dear Committee Chairs:

Minnesota Statutes 282.018, subd. 1(d) directs the DNR to evaluate sale proposals of certain tax forfeit lands involving public waters and to make a recommendation to the legislature regarding proposed disposition.

M.S. 282.018 subd. 1(d)

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the Commissioner of Natural Resources, the authority may submit proposals for disposition of the lands to the commissioner. The Commissioner of Natural Resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government.

Please accept this letter as the Department's written recommendation of disposition regarding the proposed sale of the following tax-forfeit property:

**St. Louis County HF 1736 SF 1633**

**Department's Recommendation: No objection**

DNR Information: 651-296-6157 • 1-888-646 6367 • TTY: 651-296-5484 • 1-800-657-3929

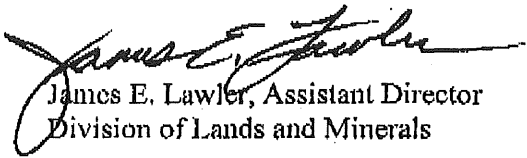
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If you have any questions, please feel free to call Gloria Johnson, Division of Lands and Minerals at (651) 296-9559.

Yours truly,



James E. Lawler, Assistant Director  
Division of Lands and Minerals

cc: Senator Tom Saxhaug, Chair, Senate Lands Subcommittee  
Senator Tom Bakk  
Representative David Dill

## **SUBCOMMITTEE REPORT - NO AMENDMENTS**

**TO:** Environment and Natural Resources Committee

**FROM:** Public Lands and Waters Subcommittee

**S. F. No.** 390

**Subcommittee recommendation:**

- the bill be recommended to pass and be referred to the full committee. OR
- the bill be moved on to the full committee without recommendation

March 15, 2005 (date of subcommittee action)

1 To: Senator Marty, Chair  
 2 Committee on Environment and Natural Resources  
 3 Senator Saxhaug,

4 Chair of the Subcommittee on Public Lands and Waters, to  
 5 which was referred

6 S.F. No. 390: A bill for an act relating to state lands;  
 7 authorizing private sale of certain surplus state land bordering  
 8 public water.

9 Reports the same back with the recommendation that the bill  
 10 be referred to the full committee without recommendation.  
 11 Report adopted.

12

13

14 .....  
 15 (Subcommittee Chair)  
 16

17 March 15, 2005.....  
 18 (Date of Subcommittee action)

Senator LeClair introduced--

S.F. No. 390: Referred to the Committee on Environment and Natural Resources.

1                                   A bill for an act  
2           relating to state lands; authorizing private sale of  
3           certain surplus state land bordering public water.  
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
5           Section 1. [PRIVATE SALE OF SURPLUS STATE LAND BORDERING  
6 PUBLIC WATER; WASHINGTON COUNTY.]  
7           (a) Notwithstanding Minnesota Statutes, sections 92.45,  
8 94.09, and 94.10, the commissioner of natural resources may sell  
9 by private sale the surplus land bordering public water that is  
10 described in paragraph (c).  
11           (b) The conveyance must be in a form approved by the  
12 attorney general for consideration no less than the appraised  
13 value of the land. The attorney general may make necessary  
14 changes to the legal description to correct errors and ensure  
15 accuracy.  
16           (c) The land to be sold is located in Washington County and  
17 is described as:  
18           part of Government Lot 6, Section 5, Township 29, Range 21,  
19 being the South 45 feet lying east of the road, subject to  
20 an easement (lot ID# 05.029.21.41.0001).  
21           (d) The commissioner has determined that the land is no  
22 longer needed for any natural resource purpose and that the  
23 state's land management interests would best be served if the  
24 land was returned to private ownership.



**From:** "Kevin Corbid" <Kevin.Corbid@co.washington.mn.us>  
**To:** <leslie.wilcox@senate.mn>  
**Date:** 2/4/2005 1:24:54 PM  
**Subject:** Lake Demontreville parcel

Leslie: The County was asked to look at parcels around Lake Demontreville to see if there were any other tax forfeited parcels in a similar situation to the one that Senator LeClair is proposing legislation for. We have looked at government owned parcels around the lake and the only parcels we found that are similar are two that are located between Lake Olsen and Lake Demontreville. The parcels were tax forfeit and then conveyed to the City. However, from the arrial pictures we have it looks to us that both of these parcels are underwater.

Please let Senator LeClair know that if he has questions related to the issue, he can call me at 651-430-6182.

Thanks.  
Kevin

Kevin Corbid  
Director  
Assessment, Taxpayer Services, and Elections  
Washington County, MN  
651-430-6182

The Honorable Tom Saxhaug  
State Senate District 3  
124 State Capitol  
St. Paul, MN. 55155

Dear Chairman Saxhaug,

I would like to thank you and your committee members for the time and courtesy extended to me while testifying on behalf of our Homeowners Association on S.F. 390.

Washington County has completed a search and has found no tax forfeited property, with the exception of a piece of submerged land forfeited in the 1940's.

I have enclosed for your review a brief history of events, photos of the DNR and Lake Elmo lake front, and of the lot in question. This may help give the committee a better perspective of the area.

#### A brief history and our position

January 2, 1981 - Veronica Crombie sells eight lots to developer Derrick Land Company, and builder Futura Housing Corporation. Futura builds two spec homes facing the lake, and begins selling the remaining six lots. (1980-1981) A forty-five foot parcel of lake frontage is designated for the common use of these eight lots, and the homes are marketed and sold this way. The two spec homes are sold. Two lots facing the lake are acquired by the DNR, the first for the purpose of building a public boat access and parking lot for cars and boat trailers. The second lot is required to remain natural, with pond and pines. The remaining four lots are in a cul de sac behind the parking lot, and are sold for homes.

August 11, 1989 - The lake frontage property is in arrears for taxes, is forfeited, and transferred to the DNR. Tax statements were apparently sent to Futura Housing Corporation who ignored them and failed to advise the affected homeowners.

#### In response to Laurie Martinson's three points

1. Well over 1/2 mile of lake frontage is available for public use. This includes a boat ramp, dock, extensive fishing locations, and public restroom. The forty-five feet is heavily used by our six families, and in no way impedes public enjoyment of, or access to, the lake.

2. Swimming at this forty-five feet is possible only because of our diligence and improvements. With the exception of the boat landing, the DNR has never pruned, cleaned up, or improved any of the lakeshore.

3. The TriLakes Association is mentioned. We are all members. I am on the TriLakes Board of Directors. Everyone in the TriLakes area is concerned about and involved with caring for our lakes. The TriLakes Garden Club, of which my wife is a member, is responsible for working with the DNR to eliminate buckthorn, and did the actual work of planting native plants and grasses at the boat access and parking lot two years ago. We have a very active water treatment program and are proud of our A1 water clarity rating.

Over the years, the DNR had been well aware of our use of the property, and has given us permission time and again to remove buckthorn, and dead and fallen trees. We have, of course, never been reimbursed for this continuing maintenance.

We were never advised that taxes were in arrears, never advised that we no longer had ownership of this lake frontage, never advised that the property had transferred to the DNR, and never had the opportunity to re-pay and re-claim it. The value of our homes is greatly diminished by this loss. We welcome the opportunity to re-claim this forty-five feet of lake frontage and appreciate any help you might offer.

Sincerely,



Roger McQuaid  
Pres. Demontreville HomeownersVI Association

7872 Demontreville Trail  
Lake Elmo, MN. 55042

651-779-6308  
Harbour01@comcast.net

LAKE DEMONTREVILLE PUBLIC WATER ACCESS / WASHINGTON COUNTY  
MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
PROPERTY ACQUISITION SUMMARY

Attached are the following documents provided at the request of the Minnesota State Senate's Environment and Natural Resources Subcommittee on Public Lands and Waters, supporting the State on Minnesota's Fee Title or Easements to several properties located on or adjacent to the western shoreline of Lake Demontreville, Washington County. The attached Exhibits include:

**Exhibit A)** Map detailing the boundaries and purchase/conveyance dates for each of the referenced properties.

**Exhibit B)** Warranty Deed (Dated 2 January 1980) referencing:

- 1) Fee Title Purchase of "Outlot A – Demontreville Highlands 5<sup>th</sup> Addition
- 2) Fee Title Purchase of "Shoreline" identified as "That part of Government Lot Six of Section 5, Twp.29N., Range21W., lying easterly of Demontreville Trail North, excepting the South 45 Feet thereof."
- 3) Easement Conveyance of "That part of Lots One, Two, Five and Six, Block One of Demontreville Highlands 5<sup>th</sup> Addition" for the flow and reflow of water under all conditions and restricting the sellers, their successors and assigns from filling, draining, burning or cultivating any of the easement lands except as authorized by the Commissioner of the Department of Natural Resources.
- 4) Easement Conveyance of "The south 45 feet of Government Lot Six of Section 5, Twp.29N., Range21W., lying easterly of Demontreville Trail North. --- For the following (1) For ingress and egress by the public; and (2) Improvement of fish habitat..."

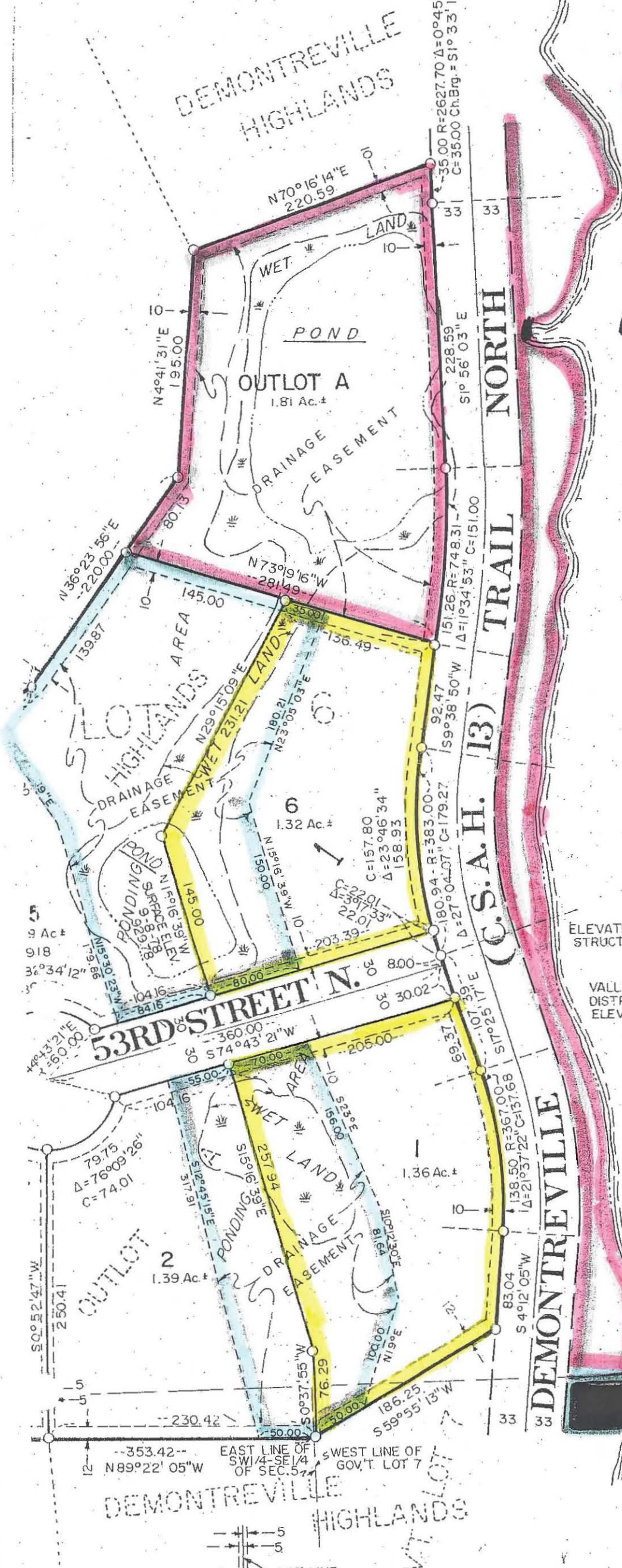
**Exhibit C)** Final Certificate – In the Matter of the Condemnation of Certain Lands For a Water Access Site to Lake Demontreville. (Dated 1 August 1983)  
The referenced property/s are described as: "Lots 1 and 6, Block One, DeMontreville Highlands 5<sup>th</sup> Addition, Washington County, Minnesota."

\*Documentation referencing State Acquisition Process and rational for Condemnation Proceedings.

**Exhibit D)** Deed (Dated 11 August 1989) referencing:

- 1) Conveyance of Forfeited Lands for "Part of Government Lot 6 Six of Section 5, Twp.29N., Range21W., being the South 45 Feet lying East of the existing centerline of Demontreville Trail North subject to easements of record."

**Exhibit E)** Warranty Deed (Dated 16 September 1983) recording the purchase of "Lot Eight, Block Two, Demontreville Highlands" by Kathleen J. Cahanes from the Futura Housing Corp. This property is currently also referenced as 7872 Demontreville Trail, Lake Elmo, MN 55042



- Property Purchased in Fee by the State of Minnesota (1979). Warranty Deed dated 2 Jan. 1980 \*Exhibit B
- Easements/Flowage Conveyed to the State of Minnesota (1979). Warranty Deed dated 2 Jan. 1980 \*Exhibit B
- Property Purchased in Fee by the State of Minnesota through condemnation. Final Certificate dated 1 Aug 1983 \*Exhibit C
- Parcel forfeited to the State of Minnesota for non-payment of Taxes. Conveyed to the DNR by County Board resolution in 1989. \*Exhibit D

DEMONTREVILLE

WATER SURFACE  
ELEVATION = 929.81 FEET  
UN 9-8-78

ELEVATION OF OUTLET  
STRUCTURE = 929.8 FEET

VALLEY BRANCH WATERSHED  
DISTRICT FLOOD ZONE  
ELEVATION = 932 FEET

LAKE

DEMONTREVILLE HIGHLANDS

WARRANTY DEED

THIS INDENTURE, Made this 2nd day of January, 1980, between VERONICA M. CROMBIE, a widow and single person, of the County of WASHINGTON and State of Minnesota; DERRICK LAND COMPANY formerly ALLIED PROPERTIES, INC., a corporation under the laws of the State of Minnesota; and FUTURA HOUSING CORPORATION, a corporation under the laws of the State of Minnesota, parties of the first part, and STATE OF MINNESOTA, a sovereign body, party of the second part,

WITNESSETH, That the said parties of the first part, in consideration of the sum of SIXTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY AND NO/100 (\$68,860.00) DOLLARS, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tracts or parcels of land, lying and being in the County of Washington and State of Minnesota, described as follows, to-wit:

IN FEE

Registered Property

Tract I

Outlot A of DEMONTREVILLE HIGHLANDS 5TH ADDITION according to the plat thereof on file and of record in the office of the Registrar of Titles.

Parcel 1  
1.81 ac

Abstract Property

Tract II

That part of Government Lot Six (6) of Section Five (5), Township Twenty-nine (29) North, Range Twenty-one (21) West, lying easterly of the centerline of Demontreville North Trail, EXCEPTING the South 45 feet thereof.

Parcel 5  
1.19 ac

EASEMENTS

Registered Property

Tract III

Also granting unto the party of the second part, its successors and assigns, a perpetual easement to flow and reflow with water, under all conditions, ordinary and extraordinary, the following described premises, to-wit:

Parcel 2  
2.22

That part of Lots One (1), Two (2), Five (5) and Six (6), Block One (1) of DEMONTREVILLE HIGHLANDS 5TH ADDITION, being the drainage easements vacated by Resolution of the City of Lake Elmo dated December 11, 1979,

for fish spawning purposes. Containing approximately 5.27 acres

Further covenanting, the parties of the first part, for themselves, their successors and assigns, shall not fill, drain, burn or cultivate any of the easement lands described in Tract III, except as may be authorized in writing by the Commissioner of the Department of Natural Resources of the State of Minnesota.

COPIES SENT BY: TRT

021980

Duanne Shodeen  
Jerry Keckm

SEGMENT

PARCEL 1, 2, 4 & 5 UNIT NO. F0553

PROJECT Demontreville NPSA

COUNTY Washington

JO:

EASEMENTS (Continued)

Abstract Property

Tract IV

Also granting unto the party of the second part, its successors and assigns, a perpetual easement over and upon the following described premises, to-wit:

The South 45 feet of Government Lot Six (6) of Section Five (5), Township Twenty-nine (29) North, Range Twenty-one (21) West, lying easterly of the centerline of Demontreville North Trail, together with the Demontreville lakebed adjacent thereto,

for the following described purposes:

- (1) For ingress and egress ~~by the public~~ by the public; and
- (2) Improvement of fish habitat by the party of the second part in the lakebed.

Further covenanting, the parties of the first part, for themselves, their successors and assigns, shall not place or erect any structure or building, except one dock, in the Tract IV easement area without prior written approval of the Commissioner of the Department of Natural Resources of the State of Minnesota.

NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, The parties of the first part reserve to themselves, their successors and assigns:

- (1) Normal surface water run-off into Tracts I and III described herein (as described in the subdivision improvements approved by the City of Lake Elmo for the plat of Demontreville Highlands 5th Addition).
- (2) The right to use the land described in Tract IV in common with the public, including the right of angling in the Lake and other rights and privileges consistent with the rights and privileges granted to the party of the second part.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, to the said party of the second part, its successors and assigns, Forever. And the said parties of the first part, VERONICA M. CROMBIE, a widow and single person, for herself, her heirs, executors and administrators, DERRICK LAND COMPANY formerly ALLIED PROPERTIES, INC., and FUTURA HOUSING CORPORATION, for themselves and their successors, do covenant with the said party of the second part, its successors and assigns, that they are well seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances, EXCEPTING subject to highway easement of record.

And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, its

successors and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances, if any, hereinbefore mentioned, the said parties of the first part will Warrant and Defend.

As to the foregoing conveyances and warranties, the party of the first part, FUTURA HOUSING CORPORATION, conveys and warrants as to Tract III only.

IN TESTIMONY WHEREOF, The said party of the first part, VERONICA M. CROMBIE, has hereunto set her hand the day and year first above written; and the said first party, DERRICK LAND COMPANY formerly ALLIED PROPERTIES, INC., has caused these presents to be executed in its corporate name by its \_\_\_\_\_ President and its Secretary \_\_\_\_\_ and its corporate seal to be hereunto affixed the day and year first above written; and the said first party, FUTURA HOUSING CORPORATION, has caused these presents to be executed in its corporate name by its \_\_\_\_\_ President and its Secretary-Treasurer \_\_\_\_\_ and its corporate seal to be hereunto affixed the day and year first above written.

Veronica M. Crombie  
VERONICA M. CROMBIE

DERRICK LAND COMPANY  
formerly ALLIED PROPERTIES, INC.

FUTURA HOUSING CORPORATION  
By [Signature]  
Its \_\_\_\_\_ President

By [Signature]  
Its \_\_\_\_\_ President

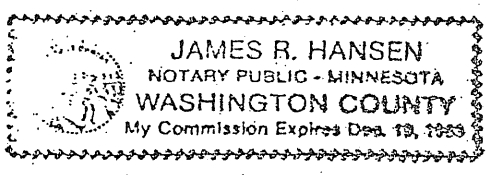
By [Signature]  
Its Secretary

By [Signature]  
Its Secretary-Treasurer

STATE OF MINNESOTA )  
COUNTY OF Washington ) ss.

The foregoing instrument was acknowledged before me this 22 day of December, 1979,

VERONICA M. CROMBIE, a  
by widow and single person,



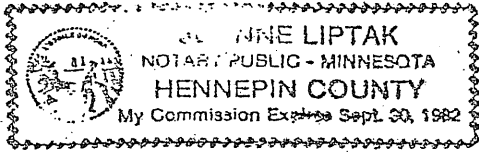
[Signature]  
Notary Public \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

STATE OF MINNESOTA )  
COUNTY OF Hennepin ) ss.

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of December, 1979, by Roger D. Derrick, the \_\_\_\_\_ President, ~~and by~~ and secretary, the \_\_\_\_\_



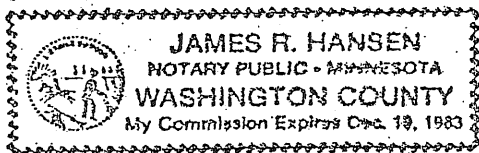
\_\_\_\_\_, of DERRICK LAND COMPANY formerly ALLIED PROPERTIES, INC., a Minnesota corporation, on behalf of the corporation.



Jane Liptak  
Notary Public \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF Washington } ss.

The foregoing instrument was acknowledged before me this 22 day of December, 1979, by Frank Kubatohik, the President, and by Ken Letourneau, the Sec. Treas. of FUTURA HOUSING CORPORATION, a Minnesota corporation, on behalf of the corporation.



James R. Hansen  
Notary Public \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

EXEMPT FROM STATE DEED TAX  
LAWS 1971, CHAPTER 835.

This instrument was drafted by  
RICHARD C. HESSBURG  
Spec. Asst. Attorney General  
Box 38 Centennial Office Building  
Saint Paul, Minnesota 55155

400988

Office of the Registrar of Titles } SS  
 Washington County, Minnesota }  
 I hereby certify that the within instrument  
 was filed in the Office of the Registrar of Titles on the  
22nd day of January A.D. 1980  
 at 9:00 o'clock A.M. and was duly recorded  
 in Washington County Records. \*88  
 Certificate of Title No. 27159 77  
 By /s/ Lola McKnight  
 Registrar of Titles

\*Mem. Ease. Bk: 85, pages 250, 251,  
 254 & 255  
 Cert. #26372, 26373, 26376 & 26377

Office of County Recorder } SS  
 Washington County, Minnesota }  
 I hereby certify that the within instrument  
 was filed in the Office of the Recorder for record on the  
22nd day of January A.D. 1980  
 at 9:00 o'clock A.M. and was duly recorded  
 in Washington County Records.  
 DOC. #400988 JOHN A. FRANZEN  
 County Recorder  
 By /s/ MAE CROSS  
 Deputy

NO DELINQUENT TAXES AND TRANSFER ENTERED.  
 WASHINGTON COUNTY, MINNESOTA

Jan 22 1980  
 COUNTY AUDITOR  
[Signature]  
 DEPUTY

*file  
Lake Demontreville  
Washington Co. To Kirsch  
JK*

STATE OF MINNESOTA  
COUNTY OF WASHINGTON

IN DISTRICT COURT  
TENTH JUDICIAL DISTRICT  
Clerk's No. 52645

State of Minnesota, by Hubert H. Humphrey, III,  
its Attorney General,

Petitioner,

vs.

Derrick Land Company, a Minnesota Corporation; Veronica M. Crombie; County of Washington; Futura Housing Corporation, a Minnesota Corporation; also all other persons unknown claiming any right, title, estate, interest or lien in the real estate described in the Petition herein;

Respondents.

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN LANDS FOR A WATER ACCESS SITE  
TO LAKE DEMONTREVILLE

FINAL CERTIFICATE

*Doc. # 62817  
Rec. 8-17-83*

**RECEIVED**  
FEB 2 1984

**RAILS & WATERWAYS**

COPIES SENT BY: *Ame*

DATE: 020184

BY: *Don Carlson*

SEGMENT \_\_\_\_\_  
PARCEL 1 UNIT NO. \_\_\_\_\_  
PROJECT Demontreville Lake, WAS  
COUNTY Washington

By authority of Section 117.025 Minnesota Statutes, I hereby certify that the lands or rights herein described have been taken by the State of Minnesota in eminent domain proceedings for water access site purposes in conformity with the requirements of Chapter 117 of said statutes; that commissioners were duly appointed by the court to ascertain and report the amount of damages sustained by the several owners on account of such taking; that said commissioners qualified and made and filed their report of such damages; that appeal from the award has been waived; that all damages have been paid by the State of Minnesota; that said proceedings are now complete; and that said State now owns said lands in fee simple absolute.

Said lands are situate in Washington County, Minnesota, and are described as follows:

Lots 1 and 6, Block One, DeMontreville Highlands  
5th Addition, Washington County, Minnesota.

(Containing approx. 2.68 acres)  
Dated at Saint Paul, Minnesota, this 1st day of August, 1983.

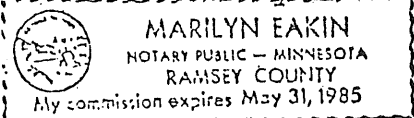
HUBERT H. HUMPHREY, III  
Attorney General

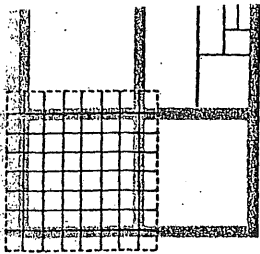
Bruce A. Specktor  
BRUCE A. SPECKTOR  
Special Assistant Attorney General

Attorneys for State of Minnesota  
Department of Natural Resources  
375 Centennial Office Building  
St. Paul, Minnesota 55155

Subscribed and sworn to before me  
this 1st day of August, 1983.

Marilyn Eakin  
Notary Public





**DERRICK LAND COMPANY**

1770 SHELARD TOWER, MINNEAPOLIS, MINN. 55426  
PHONE 612/546-2276

RECEIVED

JAN 19 1982

ACQ. & EXCH. SECT.

12 January 1981<sup>2</sup>

Mr. Denis C. Dailey  
DEPARTMENT OF NATURAL RESOURCES  
444 Lafayette Road  
St. Paul, Minnesota 55101

RE: Lake Demontreville parking  
Lake Elmo, Washington County, MN

Dear Denis:

As you know by our numerous telephone conversations, Futura Housing Corp. has been delinquent on their contract with us for some time. We have gone along with them in the hopes that a deal would have been reached by now with the DNR for the purchase of one or two of their lots. Since that's not the case and they indicate that nothing of substance has been accomplished in the negotiations, things seem to be at a standstill. They can't sell their lots to anybody because of the uncertainty of the public parking situation. It could turn into a real circus down there if it isn't developed properly so that people can see that it is an orderly situation instead of a chaotic one. No one is likely to make the investment of building their home next door until the situation is resolved.

I understand from our conversation today that you are preparing to initiate eminent domain proceedings for one lot. My purpose for writing this letter is twofold: #1) to advise you that we are instructing our attorneys to commence cancellation proceedings against Futura; and #2) that we feel two lots are needed to adequately handle the parking needs for shore fishermen as well as for boaters. After all, we have to be realistic. This is the last opportunity that you will have. Once these last few lots are built on there's no where else to go for more space in the future. I think you will agree that this situation has been going on long enough and that what we need is a solution to the problem once and for all.

I will be willing to negotiate in good faith for a price that's realistic, not only to us but also to the state, in an effort to conclude this matter so that you can build your parking facilities and we can market the lots.

Denis, I would appreciate a response so that I know what your intentions are.

Sincerely,

Roger D. Derrick, President  
Derrick Land Company

*noted by [unclear] 1-19-82  
forwarded to Carlson  
[unclear]*

cc: Futura Housing Corp.  
D290/Futura  
Corres/AwtgRpls/RD



FEE OPTION

Parcel Number	1
Project	Lake Demontreville WAS
County	Washington

Names and addresses of undersigned:  
(Marital status must be shown. If married, spouse must also join in option.)

Derrick Land Company  
c/o Roger D. Derrick, President  
1770 Shellard Tower  
Minneapolis, Minnesota 55426

In consideration of One Dollar to the undersigned in hand paid, the receipt of which is hereby acknowledged, the undersigned hereby gives to the State of Minnesota an exclusive option to purchase lands hereinafter described for the sum of Fifty One Thousand Seven  
Hundred & no/100 Dollars  
(\$51,700.00), to be paid after delivery and recording of the deed as hereinafter provided, said option to be exercised by the State's Notice of Election to Purchase, mailed within 2 months from the last date in time by an undersigned, and the undersigned agrees to sell and convey to the State of Minnesota by Warranty Deed, free and clear of all encumbrances, the following described optioned real estate situated in the county of Washington and State of Minnesota to wit:

Lots 1 and 6, Demontreville Highlands 5th addition,  
Washington County Minnesota.

Notwithstanding any of the other conditions of this option, should Derrick Land Company convey good and marketable title to the state, the payment of the purchase of this property by the state shall be made on or before April 6, 1982.

*Noted on file dated 3-4-82*

The option, including all special provisions, land descriptions and elements of execution, must be reviewed by the State as to their legality and acceptability. The State shall have 15 days after the date the option is received to examine the option and approve and accept the option. If the option is approved by the State, the effective date of the option is the last date on which it was signed by a landowner, as if there was no 15 day examination period. The option period as defined above commences on the effective date of the option. If the State approves the option, it will notify the owner in writing by mail that the option is approved. The State shall also notify the owner if the option is disapproved and the reasons therefore. Notice of Approval is not Notice that the State has elected to purchase the property. Failure of the State to notify the owner of approval or disapproval within the 15 day period shall be deemed a disapproval. If the State does not elect to purchase property on which it has approved and accepted an option, it shall pay the landowner \$500 after expiration of the option.

The undersigned further agrees to deliver to a representative of the Department of Natural Resources, or mail to the Department of Natural Resources of the State of Minnesota, an abstract of title to said real estate within one month from the date hereof. Delivery of said abstract does not bind the State to exercise its option to purchase the real estate. The sole purpose of such delivery is to permit the State to update the abstract at State expense and to examine the undersigned's title to the optioned real estate and thereby expedite completing this transaction, if and when the State exercises its option to purchase.

If the State exercises its option to purchase the real estate, the State shall have one month from the date of said Notice of Election to Purchase to notify the undersigned whether good and marketable title of record to said real estate is in the undersigned. Failure to notify the undersigned within the one month period shall not be deemed a waiver of any title objections.

Provided, however, if the undersigned fails to deliver an abstract within one month from the date hereof, the State shall have an additional month for such notification. In any event, nondelivery of the abstract within the times aforementioned shall not preclude the State from notifying the undersigned that it has elected to purchase the property, require an abstract and complete the purchase.

If the State is of the opinion that the undersigned does not have a good and marketable title of record to said real estate, the undersigned shall have a reasonable time after notice thereof to complete and perfect such title. After title is perfected so that, in the opinion of the State, the undersigned has good and marketable title of record to said real estate, the State shall complete the purchase.

The undersigned shall convey to the State by Warranty Deed a good and marketable title in fee simple to said real estate, free and clear of all taxes and encumbrances.

The undersigned agrees to pay all taxes that are owed on said real estate as of the date the deed is executed.

The time within which this option is to be exercised as hereinbefore specified is a limitation only on the time in which the State may give Notice of Election to Purchase, and is not a limitation on the time in which the purchase must be completed. Notice when used herein shall be deemed complete when deposited in the United State' mail.

IN WITNESS WHEREOF, the undersigned have hereunto subscribed Their name(s)

The undersigned: Date: The undersigned: Date:

Derrick Land Company  
BY: [Signature]  
Roger D. Derrick, President

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN )

On this 30<sup>th</sup> day of March, 1982 before me personally appeared ROGER D. DERRICK, PRESIDENT

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that HE executed the same as HIS free act and deed.

Dan Lind  
NOTARY PUBLIC - MINNESOTA  
My commission expires Dec. 31, 1983

[Signature]

(Marital status must be shown. If married, spouse must also join in option.)



STATE OF MINNESOTA  
OFFICE OF THE ATTORNEY GENERAL  
ST. PAUL 55155

WARREN SPANNAUS  
ATTORNEY GENERAL

TELEPHONE  
(612) 296-6196

March 19, 1982

Joseph N. Alexander  
Commissioner of Natural Resources  
301 Centennial Office Building  
St. Paul, MN 55155

RE: Lake Demontreville WAS - Tract 1  
Washington County - G&F 3204  
Derrick Land Company

Dear Sir:

I have examined two Owners Duplicate Certificates of Title, Nos. 26372 and 26377, both last documented on January 22, 1980, at 9:00 a.m. by John A. Franzen, Washington County Registrar of Titles, and from such examination I am of the opinion that title to the following land:

Lots 1 and 6, Block 1, Demontreville Highlands 5th  
Addition

is vested in fee simple in:

VERONICA M. CROMBIE

subject to the following:

- (1) Rights of persons in possession and rights of mechanics' liens not appearing of record;
- (2) Real estate taxes for 1980 and 1981 remain unpaid;
- (3) No certification as to the 1982 real estate taxes;
- (4) Flowage easement in favor of the State of Minnesota over a portion of the subject premises;
- (5) Recorded contract for deed in favor of Allied Properties, Inc., now known as Derrick Land Company;
- (6) Unrecorded contract for deed from Derrick Land Company in favor of Futura Housing Corporation;
- (7) There appears to be an outstanding judgment against Futura Housing Foundation--Frank L. Kubitschek, Kenneth P. Letourneau.



March 19, 1982

Said judgment was docketed on August 7, 1980, in the amount of \$713.87. Said judgment is a lien on the equitable title of Futura and should, therefore, be satisfied before the completion of the sale to the State of Minnesota;

(8) The lands hereinabove described are subject to a declaration of covenants, conditions, and restrictions. Said declaration, in the opinion of this examiner, could prohibit the state's use and contemplated development of the lots. When read as a whole, the declaration appears to establish a plan whereby any lot, suitable as a single family residential site, must only be used only for such single family dwelling and garage. Since lots 1 and 6 are suitable as a residential site, there is the possibility that other property owners in the fifth and sixth addition could object to the state's use of the land as an access to Lake Demontreville.

The declaration, while it is ambiguous, does create enough of an issue to cloud the title to the land and cause unmarketability. I recommend that the landowners of the fifth and sixth addition must agree to amend the declaration before the state can complete its purchase.

Very truly yours,



BRUCE A. SPEKTOR  
Special Assistant  
Attorney General

BAS:dt

cc: Sharon Hall

*Ret. to Bartul* *copy 6/110* *Wanna* *Wash Co*

**LARKIN, HOFFMAN, DALY & LINDGREN, LTD.**

ATTORNEYS AT LAW

1500 NORTHWESTERN FINANCIAL CENTER  
7900 XERXES AVENUE SOUTH  
MINNEAPOLIS, MINNESOTA 55431  
TELEPHONE (612) 835-3800

1700 FIRST BANK PLACE WEST  
MINNEAPOLIS, MINNESOTA 55402  
TELEPHONE (612) 338-6610

LARKIN, MCCARTHY, NOEL & FAULKNER  
SUITE 1110  
1301 PENNSYLVANIA, N. W.  
WASHINGTON, D. C. 20004  
TELEPHONE (202) 737-1000

JAMES P. LARKIN  
ROBERT L. HOFFMAN  
JACK F. DALY  
D. KENNETH LINDGREN  
ANDREW W. DANIELSON  
WENDELL R. ANDERSON  
GERALD H. FRIEDEL  
ROBERT B. WHITLOCK  
ALLAN E. MULLIGAN  
ROBERT J. HENNESSEY  
RONALD H. FLETCHER  
JAMES C. ERICKSON  
EDWARD J. DRISCOLL  
JAMES P. NILEY  
JOHN A. MCHUGH  
ENE N. FULLER  
JOSEPH W. ANTHONY  
DAVID C. SELLERGREN  
JOHN D. FULLMER  
ROBERT E. BOYLE  
FRANK I. HARVEY  
RICHARD A. FORSCHLER  
STEPHEN B. SOLOMON  
ROBERT T. MONTAGUE, JR.  
JAMES M. STROTHER  
EMER D. REICHGOTT  
CHARLES S. MODELL  
LINDA H. FISHER  
THOMAS P. STOLTMAN  
STEVEN G. LEVIN

CHRISTOPHER J. DIETZEN  
PETER K. BECK  
RICHARD I. DIAMOND  
JOHN R. BEATTIE  
JON S. SWIERZEWSKI  
MICHAEL S. MARCULIES  
THOMAS J. FLYNN  
RODERICK I. MACKENZIE  
FORREST D. NOWLIN  
JAMES P. QUINN  
MICHAEL C. JACKMAN  
MARY E. CURTIN  
DANIEL A. QUINLAN  
JEROME H. KAHNKE  
TODD I. FREEMAN  
CATHY E. GORLIN  
JOSEPH T. GREEN  
ANDREW J. MITCHELL  
DAVID G. MOELLER  
JOHN A. COTTER  
KATHLEEN M. OATES  
DANIEL W. LASS  
THOMAS G. MCDONALD  
JANET L. HOLT  
BRADLEY H. LEHRMAN  
BEATRICE A. ROTHWEILER

*To Markell*  
*FJK*  
*8/80*

OF COUNSEL  
JOSEPH CITIS.  
LINN J. FIRESTONE

May 20, 1982

RECEIVED

MAY 24 1982

Mr. Bruce A. Spector  
Special Assistant Attorney General  
3rd Floor Centennial Office Building  
St. Paul, Minnesota 55155

ATTORNEY GENERAL  
Dept. of Natural Resources

Re: Derrick - Lake Demontreville WAS, Tract 1, Washington County,  
G&F 3204  
Our File No. 7308-02

Dear Mr. Spector:

Thank you for your letter of May 14, 1982 regarding the above-described matter. I have reviewed your correspondence and your proposed action with our client.

In light of your willingness to commence a declaratory action, our client has agreed to postpone the closing on the lots until you have had a reasonable opportunity to pursue your action for declaratory judgment. Our client still maintains that title is marketable, however.

We will consent to delaying the closing and joining in the action, if necessary, on the condition that our client will incur no cost, expense or liability as the result of your action. To that end, I would appreciate reviewing copies of the proposed pleadings and relevant documents in the action prior to filing. Contrary to your correspondence, our client will be cooperative in allowing you to pursue this action, so long as our client incurs no expense and that the delay in closing the transaction does not become significant or unreasonable.

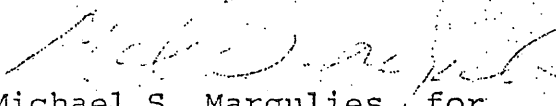
I would appreciate it if you would confirm that our client will incur no expense or liability arising from your proposed action and furnish me with copies of your pleadings at your convenience.

LARKIN, HOFFMAN, DALY & LINDGREN, LTD.

Mr. Bruce A. Spector  
May 20, 1982  
Page Two

if you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

  
Michael S. Margulies, for  
LARKIN, HOFFMAN, DALY & LINDGREN, Ltd.

lm

cc: Roger Derrick



# DEPARTMENT OF NATURAL RESOURCES

CENTENNIAL OFFICE BUILDING • ST. PAUL, MINNESOTA • 55155

July 22, 1982

Dear Landowner in DeMontreville Highlands  
5th and 6th Addition:

The Summons and Complaint which you have received should not cause you alarm. The State of Minnesota, Department of Natural Resources has instituted a lawsuit to determine whether or not they will be prevented from using lots 1 and 6, Block 1, of DeMontreville Highlands 5th Addition as a water access site to Lake DeMontreville. The State has elected to purchase these lots from Derrick Land Company. However, there is some question as to the effect of the Declaration of Covenants which are associated with the 5th and 6th Additions.

You have been named as a defendant simply as a matter of form because you are a landowner in the 5th or 6th Addition. Please understand that you will incur no liability in this lawsuit. The only issue is the applicability of the covenants as against the State of Minnesota. No personal claim is made against you in this proceeding.

Naturally, if you wish, you may file an answer in this lawsuit and are entitled to appear before the court and present evidence as to why the covenants do or do not restrict the State. Otherwise, there is no need for you to take action. If you have any questions you should consult with your personal attorney or call the Minnesota Department of Natural Resources, Trails and Waterways Division at 296-6699.

607691

DATE: 10-5-89

STATE OF MINNESOTA  
DEPARTMENT OF REVENUE

TO: Jim Bloemendal  
Mike Maskell  
Erwen Sallock

CONVEYANCE OF FORFEITED LANDS

(Issued pursuant to Minnesota Statutes, Section 282.01, Subdivision 1)

THIS INDENTURE, made this 11th day of August, 1989, between the State of Minnesota, as party of the first part, and the Department of Natural Resources on behalf of the State of Minnesota, a sovereign body, as party of the second part, WITNESSETH:

WHEREAS, the land hereinafter described was duly forfeited to the State of Minnesota for the nonpayment of taxes, and,

WHEREAS, pursuant to Minnesota Statutes Section 282.01, Subdivision 1, the party of the second part has applied to the Commissioner of Revenue for the conveyance of lands hereinafter described to be used by it exclusively to contract, maintain and operate a water access site for the benefit of the State, and,

WHEREAS, the Board of County Commissioners of the County of Washington, State of Minnesota, has recommended to the Commissioner of Revenue by resolution adopted on the 11th day of July, 1989, that such conveyance be made,

NOW, THEREFORE, the State of Minnesota, pursuant to said laws and in consideration of the premises, does hereby grant, bargain, sell and convey unto the party of the second part, forever, all the tracts or parcels of land lying and being in the County of Washington, State of Minnesota, described as follows, to-wit:

PID #37005-0025 legally described as Part of Government Lot 6, Section 5, Township 29N, Range 21W, being the South 45 feet lying East of the existing centerline of Demontreville Trail North subject to easements of record.,

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part so long as it shall continue to use said land for the purpose aforesaid, and upon condition that if such use shall cease said land shall revert to the party of the first part as provided by law.

IN TESTIMONY WHEREOF, the State of Minnesota, party of the first part, has caused this deed to be executed in its name in the City of St. Paul, Ramsey County, Minnesota, the day and year first above written.

In presence of:

STATE OF MINNESOTA  
JOHN P. JAMES  
Commissioner of Revenue

Diane Rogge  
Patricia Zentzis

By: Dennis J. Erno

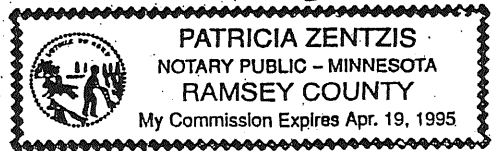
STATE OF MINNESOTA )  
  ) ss.  
County of Ramsey )

On this 11th day of August, 1989, before me personally appeared DENNIS J. ERNO, Assistant Commissioner of Revenue of the State of Minnesota, to me known to be the person who executed the foregoing conveyance in behalf of the State of Minnesota, and acknowledged that he executed the same as the free act and deed of said state pursuant to the statutes in such case made and provided.

COUNTY OF WASHINGTON  
DEED TAX

Patricia Zentzis

MINNESOTA CONSERVATION FUND  
WASHINGTON COUNTY  
\$5.00 FEE PAID  
M. S. 473H 89/08/18 DATE  
#D24,519 je INITIALS



Acc. # 107750

This Instrument was Drafted by

No. 01721.33

# STATE DEED

Under Minnesota Statutes, Section  
282.01, Subdivision 1.

STATE OF MINNESOTA  
TO

Tax statements for the real property de-  
scribed in this instrument should be sent  
to:

Name: The Department of Natural Resources  
c/o Jeff Hanson  
Address: St. Paul, Minnesota

NO DELINQUENT TAXES AND TRANSFER ENTERED.  
WASHINGTON COUNTY, MINNESOTA

August 14 1989

R. H. STAFFORD, AUDITOR-TREASURER

By Nancy Matherson  
DEPUTY

**607691**

OFFICE OF  
COUNTY RECORDER  
WASHINGTON COUNTY, MN.  
COMMERCIAL  
AND  
RESIDENTIAL

AUG 18 1 56 PM '89

**607691**

DOC  
JOHN  
JOHN  
BY John DeShazo DEPUTY

l  
e  
,  
"

Register of Deeds.

Deputy.

Form No. 7-M - WARRANTY DEED Minnesota Uniform Conveyancing Blanks (1978) DOC. No. 63305 Miller-Davis Co., Minneapolis

Corporation or Partnership to Individual (1)

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required Certificate of Real Estate Value No.

September 29, 1983

County Auditor by Margaret H. Peterson Deputy

STATE DEED TAX DUE HEREON: \$ 171.60

Date: September 16, 1983

RECORDED ON SEP 29 3 43 PM '83 DOC 63305 PAGE 42

(reserved for recording data)

FOR VALUABLE CONSIDERATION, Futura Housing Corp, a Corporation under the laws of Minnesota, Grantor, hereby conveys and warrants to Kathleen J. Cahanes, a single person, Grantee (s), real property in Washington County, Minnesota, described as follows:

Lot Eight (8), Block Two (2), DEMONTREVILLE HIGHLANDS, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Washington County, Minnesota

(If more space is needed, continue on back) together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Affix Deed Tax Stamps Here By Futura Housing Corp. By Kenneth H. Letourneau Secretary-Treasurer

STATE OF MINNESOTA COUNTY OF Ramsey

The foregoing was acknowledged before me this 16th day of September, 1983, by Kenneth P. Letourneau and the Secretary-Treasurer and of Futura Housing Corp, a Corporation under the laws of Minnesota, on behalf of the Corporation

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK) CHERYL G. HEIDEN NOTARY PUBLIC - MINNESOTA RAMSEY COUNTY My Commission Expires Aug. 24, 1988

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT Kathleen J. Cahanes 7872 Demontreville Trail Lake Elmo, Minnesota 55042

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS) Merrill Lynch Realty, Burnet 4706 Hiway 61 White Bear Lake, Minnesota 55110

title, insurance - Company of title, abstract & title - Division

10/1/83



**BRIAN LeCLAIR**

Senator District 56  
129 State Office Building  
100 Rev. Dr. Martin Luther King, Jr. Blvd.  
Saint Paul, MN 55155-1206

Phone: (651) 296-4166  
E-Mail: Sen.Brian.LeClair@senate.mn



**Senate**

**State of Minnesota**

**DATE:** March 15, 2005

**TO:** Members of the Lands and Waters Subcommittee of the Senate Environment and Natural Resources Committee

**FROM:** Sen. Brian LeClair's office

Enclosed are additional documents relating to SF 390: LeClair – the Lake Elmo DNR land sales bill. We believe these documents answer the questions that came up at the last sub-committee hearing, such as: who was receiving the tax statements (Derrick Land), and what happened to the easement, and to see the additional deeds of the property owners. The first letter, from Futura Housing Corporation, clearly outlines the situation.

Roger McQuaid, one of the homeowners who is trying to re-purchase the disputed property, will be testifying tonight and will be able to better explain the documents and the situation.

Thank you for your interest and patience with this matter!



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**COMMITTEES:** Health and Human Services Budget Division, Ranking Republican Member •  
Commerce Committee • Health and Family Security Committee

**SERVING:** Central Washington County





March 7, 2005

Roger McQuaid  
7872 Demontreville Trail  
Lake Elmo, MN 55042

Dear Roger:

I have been advised of the difficulties you and your neighbors are experiencing with ownership of the frontage lot on Lake Demontreville.

As builder of the Demontreville Highlands 5th Addition, let me again clarify that the land developer's, Derrick Land, original intent was to have the lot turned over to the six homeowners as a common lot owned collectively.

Title for the south 45' of Government lot 6, section 5, twp 29, range 21, was to be held by the developer, Derrick Land Company, until homes were built and sold on lots 2,3,4,5, 7, and 8. Derrick Land Company was then to have completed the transaction and transferred title and ownership to the six homeowners.

I hope this will be helpful in your efforts.

Sincerely

Ken Letourneau  
Futura Housing Corporation

TOTAL DUE = 1,433.16

33345-2350 R-1/82 DUE FOR 82 = 137.18  
T/P  
LAND & OAKS INC  
DUE FOR 83 = 531.49  
DUE FOR 84 = 293.71  
DUE FOR 85 = 402.49  
TOTAL DUE = 1,364.87

F/O  
LAND & OAKS INC

LOT 1 003  
VAC ST ADJ  
RIDGEWAY ADD

~~33745-3260 TR-1/82 DUE FOR 82 = 519.44  
T/P  
THOMSON KAREN D  
C/P  
DUE FOR 84 = 194.03  
DUE FOR 85 = 387.33  
TOTAL DUE = 1,100.80~~

~~F/O  
THOMSON KAREN D~~

~~PART LOTS 2 & 3 BLK 005  
LYING SELY OF LINE DRAWN FROM  
PT ON SLY LINE OF SD LOT 3 DIST  
78FT SELY OF SWLY COR OF SD LOT 3  
TO PT ON NLY LINE OF SD LOT 2  
DIST 33FT SELY OF NWLY COR OF SD  
LOT 2  
WOODLAND PARK ADDITION~~

~~37005-0025 YR-1/82 DUE FOR 82 = 62.52  
T/P  
DERRICK LAND CO  
C/P  
ALLIED PROPERTIES INC  
DUE FOR 83 = 97.56  
DUE FOR 84 = 125.81  
DUE FOR 85 = 137.26  
TOTAL DUE = 423.15~~

~~F/O  
CROMBIE FRANCIS J & VERONICA~~

~~2A 600 LOT 4 052921  
E OF RD BURD TO EASE  
EXC 37005-0027~~

*Excemption*

37080-2300 YR-1/82 DUE FOR 82 = 485.41  
T/P  
ARNESON DAVID M & JANE M  
C/P

F/O  
ARNESON DAVID M & JANE M

LOT 7  
BEAU HAVEN

*On 10 year*

*67/217*

*And Cert. # 518109*

Doc. No. 54151

400988

Washington County, Minnesota  
 I hereby certify that the within instrument  
 was filed in my office at Stillwater, Minnesota, on the  
 day of January, 1980  
 at 9:00 o'clock A.M. and was duly recorded in  
 Registrar of Titles \*88 on page 27  
 Certificate of Title No. 27159  
 JOHN A. FRANZEN  
 Registrar of Titles  
 By Lola M. Knight Deputy

Office of County Recorder  
 Washington County, Minnesota [ SS ]  
 I hereby certify that the within instrument  
 was filed in my office at Stillwater, Minnesota, on the  
 day of January, 1980  
 at 9:00 o'clock A.M. and was duly recorded  
 in Washington County Records.  
 DOC. # 400988 JOHN A. FRANZEN  
 County Recorder  
 By Mac Cross Deputy

400988

\*Mem. Ease. Bk. 85, pages 250, 251  
 254 & 255  
 Cert. # 26372, 26373, 26376 & 26377

*also*  
*7.50*  
*12.00*  
*7.00*  
*H.M.M.*  
*A.P.*

NO DELINQUENT TAXES AND TRANSFER ENTIERED.  
 WASHINGTON COUNTY, MINNESOTA

Jan 22 1980  
 T. R. GREEDER, AUDITOR  
 By Paul W. Beard  
 DEPUTY

estate of M.M.  
 375 Enternal Office Bldg.  
 St Paul, MN 55102

400988

WARRANTY DEED

THIS INDENTURE, Made this 2nd day of January, 1980, between VERONICA M. CROMBIE, a widow and single person, of the County of WASHINGTON and State of Minnesota; DERRICK LAND COMPANY formerly ALLIED PROPERTIES, INC., a corporation under the law of the State of Minnesota; and FUTURA HOUSING CORPORATION, a corporation under the laws of the State of Minnesota, parties of the first part, and STATE OF MINNESOTA, a sovereign body, party of the second part,

WITNESSETH: That the said parties of the first part, in consideration of the sum of SIXTY-EIGHT THOUSAND EIGHT HUNDRED SIXTY AND NO/100 (\$68,860.00) DOLLARS, to them in hand paid by the said party of the second part; the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tracts or parcels of land, lying and being in the County of Washington and State of Minnesota, described as follows, to-wit:

IN FEE

Registered Property

Tract I

Outlot A of DEMONTREVILLE HIGHLANDS 5TH ADDITION according to the plat thereof on file and of record in the office of the Registrar of Titles.

Abstract Property

Tract II

That part of Government Lot Six (6) of Section Five (5), Township Twenty-nine (29) North, Range Twenty-one (21) West, lying easterly of the centerline of Demontreville North Trail, EXCEPTING the South 45 feet thereof.

EASEMENTS

Registered Property

Tract III

Also granting unto the party of the second part, its successors and assigns, a perpetual easement to flow and reflow with water, under all conditions, ordinary and extraordinary, the following described premises, to-wit:

That part of Lots One (1), Two (2), Five (5) and Six (6), Block One (1) of DEMONTREVILLE HIGHLANDS 5TH ADDITION, being the drainage easements vacated by Resolution of the City of Lake Elmo dated December 11, 1979, for fish spawning purposes.

Further covenanting, the parties of the first part, for themselves, their successors and assigns, shall not fill, drain, burn or cultivate any of the easement lands described in Tract III, except as may be authorized in writing by the Commissioner of the Department of Natural Resources of the State of Minnesota.

EASEMENTS (Continued)

Abstract Property

Tract IV

Also granting unto the party of the second part, its successors and assigns, a perpetual easement over and upon the following described premises, to-wit:

The South 45 feet of Government Lot Six (6) of Section Five (5), Township Twenty-nine (29) North, Range Twenty-one (21) West, lying easterly of the centerline of Demontreville North Trail, together with the Demontreville lakebed adjacent thereto,

for the following described purposes:

- (1) For ingress and egress ~~by the public~~ by the public; and
- (2) Improvement of fish habitat by the party of the second part in the lakebed.

Further covenanting, the parties of the first part, for themselves, their successors and assigns, shall not place or erect any structure or building, except one dock, in the Tract IV easement area without prior written approval of the Commissioner of the Department of Natural Resources of the State of Minnesota.

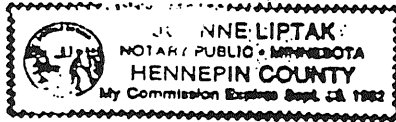
NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, The parties of the first part reserve to themselves, their successors and assigns:

- (1) Normal surface water run-off into Tracts I and III described herein (as described in the subdivision improvements approved by the City of Lake Elmo for the plat of Demontreville Highlands 5th Addition).
- (2) The right to use the land described in Tract IV in common with the public, including the right of angling in the Lake and other rights and privileges consistent with the rights and privileges granted to the party of the second part.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, to the said party of the second part, its successors and assigns, Forever. And the said parties of the first part, VERONICA M. CROMBIE, a widow and single person; for herself, her heirs, executors and administrators, DERRICK LAND COMPANY formerly ALLIED PROPERTIES, INC., and FUTURA HOUSING CORPORATION, for themselves and their successors, do covenant with the said party of the second part, its successors and assigns, that they are well seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances, EXCEPTING subject to highway easement of record.

And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, its

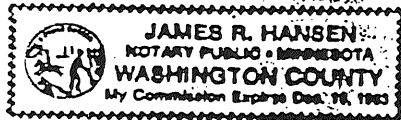
\_\_\_\_\_, of DERRICK LAND COMPANY formerly ALLIED PROPERTIES  
INC., a Minnesota corporation, on behalf of the corporation.



J. J. Liptak  
Notary Public \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

STATE OF MINNESOTA }  
COUNTY OF Washington } ss.

The foregoing instrument was acknowledged before me this  
22 day of December, 1979, by Frank Kubatich, the  
\_\_\_\_\_  
President, and by Ken Letourneau, the  
Sec. Treas. of FUTURA HOUSING CORPORATION, a Minnesota  
corporation, on behalf of the corporation.



James R. Hansen  
Notary Public \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

EXEMPT FROM STATE DEED TAX  
LAWS 1971, CHAPTER 835.

This instrument was drafted by  
RICHARD C. HESSBURG  
Spec. Asst. Attorney General  
Box 38 Centennial Office Building  
Saint Paul, Minnesota 55155

successors and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances, if any, hereinbefore mentioned, the said parties of the first part will Warrant and Defend.

As to the foregoing conveyances and warranties, the party of the first part, FUTURA HOUSING CORPORATION, conveys and warrants as to Tract III only.

IN TESTIMONY WHEREOF, The said party of the first part, VERONICA M. CROMBIE, has hereunto set her hand the day and year first above written; and the said first party, DERRICK LAND COMPANY formerly ALLIED PROPERTIES, INC. has caused these presents to be executed in its corporate name by its \_\_\_\_\_ President and its Secretary \_\_\_\_\_ and its corporate seal to be hereunto affixed the day and year first above written; and the said first party, FUTURA HOUSING CORPORATION, has caused these presents to be executed in its corporate name by its \_\_\_\_\_ President and its Secretary \_\_\_\_\_ and its corporate seal to be hereunto affixed the day and year first above written.

Veronica M. Crombie  
VERONICA M. CROMBIE

FUTURA HOUSING CORPORATION  
By [Signature]  
Its \_\_\_\_\_ President

By [Signature]  
Its \_\_\_\_\_ Secretary

DERRICK LAND COMPANY  
formerly ALLIED PROPERTIES, INC.

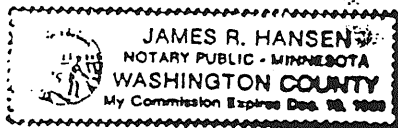
By [Signature]  
Its \_\_\_\_\_ President

By [Signature]  
Its \_\_\_\_\_ Secretary

STATE OF MINNESOTA )  
COUNTY OF Washington ) ss.

The foregoing instrument was acknowledged before me this 22 day of December, 1979,

VERONICA M. CROMBIE, a  
by widow and single person,



[Signature]  
Notary Public \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

STATE OF MINNESOTA )  
COUNTY OF Hennepin ) ss.

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of December, 1979, by Roger D. Derrick, the \_\_\_\_\_ President, ~~and by~~ and secretary, the \_\_\_\_\_

# Certificate of Title

No. 43278

Transfer from No. 29972. Originally registered the Thirty-first day of August A.D. 1962

Register of Titles 38, Page 90, Washington County, Minnesota.

Proceeding No. 465

STATE OF MINNESOTA,  
COUNTY OF WASHINGTON

REGISTRATION

SS.

*This is to certify, that*

TERRENCE J. LIZAKOWSKI and SUSAN E. LIZAKOWSKI, husband and wife

7760 53rd Street North

City of Lake Elmo

County of Washington

*of the  
and State of*

Minnesota

*are now the owners of an estate, to wit: in fee simple*

as joint tenants

*of and in the following described land, situated in the County of Washington and State of Minnesota, to wit:*

Lot Five (5), Block One (1),

DEMONTREVILLE HIGHLANDS 5TH ADDITION,

as surveyed and platted and now on file and of record in the office  
of the Registrar of Titles, Washington County, Minnesota.

OWNER'S DUPLICATE  
DATE



CER 100

the encumbrances, liens and interest noted by the memorial underwritten or endorsed hereon; and subject to the following rights or  
ces subsisting, as provided in Section 508.25, Minnesota Statutes annotated, namely:

1. Liens, claims, or rights arising or existing under the laws or the Constitution of the United States, which this state cannot require to appear of record.
2. The lien of any real property tax or special assessment for which the land has not been sold at the date of the certificate of title.
3. Any lease for a period not exceeding three years when there is actual occupation of the premises thereunder.
4. All rights in public highways upon the land.
5. Such right of appeal, or right to appear and contest the application as is allowed by this chapter.
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title.
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

at the said \_\_\_\_\_ TERRENCE J. LIZAKOWSKI \_\_\_\_\_ is of the age of 36 years is  
 married \_\_\_\_\_ to \_\_\_\_\_ Susan E. Lizakowski \_\_\_\_\_ and is under no disability.  
 t the said \_\_\_\_\_ SUSAN E. LIZAKOWSKI \_\_\_\_\_ is of the age of 35 years, is  
 arried \_\_\_\_\_ to \_\_\_\_\_ Terrence J. Lizakowski \_\_\_\_\_ and is under no disability.

**Witness Whereof,** I have hereunto subscribed my name and affixed the seal of my office

this \_\_\_\_\_ Second \_\_\_\_\_ day of \_\_\_\_\_ September \_\_\_\_\_ 19 \_\_\_\_\_ 92

Registrar of Titles, In and for the County of Washington and State of Minnesota.

By \_\_\_\_\_

*Joan Reed*

DEPUTY

Doc. No. 1019011

OF ESTATES, EASEMENTS OR CHARGES ON THE LAND DESCRIBED IN THE CERTIFICATE OF TITLE HERETO ATTACHED.

DOCUMENT NUMBER	KIND OF INSTRUMENT	DATE OF REGISTRATION					DATE OF INSTRUMENT			AMOUNT	RUNNING IN FAVOR OF	SIGNATURE OF REGIS
		MONTH	DAY	YEAR	HOUR		MONTH	DAY	YEAR			
					A.M.	P.M.						
4 3 6 0 4	Development Agreement	Sept.	16	1976	9:00		Sept.	7	1976			
		This Agreement made by and between the City of Lake Elmo, a municipal corp. and Allied Properties, Inc., a Minn. corp. (hereinafter called "Developer"). Granted to the Developer a land development within the city limits on condition developer provide for the installation of streets, utilities and other improvements as set forth in Document No. 43604.										
4 7 7 8 6	Art. of Amend. of Art. of Inc.	Jan.	30	1978	9:00		Nov.	30	1977			
		RESOLVED that the name of this corporation, Allied Properties, Inc. shall be changed to Derrick Land Company.										
5 2 1 0 2	Declaration	May	11	1979	1:00		Apr.	24	1979			
		Covenants, Conditions, Restrictions and Easements as set forth in Document No. 52102										
5 3 9 1 5	Resolution Vacating Drainage Easement	Dec.	14	1979	9:00		Dec.	13	1979			
		BE IT RESOLVED: by the City Council of the City of Lake Elmo, that the following described drainage and utility easements located in the plat of Demontreville Highlands 5th Addition to-wit: Drainage easement over the premises described in this Certificate, and other real estate. Drainage and utility easements adjoining street lines and side and rear lot lines as shown are not to be vacated, be and the same hereby is vacated absolutely and forever for the reasons set forth above herein. (See Doc. No. 53915 for further particulars.)										
5 4 1 5 1	Warranty Deed-- (Easement)	Jan.	22	1980	9:00		Jan.	2	1980		State of Minnesota	
		Grants a perpetual easement to flow and reflow with water, under all conditions, ordinary and extra-ordinary, the following described premises, to-wit: That part of Lots 1, 2, 5, and 6, Block 1 of Demontreville Highlands 5th Addition, being the drainage easements vacated by Resolution of the City of Lake Elmo dated December 11, 1979 for fish spawning purposes. (See Doc. No. 54151 for further particulars.)										

Corporation or Partnership to Individual(s)

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( / ) filed ( ) not required Certificate of Real Estate Value No. September 29, 19 83

J.R. Darden County Auditor  
by Margaret H. Peterson Deputy

SEP 29 3 43 PM '83  
DOC. 65305 CERT. # 50004  
BOOK 97 PAGE 42  
BY Margaret H. Peterson DEPUTY

PA 10. 52

STATE DEED TAX DUE HEREON: \$ 171.60  
Date September 16<sup>th</sup>, 19 83

(reserved for recording data)

FOR VALUABLE CONSIDERATION, Futura Housing Corp. a Minnesota Corporation under the laws of Minnesota, Grantor, hereby conveys and warrants to Kathleen J. Cahanes, a single person, Grantee(s), real property in Washington County, Minnesota, described as follows:

Lot Eight (8), Block Two (2), DEMONTREVILLE HIGHLANDS, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Washington County, Minnesota.

(if more space is needed, continue on back)  
together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Affix Dead Tax Stamp Here

Futura Housing Corp.  
By Kenneth P. Letourneau Its Secretary-Treasurer  
By \_\_\_\_\_ Its \_\_\_\_\_

STATE OF MINNESOTA }  
COUNTY OF Ramsey } ss.

The foregoing was acknowledged before me this 16<sup>th</sup> day of September, 19 83, by Kenneth P. Letourneau and \_\_\_\_\_ the Secretary-Treasurer and \_\_\_\_\_ of Futura Housing Corp. under the laws of Minnesota, on behalf of the Futura Housing Corp., a Corporation

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)  
X  
CHERYL C. HEIDEN  
NOTARY PUBLIC - MINNESOTA  
RAMSEY COUNTY  
My Commission Expires Aug. 24, 1989  
X

Cheryl C. Heiden  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

Kathleen J. Cahanes  
7872 Demontreville Trail  
Lake Elmo, Minnesota 55042

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):  
Merrill Lynch Realty, Burnet  
4706 Hiway 6J  
White Bear Lake, Minnesota 55110

STATE OF MINNESOTA  
DEPARTMENT OF REVENUE  
DEED  
171.60

1. 183465  
507099

Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value (X) filed ( ) not required Certificate of Real Estate Value No. June 10, 19 86

By BH Stafford County Auditor by Karin J. Paruscin Deputy

OFFICE OF COUNTY CLERK JUN 11 1986 74695 33164 107 2 (reserved for recording data)

STATE DEED TAX DUE HEREON: \$ 52.80

Date: 25 April 19 86

FOR VALUABLE CONSIDERATION, Derrick Land Company, a corporation under the laws of Minnesota, Grantor, hereby conveys and warrants to John E. Fremont and Becky J. Fremont, husband and wife, Grantees as joint tenants, real property in Washington County, Minnesota, described as follows:

Lot 3, Block 1, DeMontreville Highlands 5th Addition, subject to easements, reservations, restrictions and covenants of record.

(if more space is needed, continue on back) together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

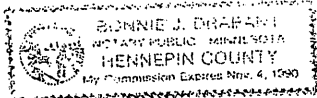
WASHINGTON COUNTY DEED TAX

DERRICK LAND COMPANY By Roger D. Derrick President and Secretary

STATE OF MINNESOTA COUNTY OF Hennepin ss.

The foregoing was acknowledged before me this 25th day of April, 19 86, by Roger D. Derrick, President and Secretary of Derrick Land Company, a corporation under the laws of Minnesota, on behalf of the corporation

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Derrick Land Company 1650 Shelard Tower Minneapolis, MN 55426

Bonnie J. Durbant SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Mr. and Mrs. John E. Fremont 2939-East Cowern Place 7751 - 53rd Street North-St. Paul, MN 55109-Lake Elmo, MN. 55042

And Mortgagee: Travelers Mortgage Services, Inc. P.O. Box 5260 2339 Route 70 West Cherry Hill, N.J. 08034

3229 JUN 10 1986

CHECK 52.80

11-M-WARRANTY DEED Minnesota Uniform Conveyance Blanks (1977) Mille Davis Co. Minneapolis  
Division of Partnership  
Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value (✓) filed ( ) not required  
Certificate of Real Estate Value No. 105, 1985  
R.H. Stallard  
County Auditor  
by Karen J. Parsonen  
Deputy

72319 32570  
105 46  
1977 11 27  
14 18 18  
30 00 (reserved for recording data)

STATE DEED TAX DUE HEREON: \$ 51.70  
Date: 27 November, 1985

FOR VALUABLE CONSIDERATION,  
Derrick Land Company, a corporation under the laws of Minnesota, Grantor, hereby conveys and warrants to John R. Horner and Karla M. Horner, husband and wife, Grantees as joint tenants, real property in Washington County, Minnesota, described as follows:

Lot 4, Block 1, DeMontreville Highlands 5th Addition, subject to easements, reservations, restrictions and covenants of record.

(if more space is needed, continue on back)  
together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

WASHINGTON COUNTY DEED TAX  
Affixed Tax Stamp Here

DERRICK LAND COMPANY  
By [Signature]  
Its Roger P. Derrick  
President and Secretary  
By \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF MINNESOTA }  
COUNTY OF Hennepin } ss.

The foregoing was acknowledged before me this 27th day of November, 1985,  
by Roger D. Derrick President and Secretary  
of Derrick Land Company, a corporation  
under the laws of Minnesota, on behalf of the corporation

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR NAME)  
KAREN J. PARSONEN  
NOTARY PUBLIC - MINNESOTA  
HENNEPIN COUNTY  
My Commission Expires Aug. 14, 1988

[Signature]  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

Mr. and Mrs. John R. Horner  
2696 East 18th Avenue  
North St. Paul, MN 55109

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):  
  
Derrick Land Company  
1650 Shelard Tower  
Minneapolis, MN 55426

501535

Doc#1038679

37163-2050

No. delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required Certificate of Real Estate Value No.

July 1, 19 94

R. H. Stafford  
County Auditor  
by Kathleen O. Toole  
Deputy

OFFICE OF  
COUNTY RECORDER -  
WASHINGTON COUNTY, MN  
RECORDED ON

JUL 22 10 52 AM '94  
DCC. 1038679  
CERT. 46474  
BOOK 148 PAGE 192  
JOHN A. FRANZEN, REC.  
OF TITLES BY PMH

\$34.50

STATE DEED TAX DUE HEREON: \$ 561.00

Date: June 24, 19 94

(reserved for recording data)

FOR VALUABLE CONSIDERATION, Richard R. Horeish and Colleen M. Horeish  
husband and wife , Grantor (s),  
(marital status)

hereby convey (s) and warrant (s) to Gregg M. Bloom and LaVonne L. Michaud  
tenants, real property in Washington , Grantees as joint  
County, Minnesota, described as follows:

Lot Two (2), Block One (1), Demontreville Highlands 5th Addition

OFFICE OF COUNTY RECORDER  
WASHINGTON COUNTY, MN  
 WELL CERTIFICATE RECEIVED

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

SUBJECT TO RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

01-Jul-94 WASHINGTON COUNTY No. 16759  
Deed tax hereon of \$561.00 Paid  
MN Conservation Fund M.S. 473H \$5.00 Paid  
R.H. STAFFORD, Auditor-Treasurer by K. O'TOOLE

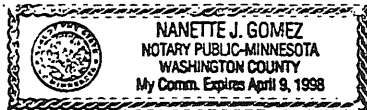
Richard R. Horeish  
Richard R. Horeish

Colleen M. Horeish  
Colleen M. Horeish

STATE OF MINNESOTA  
COUNTY OF Ramsey } ss.

The foregoing instrument was acknowledged before me this 24th day of June, 1994,  
by Richard R. Horeish and Colleen M. Horeish, husband and wife, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



*[Signature]*  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Gregg M. Bloom  
LaVonne L. Michaud  
7761 53rd Street North  
Lake Elmo, MN 55042

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Home Closers, Inc.  
2510 Seventh Avenue East  
North St. Paul, Minnesota 55109

Individual(s) to Joint Tenants

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required Certificate of Real Estate Value No.

July 29, 1992

R.H. Stafford

County Auditor

by

Sherry H. Miller

Deputy

STATE DEED TAX DUE HEREON: \$ 475.20

Date: July 15, 1992

32.00  
1.00 ac  
23.00

Ret: CI Title

(reserved for recording data)

FOR VALUABLE CONSIDERATION, Richard H. Kubitschek and Geri Ann Kubitschek husband and wife, Grantor(s), (marital status)

hereby convey (s) and warrant (s) to Terrence J. Lizakowski and Susan E. Lizakowski, Grantees as joint tenants, real property in Washington County, Minnesota, described as follows:

Lot Five (5), Block One (1), Demontreville Highlands 5th Addition, Washington County, Minnesota

OFFICE OF COUNTY RECORDER WASHINGTON COUNTY, MN

RECORDER WASHINGTON COUNTY, MN

WELL CERTIFICATE RECEIVED

WELL CERTIFICATE RECEIVED

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

DEED TAX  
COUNTY OF  
WASHINGTON  
MINN.

Affix Deed Tax Stamp Here

Richard H. Kubitschek  
Richard H. Kubitschek

Geri Ann Kubitschek  
Geri Ann Kubitschek

STATE OF MINNESOTA

COUNTY OF Ramsey } ss.

The foregoing instrument was acknowledged before me this 15 day of July, 1992, by Richard H. Kubitschek and Geri Ann Kubitschek husband and wife, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

JOAN M. FARLEY  
NOTARY PUBLIC - MINNESOTA  
RAMSEY COUNTY  
My Commission Expires 9-20-92

Joan M. Farley  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Terrence J. and Susan E. Lizakowski  
7760 53rd St. N.  
Lake Elmo MN 55042

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Northwest Title and Escrow Corp.  
Joan M. Farley  
3535 Vadnais Hgts Drive  
Vadnais Heights, MN 55110

MINNESOTA CONSERVATION FUND  
WASHINGTON COUNTY  
\$5.00 FEE PAID

M. S. 473H 92/07/30 DATE  
#D46,158 INITIALS

94/31  
C. I. TITLE INC.  
P. O. BOX 17266  
ST. PAUL, MN 55117

OFFICE OF COUNTY RECORDER WASHINGTON COUNTY, MN

SEP 24 25 PM '92

DOC 1019011  
CERT 43278  
BOOK 138  
PAGE 196  
JOHN A. FRANZ  
OF TITLES

Doc. No. 1019011

751  
5/11/93-2125

2071 JUL 30 1992

3763

No delinquent taxes and transfer entered; Certificate of Real Estate Value ( ) filed ( ) not required  
 Certificate of Real Estate Value No. June 15, 1987  
Bob Stapp  
 County Auditor  
 by Dorinda K. ...  
 Deputy

OFFICE OF  
 WASHINGTON COUNTY MN.  
 CERTIFIED FILED  
 AND/OR RECORDED ON

JUN 10 11 55 AM '87  
 DOC. 82517 CERT. # 35225  
 BOOK 113 PAGE 145  
 BY [Signature] DEPUTY

Doc. No. 82517

STATE DEED TAX DUE HEREON: \$ 341.00

Date: June 1, 1987

(reserved for recording data)

FOR VALUABLE CONSIDERATION, Gregory A. Fouks and Jan R. Fouks, husband and wife, Grantor (s),

hereby convey (s) and warrant (s) to Dennis V. Lien and Karen L. Ellis-Lien, Grantees as joint tenants, real property in Washington County, Minnesota, described as follows:

Lot Seven (7), Block Two (2), DEMONTREVILLE HIGHLANDS, according to the plat thereof on file and of record in the office of the Registrar of Titles in and for Washington County, Minnesota.

MINNESOTA CONSERVATION FUND  
 WASHINGTON COUNTY  
 \$3.00 FEE PAID  
 M. S. 473H JK-8-87 DATE  
 #D 7,525 [Signature] INITIALS

(If more space is needed, continue on back)  
 together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

2251 JUN 08 1987

WASHINGTON COUNTY DEED TAX  
 Affix This Tax Stamp Here

Gregory A. Fouks  
 Gregory A. Fouks

Jan R. Fouks  
 Jan R. Fouks

CHECK 341.00  
 STATE OF MINNESOTA }  
 COUNTY OF Ramsey } ss.

The foregoing instrument was acknowledged before me this 1st day of June, 1987, by Gregory A. Fouks and Jan R. Fouks, husband and wife, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

[Signature]  
 SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantor):

Dennis V. Lien  
 Karen L. Ellis-Lien  
 7864 Demontreville Trail  
 Lake Elmo, Minnesota 55042  
 Escrower:  
 First Western Mortgage Corp. of Illinois  
 540 North Court  
 Palatine, IL 60067

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):  
 BELL, ARCAND, FLORIN & TENNANT  
 Attorneys at Law  
 400 Executive Office Center  
 2785 White Bear Avenue North  
 St. Paul, Minnesota 55109

Little Insurance Company of Minn.  
 St. Paul Abstract & Title Division

8-621583  
 580 969 C.



JACK W. CLINTON, P.A.  
ATTORNEY AT LAW

JACK W. CLINTON\*  
CATHLEEN L. RICHARDS  
LEGAL ASSISTANT

CURRELL CENTRE, SUITE 200  
7616 CURRELL BOULEVARD  
WOODBURY, MINNESOTA 55125

TELEPHONE: 651-264-3077  
FAX: 651-264-3078

February 1, 2005

Terrance Lizakowski  
7760 53rd Street North  
Lake Elmo, MN 55042

Gregg M. Bloom  
7761 N. 53<sup>rd</sup> Street  
Lake Elmo, MN 55042

Dear Terry and Gregg:

Since we met, I have done some additional research dealing with easements, extinguishing the easements, and how that might relate to the tax forfeiture proceeding. I cannot find anything that provides a definitive answer. As a general rule, when property is transferred by the fee owner, it is always conveyed subject to any outstanding easement interests that exist. Thus, the conveyance of the land doesn't extinguish any easement rights. In order to extinguish the easement, an agreement would have to be entered into with the owner whereby the parties holding the easement interests give up their rights to the easement. Alternatively, it is possible for the fee owner to "adversely possess" the land and extinguish the easement by reason of the non-use by the easement holder and the exclusive use and possession by the fee owner to the exclusion of the easement holder. Any adverse possession rights, to the extent that they might be asserted, would have to commence within fifteen (15) years of August 11, 1989 when the State bought the property. Therefore, I am recommending that if you are going to attempt to register the property, that the matter be filed and served prior to August 11, 2005.

In terms of the position that you have as owners, I would recommend that you first try to obtain a quit claim deed from the developer to convey the rights and the easement. Secondly, an initial registration proceeding can be done to torrens the easement interest. Then those easement interests can be reflected on your certificates of title as the owners. I will explain this in more detail below.

As I set out in my memo of March 11, 2004 which accompanied my letter to Terry and Susan, the covenant in the deed provided that without written approval of the Commissioner of the Department of Natural Resources, there would be no building or structures, except one dock, on the Tract 4 easement area. It reserved to the developer, their successors and assigns, the right to use the land in Tract 4 in common with the public, including the right to fish in the lake, along with other rights and privileges consistent with the rights granted to the DNR (i.e. no building or structure could be placed on the property without the DNR's approval, except for one dock).

The argument is that the tax forfeiture proceeding resulted in the forfeiture of the fee interest in the property, but did not affect the existence of the easement, nor the rights granted to the DNR.

The letter that you received from the State on December 1, 1994 asked if you had a conveyance linking your ownership of the property to the parcel. They did not want anything done with the property by you or any other owners until it was demonstrated with record evidence that you have a special right to use the property. I believe the question they raised was appropriate. Because of this, I believe it would serve your interest to obtain (if possible) a deed from the developer conveying the easement rights recited to the lots in the development. The language in the deed can characterize it as a corrective deed or that it was erroneously omitted from the original conveyance. I think that would clarify and further assist in doing the registration proceeding concerning the easement.

### Torrens Registration Proceeding Process

The property that you purchased has been registered under the torrens system. In brief, this involves a proceeding before the Court to register the property and eliminate any prior title problems, easements or unclaimed or unrecorded rights in the property. The process starts with property that is originally abstract.

An application is made to the Court. It starts a new District Court file proceeding, no different than a new lawsuit, except that the torrens proceeding is an application to register the land. The application sets out the names and addresses of the applicants. In this proceeding, the application would be made to torrens the parcel, and make it subject to the easement rights that are of record. The application has to set out the interests of anyone claiming rights in the property, including City rights to roadways, mortgage interests, and easement interests, along with those individuals who own property abutting/surrounding the property. The application is filed, and the Examiner of Titles is notified of the application. The Examiner of Titles is then provided with an abstract for the property certified current. The Examiner then prepares a report to the Court that indicates who the owner of the property is, what rights there are in the property, and any individuals who need to be notified of the proceeding.

A petition for a summons is thereafter filed based on the report of the Examiner. The petition lists the individuals/entities reflected in the Examiner of Title's report who have to be notified. The Court issues an order for a summons specifying who needs to be served.

That summons is then served on individuals who can be located. It is published in the newspaper for individuals or interests who cannot be located, or who may be deceased or for unknown errors of deceased individuals. The summons is served and proof of service, either through personal service, admission of service or publication is filed with the Court. The summons specifies a date for a hearing. At that time, we would appear and the Examiner of Titles would be present in Court. If anyone has objections to the request made in the summons for the registration, they are required to appear. Assuming no objections are made, the Court enters an order to register the land. That has to be filed with the County Recorder. The County Recorder Torrens Department then removes the property from the Abstract Division, and places it in the Torrens Division. A Certificate of Title is issued (in this case it would be issued to the State DNR), and your easement rights would be specified. The easement would also be added to the Certificate of Title to your homes.

There are abstracting fees, filing fees, service fees and publication fees that are incurred in addition to the attorney's fees to register the property. The best estimate I can give you of the fees is as follows:

Court Filing Fee:	\$245.00
Abstracting:	\$400.00 to \$800.00 (the exact cost of this will not be known until the abstracting is actually complete)
Publication Fees:	\$200.00 to \$300.00
Certified copies:	\$50.00 to \$75.00
Attorney's Fees:	\$5,500.00 to \$6,000.00
Total Fees and Costs:	\$6,400.00 to \$7,400.00

Based on our telephone call on Monday, January 31<sup>st</sup>, I understand that there is a bill that Brian LeClair has introduced in the legislature to try and address this issue. It will be wonderful if that occurs. However, my cautions on that are as follows:

- 1) To get a bill introduced to address a specific situation can be difficult to get through the legislative committees that oversee these matters.
- 2) This can have an impact on real estate titles generally, and there will be a lot of scrutiny of the legislation and how it would impact on not only your situation, but other properties that might be similarly situated.
- 3) The DNR is reluctant to give up any property that has lakeshore or lakeshore access involved, and if the bill being introduced by LeClair some how negatively impacts the DNR's interests in land, they are going to strongly oppose the bill in committee.

I do not want to discourage the efforts to resolve this matter if Brian LeClair's bill would address the issue, but I am skeptical that he will be able to get something passed that will resolve this issue. (I know Brian and do not mean anything negative towards him, but there is a screening process for bills and this may not make it through).

I understand that the process to register the property is foreign to you, but I will be glad to answer any further questions or clarify the process for you. As I indicated in my May 11, 2004 letter to you, I cannot guaranty that the easement can be successfully registered. Thus, a letter to the DNR would be an appropriate first step to see if an agreement could be reached before starting the process.

I will be glad to review the information that you have from LeClair's efforts. After you have reviewed this letter, and we have determined whether LeClair's efforts might be successful, we can determine what steps to take. As I indicated, my main concern is getting the application timely filed.

I will wait to hear from you.

Very truly yours,

**JACK W. CLINTON, P.A.**

*Jack W. Clinton /clr*

Jack W. Clinton

JWC/clr

# JACK W. CLINTON, P.A.

ATTORNEY AT LAW

JACK W. CLINTON\*

CATHLEEN L. RICHARDS  
LEGAL ASSISTANT

CURRELL CENTRE, SUITE 200  
7616 CURRELL BOULEVARD  
WOODBURY, MINNESOTA 55125

TELEPHONE: 651-264-3077  
FAX: 651-264-3078

March 11, 2004

Terrance and Susan Lizakowski  
7760 53rd Street North  
Lake Elmo, MN 55042

Dear Terry and Susan:

I am following up on the message I left for you at your home on March 8 and the phone call I had with Terry on March 9.

I am enclosing a copy of a file memo in which I have outlined the facts based on the review of the information I have gathered in the documents you obtained. At the end of the memo, I've set up several questions that need to be answered. Based on the information I have at this point, I am doubtful that what has transpired with the title, that you or any of the other owners within the development have rights to the access or the ability to put in a dock. I based this opinion on two concerns. First, there was never any transfer of the interest in the access to the lake to you or your predecessors. Secondly, I believe that the tax forfeiture of the property would eliminate any rights in the property. If the developer, as the owner of that lot has his rights terminated by the reason of the forfeiture, there would be no basis upon which to assert your rights as to having any property interest conveyed to them. However, I will continue to look for other opinions before making any other final determination.

After I met with Terry yesterday, I did search the computer records. The only record of the south 45 feet of Lot 6, is the tax forfeiture under the County auditor's certificate and then the conveyance of the property to the Minnesota Department of Natural Resources. The computer records do not go back prior to that time.

I explained to Terry that I have practice for 28 years, and I have done a significant amount of real estate transactions. I've established, straighten out and fixed a number of easement issues. I've never encountered a situation quite like this. I told Terry this is why they call it "practicing law". With Terry's permission, I have provided the memo to two other lawyers I know who have substantial real estate background to see if they have encountered this, or if they can provide me with any input. I want to try to provide you with the best direction and advice before taking any further steps.

I'd advised Terry that my fees for the document review and letter would be between \$600.00 to \$800.00. My fees to date are at \$600. I'm not going to charge for the time and input I get from other attorneys. Once I've obtained their input, we can discuss what alternatives will be available and cost of taking further steps.

MEMO

DATE: March 10, 2004  
TO: Lizakowski, Terrance and Susan  
71671-0001  
FROM: JWC

Client requested review of documents on lakeshore access. The property owned is in the Demontreville Highlands 5th. The property is torrens.

There is an easement 45 feet in width referred to as Tract 4 that is access to Lake Demontreville. The easement is across the street from the plat, and is not connected to the plat. The development agreement with the city does not mention the access to the lake. However it does not appear that it was within the plat. There is also no mention of the access in the declarations for Demontreville Highlands. However this is also due to the fact that the access is not part of the plat. The Declarations were signed on April 24, 1979 and recorded May 11, 1979. The Development agreement was signed September 7, 1976 and recorded September 16, 1976.

By Warranty Deed January 2, 1980, the landowner and Developer of Demontreville Highlands deeded certain properties to the State of Minnesota. The state purchased Out Lot A in Demontreville Highlands 5<sup>th</sup> Addition and part of government Lot 6, Section 5 that excepting the South 45 feet. The South 45 feet is tract 4.

In that same deed, the state purchased easements over Lots 1,2,5, and 6 in Block 1 of Demontreville Highlands 5th. The easement covered the drainage easements vacated by the city of Lake Elmo. The easement was acquired for sufficient spawning purposes. Track 4, being the South 45 feet of government Lot 6 in section 5 (which is abstract) was acquired for purposes of ingress and egress by the public and to improve the fish habitat by the state.

The sellers placed a covenant in the deed that for: “. . .themselves, their successors and assigns, they would not place or erect any structures or building, except one dock, on the track 4 easement area without prior written approval of the commissioner of the Department of Natural Resources.” The deed further provide "not withstanding anything to the contrary contained here in the parties of the first part reserved themselves, their successors and assigns \* \* \* (2) the right to use the land describe in track 4 in common with the public, including the right of angling in the lake and other rights and privileges consistent with the rights and privileges granted to the party of the second part (the State)".

The Warranty Deed to the state is memorialized on the certificates of the affected Lots that referenced the right to transfer water over the drainage easements vacated by the city of Lake Elmo and has a notation concerning fish spawning purposes. There apparently is no record of the sellers in the state deed conveying their fee interest to the owners of lots in the plat.

Track 4 went tax forfeit. The DNR purchased the property through a conveyance of the forfeited land by a deed dated August 11, 1989. They purchased the South 45 feet to maintain and operate a water access sight for the benefit of the state.

Following questions arise:

1. At least two of the six lot owners in this development understood they were acquiring the rights to use the access as part of the purchase of their Lot. By purchasing a lot in the plat, are the current owners successors or assigns of the owner developer?
2. There apparently was no conveyance to the owners within the plat of any rights to South 45 feet of government Lot 6. Does that preclude them from being successors?
3. If they are successors, does the tax forfeiture of the parcel and purchase by the DNR now preclude them of any rights that the owner developer had reserved to itself as the fee owner?
4. Does the memorial of the state deed that included the for the South 45 feet of government Lot 6 (which is abstract property) on the Lots within the development (which are torrens) reserve to them any rights to the use of the South 45 feet, or does the state have to bring the proceedings subsequent to cancel the rights to the tax forfeited parcel? (question assumes that the owners of the Lots are "successors or assigns" under the terms of the deed to this date dated January 2, 1980.)



133215  
STREET



PUBLIC SHORELINE

→







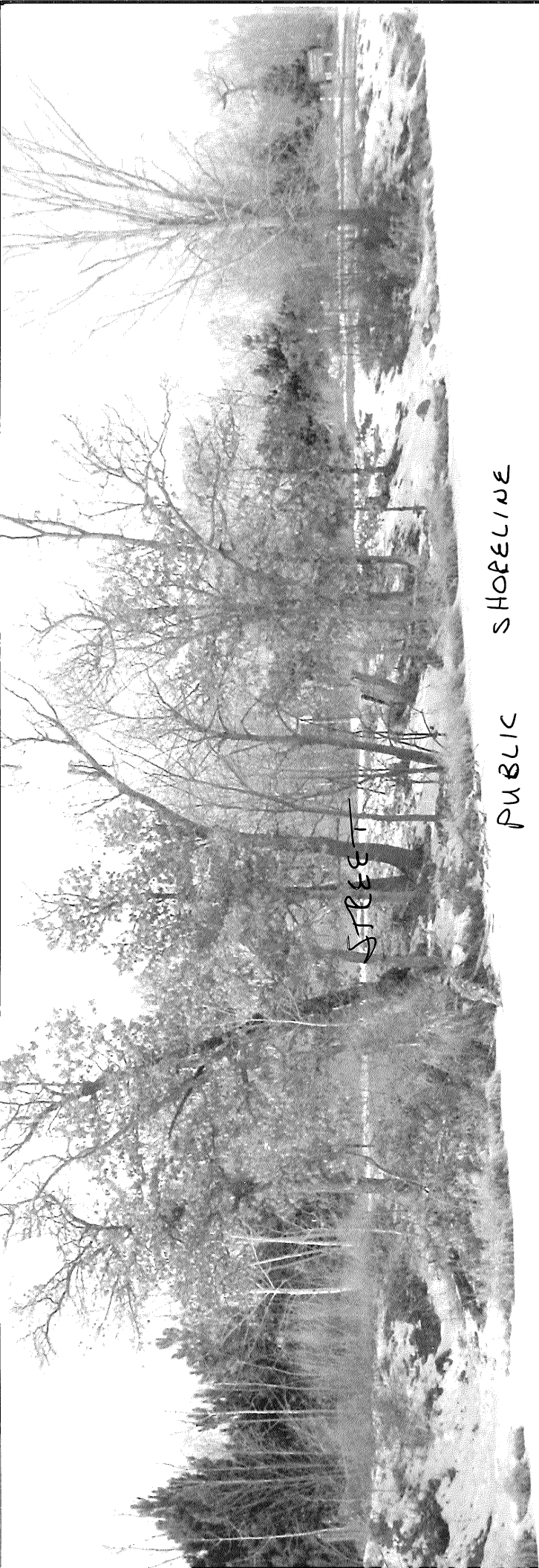
STREET

← PUBLIC SHORELINE

→ 45' PARCEL

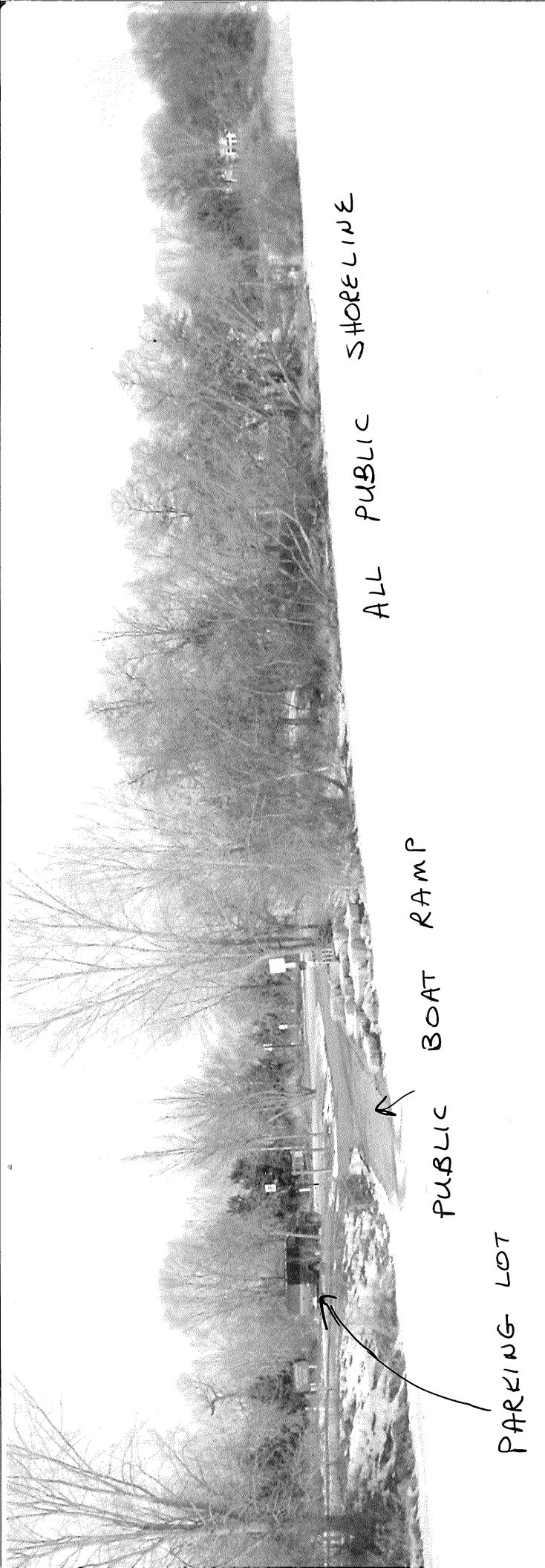


PUBLIC SHORELINE



13325 STREET

PUBLIC SHORELINE



ALL PUBLIC SHORELINE

PUBLIC BOAT RAMP

PARKING LOT



← SHORE LINE FISHING ROCKS



PUBLIC SHORELINE



STREET

PUBLIC SHORELINE



PUBLIC SHORELINE



45' PARCEL

