

HAVEN TOWNSHIP  
SHERBURNE COUNTY, MINNESOTA  
RESOLUTION NO. 2018-01

ACCEPTANCE OF DEDICATION OF ROAD RIGHT OF WAY  
FOR PART OF 52ND STREET SE  
AND  
AMENDMENT AND SUPPLEMENT TO HAVEN ROAD INVENTORY,  
COUNTY RECORDER DOCUMENT NO. 258443,  
TO REMOVE 50<sup>TH</sup> AVE. SE, AND TO CORRECT THE LOCATION OF 52<sup>ND</sup> ST. SE,  
ALL IN SECTION 27, TOWNSHIP 35, RANGE 30

After due consideration, the Haven Town Board adopts the following Findings and Resolution:

**FINDINGS**

1. According to Haven Town records, Haven Township has recognized as a public roadway and maintained a road way across property owned by the following:

<u>Owners</u>	<u>Description of Land</u>
Larry Czech and Renee M. Czech *	See attached <b>Exhibit A</b>
The Disclaimer Trust fbo Wayne M. Brinkman, as Established Pursuant to The Evelyn A. Brinkman Revocable Trust U/A Dated May 1, 2007	See attached <b>Exhibit A</b> , and attached December 21, 2016 survey by Bogard, Pederson and Associates, Inc., last updated January 3, 2018.

**\*NOTE:** On November 27, 2016, Czechs signed the attached Request to Dedicate Land for the Road Right of Way. Then Czechs asked the Town to survey the right of way. After the survey was completed Czechs declined to sign a new right of way dedication for the surveyed description shown in attached **Exhibit A**.

2. This roadway is part of 52nd Street SE lying East of the North/South Quarter Section line in Section 27, Township 30, Range 35. This roadway has been shown as a Haven Town public road on the July 15, 1991 Town Road Inventory (Sherburne County Recorder Document No. 258443, T-14), and public road maps dating back to the early 1900's. For over six (6) years, Haven Township has spent Town road money to grade, plow and maintain this

road. The public has used this road as public highway for over six (6) years. Haven has claimed this road as a public road by use and maintenance under Minnesota Statutes Section 160.05.

3. Haven Town Board has searched its files, but has been unable to find a Road Order for this part of the road.

4. The Disclaimer Trust fbo Wayne M. Brinkman, as Established Pursuant to The Evelyn A. Brinkman Revocable Trust U/A Dated May 1, 2007 have signed and delivered to the Township the attached January 23, 2018 Application under Minnesota Statutes Section 164.15 to dedicate to Haven Township a public road right-of-way for part of 52nd Street.

5. The portion of 52<sup>nd</sup> St. SE lying West of the North/South Quarter line is correctly located as shown in the attached December 21, 2017 Survey (last updated January 3, 2018) prepared by Bogart, Pederson and Associates, Inc. and described in the attached February 2, 1906 Road Order. The stated location of this road in the Town Road Inventory Document No. 258443, (T-14) is not correct.

6. The Haven Town Road Inventory, Document No. 258443, (T-15) lists 50th Ave. SE in Section 27, Township 30, Range 35 as a town road. This is a private easement per Sherburne County Recorder Deed Document Nos. 198739 and 211934. This private road should not have been listed on the Haven Town Inventory as a town road.

### **RESOLUTION**

A. The Haven Town Board hereby accepts the dedication of road right-of-way for 52nd Street from The Disclaimer Trust fbo Wayne M. Brinkman, as Established Pursuant to The Evelyn A. Brinkman Revocable Trust U/A Dated May 1, 2007 described as follows:

A roadway 66 feet in width, with 33 feet on both sides of the centerline, which is described as follows:

See attached Application.

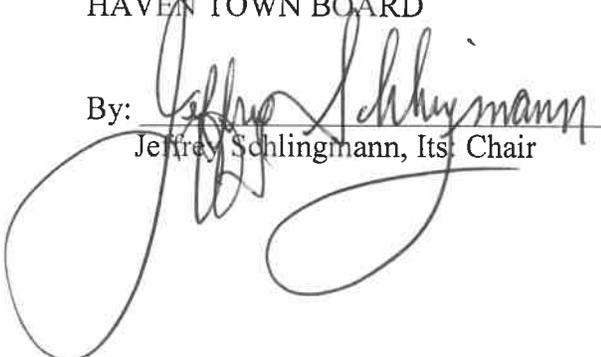
B. Nothing in this Resolution requires either the Haven Town Board or The Disclaimer Trust fbo Wayne M. Brinkman, as Established Pursuant to The Evelyn A. Brinkman Revocable Trust U/A Dated May 1, 2007 to upgrade the roadway or expend any public money on the roadway.

C. Haven Town Road Inventory, Document No. 258443, (T-14) is corrected to state the location of 52<sup>nd</sup> St. SE as shown on the attached Survey and described in the February 2, 1906 Road Order.

D. Haven Township will not maintain or spend public money on the private easement over what was 50<sup>th</sup> Ave. SE in Section 27. The part of 50<sup>th</sup> Ave. SE in Document No. 258443, (T-15) is hereby deleted from the Haven Town Road Inventory.

This Resolution was adopted pursuant to Minnesota Statutes Section 164.15 and other applicable law by the Haven Town Board on July 16, 2018.

HAVEN TOWN BOARD

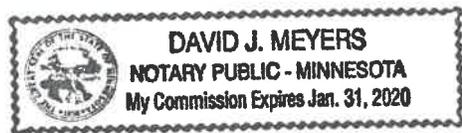
By:   
Jeffrey Schlingmann, Its. Chair

STATE OF MINNESOTA    )  
  ) SS  
COUNTY OF SHERBURNE )

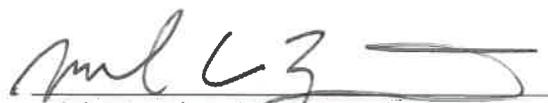
Signed and sworn to before me this 16<sup>th</sup> day of July, 2018 by Jeffrey Schlingmann.



Notary Public



ATTEST:

  
Michael Zniewski, Town Clerk

**This Instrument Drafted By:**

Rinke Noonan (DJM/aap)  
1015 W. St. Germain St., Suite 300  
P.O. Box 1497  
St. Cloud, MN 56302-1497  
(320) 251-6700  
File No. 05097-0061

**Office of the County Recorder  
Sherburne County, MN  
Doc. No. 859194**

Certified, filed, and or recorded on  
**July 18, 2018 11:15 AM**

**Michelle Ashe, County Recorder  
By SD Deputy  
Fees: \$46.00**



859194

52<sup>nd</sup> Street SE -

A 66.00 foot wide easement for right of way purposes over, under and across part of the Southwest Quarter of the Northeast Quarter of Section 27, Township 35, Range 30, Sherburne County, Minnesota which lies 33.00 feet on each side of the following described centerline:

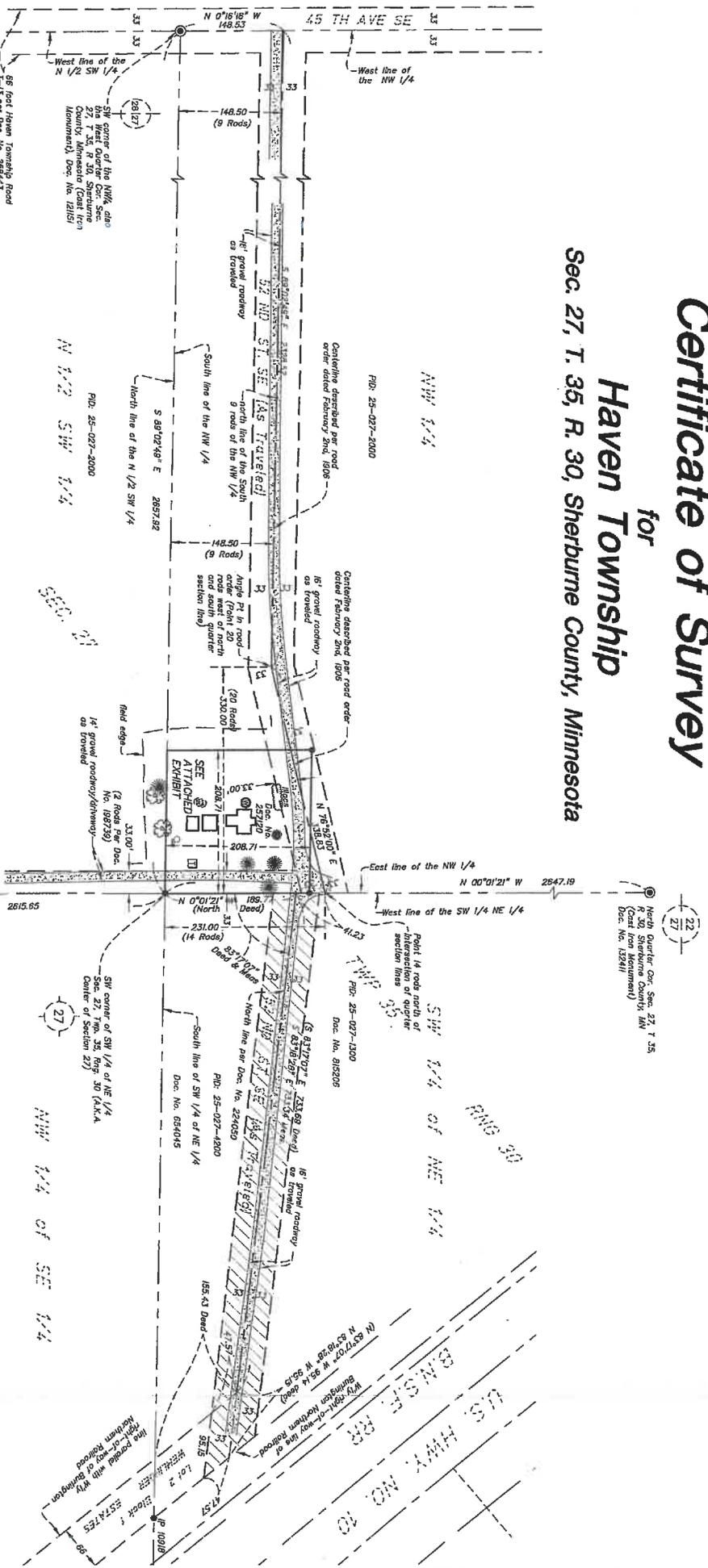
Commencing at the South Quarter corner of said Section 27, according to Doc. No. 114149; thence North 00 degrees 01 minutes 21 seconds West, county bearing, along the North-South Quarter line of said Section 27, being a straight line between said South Quarter corner and the North Quarter corner of said Section 27, according to Doc. No. 132411, a distance of 2615.65 feet to the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence continue North 00 degrees 01 minutes 21 seconds West along the West line of said Southwest Quarter of the Northeast Quarter, a distance of 189.77 feet to the point of beginning of the centerline being described; thence South 83 degrees 18 minutes 28 seconds East, a distance of 733.34 feet to the intersection with a line 66.00 feet southwesterly of and parallel with the westerly right-of-way line of the Burlington Northern & Santa Fe Railroad as shown on the duly recorded plat of WEMLINGER ESTATES, said county; thence continue South 83 degrees 18 minutes 28 seconds East, a distance of 95.15 feet to said westerly right-of-way line of the Burlington Northern & Santa Fe Railroad, and said centerline there terminating.

The side-lines of said easement shall be prolonged or shortened to terminate at said west line of the Southwest Quarter of the Northeast Quarter and at said westerly right-of-way line of the Burlington Northern & Santa Fe Railroad.

EXHIBIT   A

# Certificate of Survey

for  
**Haven Township**  
 Sec. 27, T. 35, R. 30, Sherburne County, Minnesota



**SAND STREET SE - PROPOSED EASEMENT DESCRIPTION:**

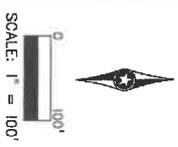
A 66.00 foot wide easement, for right of way purposes over, under and across part of the Southwest Quarter of the Northeast Quarter of Section 27, Township 35, Range 30, Sherburne County, Minnesota which line 33.00 feet on each side of the following described centerline:  
 Commencing at the South Quarter corner of said Section 27, according to Doc. No. 14448; thence North 00 degrees 01 minutes 21 seconds West, 285.719 feet to the center of the 12 foot wide gravel road; thence South 83 degrees 53 minutes 28 seconds East, a distance of 133.34 feet to the intersection with a line 66.00 feet southerly of and parallel with the westerly right-of-way line of the Burlington Northern & Santa Fe Railroad as shown on the duly recorded plat of WELLMISER ESTATES, said county, thence continue South 83 degrees 18 minutes 28 seconds East, a distance of 95.15 feet to said westerly right-of-way line of the Burlington Northern & Santa Fe Railroad.  
 The side-lines of said easement shall be arranged or shortened to terminate at said west line of the Southwest Quarter of the Northeast Quarter and at said westerly right-of-way line of the Burlington Northern & Santa Fe Railroad.

**BASIS OF BEARINGS:**

This survey is based on the West line of the NW 1/4 assumed to read N 00°16'18\"/>

**LEGEND:**

- Denotes found iron monument
- Denotes telephone pedestal
- Denotes sanitary cleat
- Denotes well
- Denotes apple inspection pipe
- Denotes Tree, Centrosea
- Denotes Tree, Quercus
- ▨ Denotes proposed easement area



SHEET NO. 1

Certificate of Survey  
 Haven Township  
 Sherburne County  
 Sec. 27, T 35 N, R 30 W

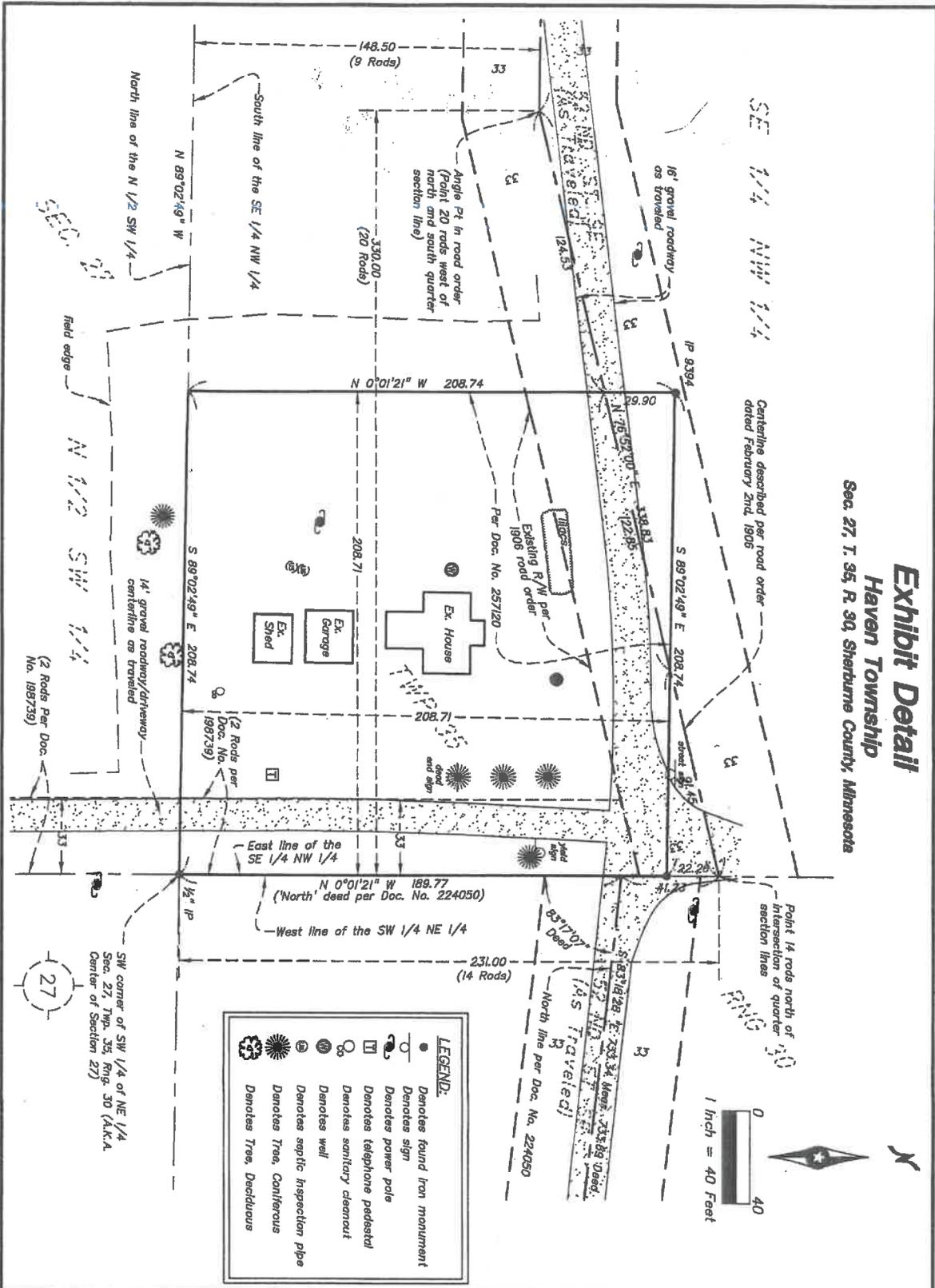
**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 CIVIL ENGINEERING  
 MAPS  
 1279 1/2 WEST STREET  
 BRANSON, MO 64620  
 TEL: 417-733-9852 FAX: 417-733-9841

I hereby certify that this survey, plan, or map was made by me or by a duly licensed land surveyor under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 Signed: *Dennis Pederson*  
 Date: 11/27/16 Reg. No. 16095

REV NO.	DATE	DESCRIPTION
1	4/13/17	Revised R/W and description
2	12/12/17	Remove R/W and description
3	01/02/18	ADD 18' (6' in) easement on SW Dec. No.

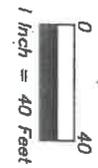
DWG FILE: 16-0388.CDS  
 FILE NO.: 16-0388.00

**Exhibit Detail**  
**Haven Township**  
**Sec. 27, T. 35, R. 3Q, Sherburne County, Minnesota**



**LEGEND:**

- Denotes found iron monument
- Denotes sign
- Denotes power pole
- ⊞ Denotes telephone pedestal
- ⊞ Denotes sanitary cleanout
- ⊞ Denotes well
- ⊞ Denotes septic inspection pipe
- ⊞ Denotes Tree, Coniferous
- ⊞ Denotes Tree, Deciduous



**BOGART, PEDERSON & ASSOCIATES, INC.**

LAND SURVEYING  
 CIVIL ENGINEERING  
 MAPPING

13076 FIRST STREET, BECKER, MN 55308-8322  
 TEL: 763-282-8822 FAX: 763-282-8844

DRAWING FILE: 16-0388 Exhibit.dwg  
 FILE NO. 16-0388.00

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: *Dennis D. Pederson*  
 Dennis D. Pederson  
 Date: 12/12/2017 Lic No. 16095

DATE: 2/7/17  
 BK/PG:  
 DRAWN BY: CEG  
 CHECKED BY: DDP

REVISIONS:

1. Revised R/W and Description	4/12/17
2. Remove R/W and Description	12/12/17

APPLICATION

**Dedicating Land for a Town Road**

To the Town Board of Haven Township, Sherburne County, Minnesota.

The undersigned are owners of real property described in a Deed filed with the Sherburne County Recorder as Document No. 654045.

The undersigned owners of land in Haven Township, Sherburne County, make this Application pursuant to Minn. Stat. § 164.15, subd. 1 and do hereby dedicate the following described portions of the above described land to the Township for public road purposes:

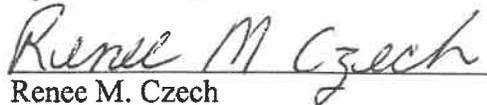
The North 33 feet and the West 33 feet of the land described in a Deed filed with the Sherburne County Recorder as Document No. 654045.

This dedication includes all of the trees, shrubs, and brush that are currently on or may grow upon said portions of land.

We understand that if the dedication is accepted we are not entitled to request or receive damages for the establishment of said road. We also waive notice of all Hearings related to this dedication.

Dated: 11-27, 2016

  
Larry Czech

  
Renee M. Czech

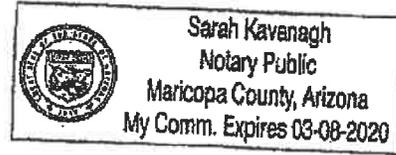


STATE OF ~~MINNESOTA~~ <sup>ARIZONA</sup> )  
 ) SS  
COUNTY OF ~~MARSHALL~~ <sup>MARICOPA</sup> )

On this 17 day of January, 2018, before me, a Notary Public for this County, personally appeared James Schlenner, to me known to be the person described in and who executed the foregoing instrument as Co-Trustee, and acknowledged that he executed the same as his free act and deed.

  
Notary Public

THIS INSTRUMENT DRAFTED BY:  
Rinke Noonan (DJM/mjr)  
1015 W. St. Germain St., Suite 300  
P.O. Box 1497  
St. Cloud, MN 56302-1497  
(320) 251-6700  
File No. 5097-0061



52<sup>nd</sup> Street SE -

A 66.00 foot wide easement for right of way purposes over, under and across part of the Southwest Quarter of the Northeast Quarter of Section 27, Township 35, Range 30, Sherburne County, Minnesota which lies 33.00 feet on each side of the following described centerline:

Commencing at the South Quarter corner of said Section 27, according to Doc. No. 114149; thence North 00 degrees 01 minutes 21 seconds West, county bearing, along the North-South Quarter line of said Section 27, being a straight line between said South Quarter corner and the North Quarter corner of said Section 27, according to Doc. No. 132411, a distance of 2615.65 feet to the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence continue North 00 degrees 01 minutes 21 seconds West along the West line of said Southwest Quarter of the Northeast Quarter, a distance of 189.77 feet to the point of beginning of the centerline being described; thence South 83 degrees 18 minutes 28 seconds East, a distance of 733.34 feet to the intersection with a line 66.00 feet southwesterly of and parallel with the westerly right-of-way line of the Burlington Northern & Santa Fe Railroad as shown on the duly recorded plat of WEMLINGER ESTATES, said county; thence continue South 83 degrees 18 minutes 28 seconds East, a distance of 95.15 feet to said westerly right-of-way line of the Burlington Northern & Santa Fe Railroad, and said centerline there terminating.

The side-lines of said easement shall be prolonged or shortened to terminate at said west line of the Southwest Quarter of the Northeast Quarter and at said westerly right-of-way line of the Burlington Northern & Santa Fe Railroad.

EXHIBIT **A**



Yours  
 May  
 on the petition of  
 in Laws of the United States, or under

# SUPERVISORS' ROAD ORDER.

Together with the Surveyor's Report and Plat, the Award of Damages, and an Abstract of the facts relating to the Petition and Supervisors' Notice of Hearing, of a road Established by the Supervisors of the Town of Laramie February 2<sup>nd</sup> A. D. 1906

.....said road has been ascertained of the owners of the said lands have in the described lands, claiming damages. In the town, we have assessed the damages to the owners of such lands through which and estimating the advantages and benefits and awarded damages as follows:

### Ownership and Description of Lands as given in the Petition.

Sec.	Town.	Range.	Damages.	OWNERS OF LANDS.	DESCRIPTION OF LANDS.	Section.	Town.	Range.
4	35	30	50.00	Herbert J. Carter	S. 1/4 of N. 1/4 of Sec. 27	27	35	30
3	35	30	50.00	"	S. 1/4 of N. 1/4 of Sec. 27	27	35	30
				School District No. 2	One acre in S. 8			
				Submerged Mineral	S. 1/4 of N. 1/4 of Sec. 27	27	35	30
				Estab. of B. B. Carter	S. 1/4 of N. 1/4 of Sec. 27	27	35	30
				Board Northern R.R. Co.	Right of way	27	35	30
				Northern Pacific R.R. Co.	Right of way	27	35	30

ages and benefits said road will confer on

The names of the Petitioners, the place where, and the time when the copies of the Petition and of the Supervisors' Notice of Hearing were posted; and the names of persons served with the Supervisors' Notice, and how served, personally or "by copy," are as follows, viz:

Sec.	Town.	Range.	NAMES OF PETITIONERS.	Petition and Notices, When and Where Posted.	Supervisors' Notice on Whom Served.	How Served
3	35	30	H. J. Carter	Petition Posted Dec. 23 <sup>rd</sup> 1905	Herbert J. Carter	Personally
4	35	30	A. B. Carter	Notice " Jan. 19, 1906	W. Carter	"
			James J. Carter	One of each on the following places. One on the	School Dist. 25	"
			W. F. Schindler	Hall. One on the N. E. corner of the S. 1/4 of Sect. 16	Depot of N. P. R. Co.	"
			W. J. Carter	One on the N. W. corner of the farm known as the Bishop farm on the N. E. corner of Sect. 13	for N. P. R. Co.	"
			W. J. Carter	One on the N. E. corner of Sect. 13		"
			W. J. Carter	One on the N. E. corner of Sect. 13		"

A. D. 1906

Supervisors.  
 end  
 true and correct copy of the Road Order  
 and recorded  
 Town Clerk.



Nasau

State of Minnesota, convened for  
24

PROCEEDINGS of the Board of Supervisors of the Town of Nasau  
in the County of Shelburne and State of Minnesota, convened for  
the transaction of business pertaining to Roads, this 2nd  
day of February A. D. 1906.

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petition of A. S.  
petition and  
date so had  
and signed  
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office

made an order  
for agents  
of the Town  
around Jan  
to the Road  
ing some bill  
ampbell

The supervisors met at N. J. Leater's house  
pursuant to notices hearing posted for the  
purpose of hearing any and all reasons for  
laying out the road petitioned for by N. J.  
Leater and others and to do any other business  
that came up before them.

Not being able to agree with all parties  
concerned they adjourned until February  
6<sup>th</sup> 1906. at the place to meet at the clerk's  
office

On motion they adjourned  
D. M. Campbell  
clerk

February 6<sup>th</sup> 1906.

The supervisors met at the clerks office  
pursuant to the adjournment of Feb 2<sup>nd</sup>  
to act on the road petition of A. S. Leater & others.  
They decided lay out the road and granted  
the pray of the petitioners.

They came to an agreement with all parties  
concerned and the following damages were  
allowed

N. J. Leater	\$ 92. <sup>20</sup>
Great Northern Railway Co.	" 30. <sup>00</sup>
Northern Pacific " " "	" 34. <sup>80</sup>

The road order was made out and signed together  
with the award of damages  
to the lands of all others affected by said road  
the benefits and damages were all judged equal  
no other business appearing they adjourned

D. M. Campbell  
clerk

No appeal was taken on the propd  
laid out across St. Clair to  
the school house then north across the  
rail road so order was copied in  
road book and mailed to County auditor  
J.M. Campbell

March 27, 1906  
I mailed the order that was on deposit for  
the Great Northern P.R. Co. on the 21<sup>st</sup> day  
of March A.D. 1906 to their P.R. Commr.  
Agent Elias Hayden  
J.M. Campbell  
Allen

March 27, 1906  
N.J. Eaton came to my office for the  
above date and signed his Release of damage  
and took his order  
J.M. Campbell

State of Minn  
Town of  
Wm. Thad  
in said to  
road distr  
by and  
follows to  
Road, district  
highway c  
all of sects  
The north  
1<sup>st</sup> Sect.  
North East  
Sect. Ten  
half of 700  
and half of 100  
District 7  
contained in  
The south  
1<sup>st</sup> Sect. 7  
Hillside N  
Spore N  
county 2  
line on  
1<sup>st</sup> Sect.  
N North  
being road in  
District 7  
District  
way contain  
The south  
Sect. 7 in  
The North E  
all of sects  
and all  
corner