Mark Weber

Land Commissioner

St. Louis County, Minnesota

Mr. Weber

I have received your letter concerning the County Prescriptive Easements Public Hearing. In your letter you talk about a prescriptive Easement process affecting my family's property at the end of Lummi road, (7087) Willow Valley Township.

I would call your attention to (MN statutes 508.02) that states you cannot acquire an easement through prescription if registered property. I would also like to say my family has owned this property since 1989 and there are no easements on our registered title. A copy of Statute 508.02 is attached. I would request your review of the state statute 508.02 and a response.

Thank you

Gordon Specht

Gordon Specht

508.02 REGISTERED LAND; SAME INCIDENTS AS UNREGISTERED; NO ADVERSE POSSESSION.

Registered land shall be subject to the same burdens and incidents which attach by law to unregistered land. This chapter shall not operate to relieve registered land or the owners thereof from any rights, duties, or obligations incident to or growing out of the marriage relation, or from liability to attachment on mesne process, or levy on execution, or from liability to any lien or charge of any description, created or established by law upon the land or the buildings situated thereon, or the interest of the owner in such land or buildings. It shall not operate to change the laws of descent or the rights of partition between cotenants, or the right to take the land by eminent domain. It shall not operate to relieve such land from liability to be taken or recovered by any assignee or receiver under any provision of law relative thereto, and shall not operate to change or affect any other rights, burdens, liabilities, or obligations created by law and applicable to unregistered land except as otherwise expressly provided herein. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or by adverse possession, but the common law doctrine of practical location of boundaries applies to registered land whenever registered. Section 508.671 shall apply in a proceedings subsequent to establish a boundary by practical location for registered land.

History: *(8248) RL s 3371; 1905 c 305 s 2; 2008 c 341 art 3 s 2*

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Saint Louis County

Land and Minerals Dept. • www.stlouiscountymn.gov • landdept@stlouiscountymn.gov

Mark Weber
Land Commissioner

January 22, 2014

GORDON R & MARY G SPECHT
3297 GLENDALE RD
HASTINGS MN 55033

Re: County Prescriptive Easements Public Hearing

The St. Louis County Land & Minerals Department has reviewed its inventory of County forest roads, many in existence for decades, and will be recording prescriptive easements on some of those roads. This process may affect land you own. St. Louis County invites you to a public hearing to review the information and discuss this action.

In 2005, the Minnesota Legislature passed a law (MN Statutes 282.041) that allows the counties to record easement interests in long-used roads, which may not have been properly recorded at the time of the construction of the roads.

County forest roads give the Land & Minerals Department access to forest lands for management, such as harvest and planting. These roads also provide the public with access for hunting and other activities in the forest. In many areas, County managed lands are intertwined with other government and private lands, primarily governmental agencies and large timber companies. The forest roads in these areas were built many years ago, some dating back to the 1920s and 1930s. Oftentimes, these roads were managed cooperatively by all who used them. Some of these roads cross private lands, and that is where the County is seeking prescriptive easements.

A prescriptive easement guarantees that a long-standing road that crosses private property can continue to be used in the same manner as it has in the past. In order to record a prescriptive easement, the forest road must be in existence and used for at least 15 years.

You are listed as the owner of property which is affected by this Statute. St. Louis County is seeking to record an easement for a road where it crosses your property. The easement will cover the existing roadbed, ditches and back slopes. The easement will allow St. Louis County continued use of this road for forest management and public access. A list of your affected properties is attached.

A public hearing will be held to discuss this easement, starting with an open house at 6:00pm on Wednesday, February 26th, at the Mountain Iron Community Center, Highway 169 West Mountain iron, MN 55768. The hearing is open to all concerned citizens. As this easement process will have an effect on your land, we encourage you to attend to learn more about this process and discuss any aspect of the easement, and provide your comments.

In order to help with scheduling we ask, as a courtesy, that if you wish to speak at the hearing you inform us by February 19th. This will allow us to schedule speakers and better estimate the amount of time needed for the hearing. All wishing to speak will be allotted time to do so. Those who notify us in advance will be scheduled to speak prior to any walk-in speakers. Although, all who wish to speak will be allotted time to do so, only those comments that are submitted in writing will be entered into the permanent record.

After the public hearing, St. Louis County will consider all the facts presented and may amend the County forest road map. The County forest road map must be recorded with the County Recorder within 90 days after the map is adopted.

You will receive a letter informing you of the date of the County's recording of the forest road map. If you do not agree with this action, the letter will describe the steps and timelines of the appeal process to be followed. This information will also be posted on the County website listed below, or can be obtained by calling the St. Louis County Land Department at 218-726-2606.

Supporting Documents establishing the County's use of this road can be obtained from the St. Louis County Land Department by calling 218-726-2606. Please have the road ID(s) ready when you call.

For more details on this process and copies of the maps and documents, see the St. Louis County Web site at http://www.stlouiscountymn.gov. Look for the page under Land & Property > Tax Forfeit-Fee Lands > Prescriptive Easements.

If you have any question concerns or comments about this process please feel free to call or write the Land Commissioner's Office at 320 W 2nd Street, GSC Room 208, Duluth MN 55802, phone: 218-726-2606.

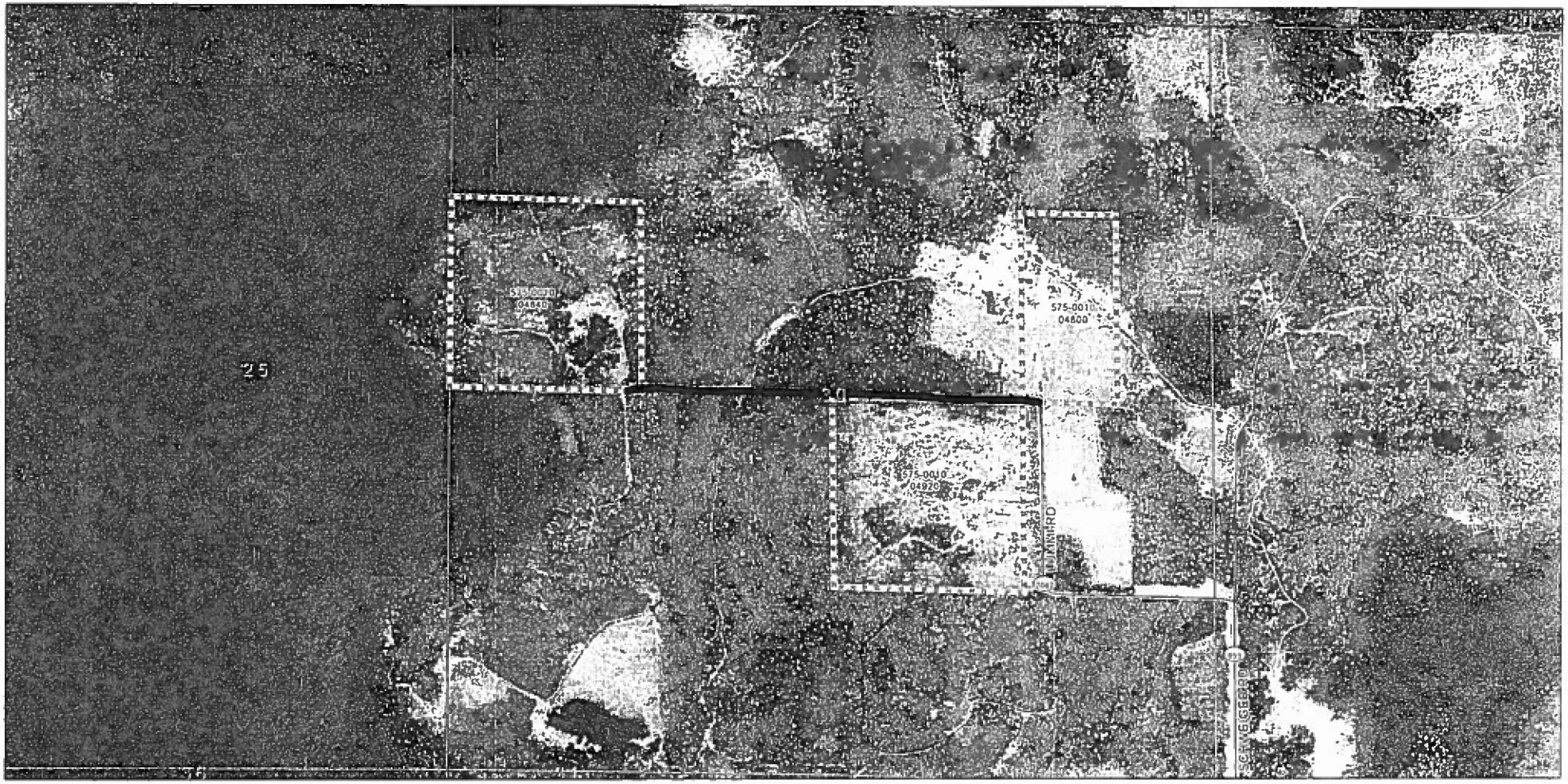
Sincerely,

Mark Weber
Land Commissioner

enc

GORDON R & MARY G SPECHT

PIN	Road ID	Twp	Rng	Sec	LEGAL
575-0010-04800	RD-ID-44780	63	20	30	W1/2 OF SE1/4 OF NE1/4
575-0010-04840	RD-ID-44780	63	20	30	LOT 2
575-0010-04920	RD-ID-44780	63	20	30	NW 1/4 OF SE 1/4



St. Louis County, MN
Prescriptive Easement
Pursuant to Minn. Statutes
282.041 and 89.715

Affected Road Segment

Affected Parcel

Legend

Interstate & US Highway

State Highway

County/Township/Other

County State Aid Highway

County Forest Road

Lakes

Streams

PLS Section

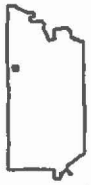
RD-ID-44780

N

0 0.25 0.5

Miles

This drawing is provided by the St. Louis County Land Department solely as a courtesy to facilitate information exchange. The data is provided "as is" without warranty of any kind, either expressed or implied, including, but not limited to, accuracy, reliability, omissions, completeness and currency. St. Louis county shall not be liable for any claim for damages, including lost profits or other consequential, exemplary, incidental, indirect or special damages, relating in any way to the drawing or other data. This is NOT a survey. The content of this drawing may change without notice.



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