



Instructions: Applying For Easement Across State Tax-Forfeited Lands

Overview

The St. Louis County Land and Minerals Department has the authority to grant easements or leases over and across State tax forfeited managed trust lands. In addition to the requirements set forth by the Land and Minerals Department, all applicable county ordinances, state and federal statutes, laws, rules, and guidelines shall be followed. The Land and Minerals Department staff will guide you to the correct office to satisfy these requirements.

Please provide the information requested on the application to begin an assessment for an easement or lease across State tax forfeited lands. Please be aware that completion of this form does not guarantee that an easement or lease will be granted. **It is to your advantage to explore all other viable options for the most appropriate access route.** The completion of a recorded easement or lease may take several months or more.

Process for requesting encumbrances

- The process is initiated by contacting the appropriate Area Land Manager according to the location of the proposed easement or lease.
- Fill out the “Application For Easement Across State Tax Forfeited Lands” (*completion of an application does not guarantee that the encumbrance will be granted*). The Land and Minerals Department will proceed with your easement or lease request upon the receipt of the application form and the payment of a \$1,000.00 deposit (deposits required for easements only) by personal check, cashiers check, certified check or money order made payable to the St. Louis County Auditor. This deposit will be applied to appraisal, administrative, and land use fees. If an easement is denied your deposit amount may be refunded in full. If you cancel the easement request at any time, the refund, if any, will depend on the progress of the easement request in our system, staff time spent and any contract appraisals performed.
- After the Land and Minerals Department receives the application, you will be contacted to set an appointment for a field examination. During this field examination the Land and Minerals Department staff will work with you and discuss options that enhance, improve or alter the request. This will include the selection of a route that is best for the long term management of the State tax forfeited lands.
- After the field inspection, you will be notified in writing of a preliminary decision. If the Department proceeds with your application you will be provided with instructions regarding the next steps.
- It is the applicant’s responsibility to have a legal description of the encumbrance prepared for insertion into the recorded document (required for easements only). The description must be located and written by a Professional Land Surveyor or by a person knowledgeable in using a Global Positioning System (GPS) receiver with differential correction or post-processed static receivers capable of accuracies of less than 1 meter. The written legal description must be described with sufficient mathematical detail to allow retracement on the ground by a Professional Land Surveyor. A drawing, in both paper and DXF digital, is also to be provided with sufficient detail to show the

encumbrance in relationship to the surrounding legal land lines, the point of beginning, and the point of termination. References shall be noted on the drawing showing the coordinate system used and the distances and bearings or azimuths from the nearest known recorded section or subdivision corner. The written description will list the total length of the encumbrance and the acres encompassed.

Note:

Road Plan -By granting an encumbrance, the Land and Minerals Department may also set roadway design and/or construction criteria it deems necessary to protect the resources. Field inspections by Land and Minerals Department staff may occur during the process to ensure that the encumbrance is established in accordance with Land and Minerals Department requirements.

Wetlands - If wetlands are involved or impacted, you may be required to obtain approvals and/or permits from the appropriate agencies for wetland mitigation.

Segmented Easement or Lease - If the proposed easement or lease is segmented and will not connect your ownership to a public road, provide documentation of easement, lease, or other documents for the remaining land being crossed to connect to a public road. For example: If there is private land that must be crossed before the State tax forfeited portion - access must be secured from the private ownership before the Land and Minerals Department can issue an easement or lease document.

Utilities - May NOT be placed in an area covered by a road easement on State tax forfeited trust lands without a utility license to cross Public lands. Please refer to Minnesota Statutes, section 84.415.

Application Processing

Once the appraisal and all other endorsements are obtained, the easement document will be prepared by the Land and Minerals Department and sent to the County Board for review and approval; after which, the applicant will either receive a letter indicating any additional amount due or receive the completed easement. The Land and Minerals Department will prepare a recordable document that satisfies the requirements of the St. Louis County Recorder/Registrar of Titles, once recorded the applicant may then proceed with the use or construction of the easement.