

## Board of County Commissioners Agenda Request



Requested Meeting Date: June 28, 2022

Title of Item: Application to purchase tax-forfeited property

REGULAR AGENDA	Action Requested:		Direction Requested
CONSENT AGENDA	Approve/Deny Motion		Discussion Item
	Adopt Resolution (attach dr. *provide		Hold Public Hearing* aring notice that was published
Submitted by:		Departme	ent:
Dennis Thompson		Land	
Presenter (Name and Title):			Estimated Time Needed:
Dennis Thompson, Land Commission	er		NA
Summary of Issue:			
S 282 allows application for adjacent adjacent adjacent landowners, the county audit			
<ol> <li>The parcel of tax-forfeited land canninimum area, shape, frontage, or acceparcel.</li> <li>The private sale of the tax-forfeited</li> </ol>	cess. This means the owner would no	be allowed	to contract buildings on the
returned to the tax lists. 3. The highest and best use of the land	d can be achieved by adding it to an a	djoining parc	cel.
There is also an undue hardship or injuparcel is subject to a sewer system ea currently servicing at least 3 lots on Hi requesting the purchase.	sement and the parcel contains a dra	n field for a s	sewage treatment system
Altornativos Ontions Effects or	Othere (Commente)		
Alternatives, Options, Effects or	others/comments:		
Recommended Action/Motion: Approve resolution			
	3		
<b>Financial Impact:</b> Is there a cost associated with this What is the total cost, with tax and Is this budgeted?		₩ No No	0

ADOPTED June 28, 2022

By Commissioner: xx

20220628-xxx

## Application to Purchase Tax-Forfeited Property-Hill Lake

**WHEREAS**, Lanny Rost/Jean Rost, Bradley Jordahl/Teresa Jordahl, Glenn Isenberg/Rosanne Isenberg, Gary Laudenbach/Marlene Laudenbach, and Just Rost/Melinda Rost are adjacent landowners (Applicants) with a vested interest in parcel 12-0-020601.

WHEREAS, the Applicants have made and filed an application with the County Auditor for the purchase of the hereinafter described parcel of tax forfeited land, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, of amended, which land is situated in the County of Aitkin, Minnesota and described as follows, to-wit:

N 475.73 FT OF W 250.39 FT OF SW NW (PID# 12-0-020601) SECTION 12, TOWNSHIP 52 NORTH, RANGE 26 WEST

and WHEREAS, said Applicants has set forth in his application that:

a. Hardship and injustice has resulted because of forfeiture of said land, for the following reasons, to-wit:

There was no Notices received by the undersigned owners prior to the Tax Forfeiture of the Exhibit "A" land being completed.

b. That the purchase of said land by us will promote and best serve the public interest because:

It will bring the tax forfeited land back into taxable paying ownership and correct the injustice of the tax forfeited land being sold to a third party who did not pay for the investment into the septic system and drain field in the Exhibit "A" land.

and WHEREAS, this board is of the opinion that said applications should be granted for such reasons,

**NOW, THEREFORE BE IT RESOLVED**, That the application of Lanny Rost/Jean Rost, Bradley Jordahl/Teresa Jordahl, Glenn Isenberg/Rosanne Isenberg, Gary Laudenbach/Marlene Laudenbach, and Just Rost/Melinda Rost for the purchase of the above described parcel of tax forfeited land be and the same is hereby granted and the County Auditor is hereby authorized and directed to permit such purchase according to the provisions of Minnesota Statutes 1945, Section 282.241, as amended.

Dated at Aitkin, Minnesota, this 28th day of June 2022.

Chairman, Board of County Commissioners Aitkin County, Minnesota

Attest:

County Auditor

Commissioner xx moved the adoption of the resolution and it was declared adopted upon the following vote

## FIVE MEMBERS PRESENT

All Members Voting Yes

#### STATE OF MINNESOTA} COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the <u>28<sup>th</sup> day</u> of <u>June 2022</u>, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 28th day of June 2022

Jessica Seibert County Administrator DAKOTA LAW, P.L.L.C.

Larry S, Severson Direct Dial: (952) 449-1961 Email: lseverson@dakotalawpllc.com

June 20, 2022

Aitkin County Aitkin County Land Department 502 Minnesota Avenue North Aitkin, Minnesota 56431

Attn: Dennis Thompson, Land Commissioner

#### VIA FEDERAL EXPRESS

Re: Tax Forfeited Real Property Cluster Septic System Located in Hill Lake Township Our file #: 2419-4614

Dear Mr. Thompson:

Please find enclosed the Application for Repurchase of Tax Forfeited Land for:

Lanny Rost/Jean Rost Bradley Jordahl/Teresa Jordahl Glenn Isenberg/Rosanne Isenberg Gary Laudenbach/Marlene Laudenbach Just Rost/Melinda Rost

Also, please find enclosed a certified check for \$5,657.36 payable to Aitkin County as and for payment of the repurchase price as set forth in your correspondence of June 2, 2022.

Should you have further questions, please be in contact with me. And, thanks for your help.

Best regards,

DAKOTA LAW, P.L.L.C.

Larry Suseverson LSS/pjk Enc. cc: Bradley A. Jordahl (via email)

> 16233 KENYON AVENUE • SUITE 200 LAKEVILLE, MN 55044 www.dakotalawplle.com

## To the Honorable Board of County Commissioners of Aitkin County, Minnesota

## **Application for Repurchase of Tax Forfeited Lands**

I, the undersigned owner-mortgagee-heir-representative of heirs Bradley A. Jordahl/Teresa A. Jordahl, at the time of forfeiture of the parcel...of land situated in the County of Aitkin, State of Minnesota, described as follows, to-wit:

See the attached Exhibit "A" which is attached hereto and incorporated herein

do hereby make application for the purchase of said parcel...of land from the State of Minnesota, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, as amended.

In support of this application for the repurchase of said land, I make the following statement:

(a) That hardship and injustice has resulted because of forfeiture of said land, for the following reasons, to-wit:

There was no Notices received by the undersigned owners prior to the Tax Forfeiture of the Exhibit "A" land being completed.

(b) That the repurchase of said land by us will promote and best serve the public interest because:

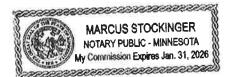
It will bring the tax forfeited land back into taxable paying ownership and correct the injustice of the tax forfeited land being sold to a third party who did not pay for the investment into the septi¢ system and drain field in the Exhibit "A" land.

Bradley A. Jordahl

Teresa A. Jordahl

STATE OF MINNESOTA ) SS. COUNTY OF Anolia )

The foregoing instrument was acknowledged before this  $\frac{7^{10}}{100}$  day of June, 2022, by Bradley A. Jordahl and Teresa A. Jordahl.



Notary Py

#### EXHIBIT A

#### PARCEL A:

All that part of the Northerly 110.00 feet of Government Lot 1, Section 11, Township 52 North, Range **26** West, of the 4<sup>th</sup> Principal Meridian, which lies Westerly of the following described line:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 408.34 feet to the point of beginning; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.45 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 30.00 feet and there terminating.

## PARCEL B:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence North a distance of 48.76 feet; thence North 62 degrees 36 minutes 24 seconds West a distance of 75.35 feet; thence North 36 degrees 53 minutes 14 seconds West a distance of 34.06 feet to the South line of the North 110.00 feet of said Government Lot 1; thence West, a distance of 268 feet, more or less, along said South line, to the shore of Hill Lake; thence Southerly along the shore of Hill Lake, a distance of 115.00 feet, more or less, to a line that bears West from the point of beginning; thence East a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL C:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>sh</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot I; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence South 110.00 feet; thence West a distance of 435.00 feet, more or less, to the shore of Hill Lake; thence Northerly, along the shore of Hill Lake, a distance of 130.00 feet, more or less, to a line which bears West from the point of beginning; thence East, a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL D:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 330.00 feet to the point of beginning; thence South 145.00 feet to the South line of the North 475.00 feet of said Government Lot 1; thence West a distance of 460.00 feet, more or less, to the shore of Hill Lake; thence Northeasterly along the shore of Hill Lake; a distance of 150.00 feet, more or less, to a line which bears West from the point of beginning; thence East a distance of 435.00 feet, more or less, to the point of beginning and there terminating.

PARCEL E:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Beginning at the Northeast Corner of said Government Not 1; thence West, along the North line of said Government Lot 1, a distance of 408.74 feet; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.85 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 61.68 feet; thence South 62 degrees 36 minutes 24 seconds East a distance of 75.35 feet; thence South a distance of 303.76 feet to the South line of the Northerly 475.00 feet of said Government Lot 1; thence East along the South line of said Northerly 475.00 feet a distance of 294.56 feet to the East line of said Government Lot 1; thence North 3 degrees 12 minutes 37 seconds East, along said East line of said Government Lot 1, a distance of 475.73 feet to the point of beginning and there terminating; ALSO

All that part of the West 250.00 feet of the Southwest Quarter of the Northwest Quarter of Section 12, Township 52 North, Range 26 West, of the 4<sup>th</sup> Principal Meridian, which lies Northerly of the following described line: Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter; thence South 3 degrees 12 minutes 37 seconds West, along the West line of said Northwest Quarter of the Northwest Quarter, a distance of 475.53 feet to the beginning of the line to be described; thence East a distance of 250.39 feet to the East line of the West 250.00 feet of said Northwest Quarter of the Northwest Quarter and there terminating.

86101 PAR 1 9 20010 AM COUNTY RECORDER AITKIN COUNTY, MINNESOTA **TRACT INDI** RECORDED COMPARE GRANTOR. GRANTEE. As Doc. No APR Untract Co MAR 2 6 20010 AM 329872 RACT INDE RECORDED **GRANTOR** COMPARE GRANTEE As Doc. No. COUNTY AITKIN COUN Ĩ1 10 ΖŤ 리아주님 R 3 MILLER LAW OFF 19182932191 TS:ST 0002/SC/20

## CONSENT TO MORTGAGEES

Grand Rapids State Bank, a Minnesota corporation, mortgagee of the subject property pursuant to mortgage dated July 24, 1997 with the County Recorder for Aitkin County, Minnesota, on July 28, 1997, as Document No. 303798 hereby consents to the above.

#### GRAND RAPIDS STATE BANK

VICE PRESIDENT

STATE OF MINNESOTA ) COUNTY OF ITASCA )

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County, ITASCA Notary Public. MN

CAROLE L. BORTH Notary Public-Minnesota My Comm. Expires Jan. 31, 2005

To the Honorable Board of County Commissioners of Aitkin County, Minnesota

## **Application for Repurchase of Tax Forfeited Lands**

I, the undersigned owner-mortgagec-heir-representative of heirs <u>Justin Rost/Melinda</u> <u>Rost</u>, at the time of forfeiture of the parcel...of land situated in the County of Aitkin, State of Minnesota, described as follows, to-wit:

See the attached Exhibit "A" which is attached hereto and incorporated herein

do hereby make application for the purchase of said parcel...of land from the State of Minnesota, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, as amended.

In support of this application for the repurchase of said land, I make the following statement:

(a) That hardship and injustice has resulted because of forfeiture of said land, for the following reasons, to-wit:

There was no Notices received by the undersigned owners prior to the Tax Forfeiture of the Exhibit "A" land being completed.

(b) That the repurchase of said land by us will promote and best serve the public interest because:

It will bring the tax forfeited land back into taxable paying ownership and correct the injustice of the tax forfeited land being sold to a third party who did not pay for the investment into the septic system and drain field in the Exhibit "A" land.

Justin Rost

Melinda Rost

STATE OF MINNESOTA ) ) SS. COUNTY OF Sherburne)

The foregoing instrument was acknowledged before this 15 day of June, 2022, by Justin Rost and Melinda Rost.

LACEY-ANN H FRADETTE Notary Public Minnesota My Commission Expires January 31, 2024

#### EXHIBIT A

#### PARCEL A:

All that part of the Northerly 110.00 feet of Government Lot 1, Section 11, Township 52 North, Range **26** West, of the 4<sup>th</sup> Principal Meridian, which lies Westerly of the following described line:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 408.34 feet to the point of beginning; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.45 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 30.00 feet and there terminating.

## PARCEL B:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence North a distance of 48.76 feet; thence North 62 degrees 36 minutes 24 seconds West a distance of 75.35 feet; thence North 36 degrees 53 minutes 14 seconds West a distance of 34.06 feet to the South line of the North 110.00 feet of said Government Lot 1; thence West, a distance of 268 feet, more or less, along said South line, to the shore of Hill Lake; thence Southerly along the shore of Hill Lake, a distance of 115.00 feet, more or less, to a line that bears West from the point of beginning; thence East a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL C:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence South 110.00 feet; thence West a distance of 435.00 feet, more or less, to the shore of Hill Lake; thence Northerly, along the shore of Hill Lake, a distance of 130.00 feet, more or less, to a line which bears West from the point of beginning; thence East, a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL D:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 330.00 feet to the point of beginning; thence South 145.00 feet to the South line of the North 475.00 feet of said Government Lot 1; thence West a distance of 460.00 feet, more or less, to the shore of Hill Lake; thence Northeasterly along the shore of Hill Lake; a distance of 150.00 feet, more or less, to a line which bears West from the point of beginning; thence East a distance of 435.00 feet, more or less, to the point of beginning and there terminating.

#### PARCEL E:

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د. د در می د روی All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Beginning at the Northeast Corner of said Government Not 1; thence West, along the North line of said Government Lot 1, a distance of 408.74 feet; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.85 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 61.68 feet; thence South 62 degrees 36 minutes 24 seconds East a distance of 75.35 feet; thence South a distance of 303.76 feet to the South line of the Northerly 475.00 feet of said Government Lot 1; thence East along the South line of said Northerly 475.00 feet a distance of 294.56 feet to the East line of said Government Lot 1; thence North 3 degrees 12 minutes 37 seconds East, along said East line of said Government Lot 1, a distance of 475.73 feet to the point of beginning and there terminating; ALSO

All that part of the West 250.00 feet of the Southwest Quarter of the Northwest Quarter of Section 12, Township 52 North, Range 26 West, of the 4<sup>th</sup> Principal Meridian, which lies Northerly of the following described line:

Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter; thence South 3 degrees 12 minutes 37 seconds West, along the West line of said Northwest Quarter of the Northwest Quarter, a distance of 475.53 feet to the beginning of the line to be described; thence East a distance of 250.39 feet to the East line of the West 250.00 feet of said Northwest Quarter of the Northwest Quarter and there terminating.

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TS:ST 0007/SC/20

#### CONSENT TO MORTGAGEES

Grand Rapids State Bank, a Minnesota corporation, mortgagee of the subject property pursuant to mortgage dated July 24, 1997 with the County Recorder for Aitkin County, Minnesota, on July 28, 1997, as Document No. 303798 hereby consents to the above.

#### GRAND RAPIDS STATE BANK

VICE PRESIDENT Its

STATE	OF	MINNESOTA	)	
COUNTY	( Of	ITASCA	)	55

The foregoing instrument was acknowledged before me this <u>29TH</u> day of \_\_\_\_\_\_, 2000 by <u>DAVID E. WIGFIELD</u>, the <u>VICE PRESIDENT</u> of Grand Rapids State Bank, on behalf of the corporation.

Notary County, Public, ITASCA MN

CAROLE L. BORTH Notary Public-Minnesota My Comm. Expires Jan. 31, 2005

## To the Honorable Board of County Commissioners of Aitkin County, Minnesota

#### **Application for Repurchase of Tax Forfeited Lands**

I. the undersigned owner-mortgagee-heir-representative of heirs Gary Laudenbach/Marlene Laudenbach, at the time of forfeiture of the parcel...of land situated in the County of Aitkin, State of Minnesota, described as follows, to-wit:

See the attached Exhibit "A" which is attached hereto and incorporated herein

do hereby make application for the purchase of said parcel...of land from the State of Minnesota, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, as amended.

In support of this application for the repurchase of said land, I make the following statement:

(a) That hardship and injustice has resulted because of forfeiture of said land, for the following reasons, to-wit:

There was no Notices received by the undersigned owners prior to the Tax Forfeiture of the Exhibit "A" land being completed.

(b) That the repurchase of said land by us will promote and best serve the public interest because:

It will bring the tax forfeited land back into taxable paying ownership and correct the injustice of the tax forfeited land being sold to a third party who did not pay for the investment into the septic system and drain field in the Exhibit "A" land.

aug Laadenhad

) SS.

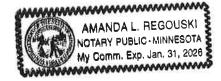
Gary Laudenbach

STATE OF MINNESOTA

COUNTY OF

Marleng San Don back

The foregoing instrument was acknowledged before this 1 day of June, 2022, by Gary Laudenbach and Marlene Laudenbach.



otary Public

#### EXHIBIT A

#### PARCEL A:

All that part of the Northerly 110.00 feet of Government Lot 1, Section 11, Township 52 North, Range **26** West, of the 4<sup>th</sup> Principal Meridian, which lies Westerly of the following described line:

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#### PARCEL B:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence North a distance of 48.76 feet; thence North 62 degrees 36 minutes 24 seconds West a distance of 75.35 feet; thence North 36 degrees 53 minutes 14 seconds West a distance of 34.06 feet to the South line of the North 110.00 feet of said Government Lot 1; thence West, a distance of 268 feet, more or less, along said South line, to the shore of Hill Lake; thence Southerly along the shore of Hill Lake, a distance of 115.00 feet, more or less, to a line that bears West from the point of beginning; thence East a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

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TS:ST 0007/97/20

## CONSENT TO MORTGAGEES

Grand Rapids State Bank, a Minnesota corporation, mortgagee of the subject property pursuant to mortgage dated July 24, 1997 with the County Recorder for Aitkin County, Minnesota, on July 28, 1997, as Document No. 303798 hereby consents to the above.

#### GRAND RAPIDS STATE BANK

VICE PRESIDENT Its

State	OF	MINNESOTA	)	
detum	* • •	TITA COA	Ĵ.	55
COUNTY	COF	ITASCA	)	

The foregoing instrument was acknowledged before me this <u>29TH</u> day of \_\_\_\_\_\_, 2000 by <u>DAVID E. WIGFIELD</u>, the <u>VICE PRESIDENT</u> of Grand Rapids State Bank, on behalf of the corporation.

Public, MN Notary ITASC County,

CAROLE L. BORTH Notary Public-Minnesota My Comm. Expires Jan. 31, 2005

# To the Honorable Board of County Commissioners of Aitkin County, Minnesota

## **Application for Repurchase of Tax Forfeited Lands**

I, the undersigned owner-mortgagee-heir-representative of heirs <u>Lanny Rost/Jean Rost</u>, at the time of forfeiture of the parcel...of land situated in the County of Aitkin, State of Minnesota, described as follows, to-wit:

See the attached Exhibit "A" which is attached hereto and incorporated herein

do hereby make application for the purchase of said parcel...of land from the State of Minnesota, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, as amended.

In support of this application for the repurchase of said land, I make the following statement:

(a) That hardship and injustice has resulted because of forfeiture of said land, for the following reasons, to-wit:

There was no Notices received by the undersigned owners prior to the Tax Forfeiture of the Exhibit "A" land being completed.

(b) That the repurchase of said land by us will promote and best serve the public interest because:

It will bring the tax forfeited land back into taxable paying ownership and correct the injustice of the tax forfeited land being sold to a third party who did not pay for the investment into the septic system and drain field in the Exhibit "A" land.

Lanny Rost

STATE OF MINNESOTA ) Oklahoma ) SS. COUNTY OF Pontotec )

The foregoing instrument was acknowledged before this <u>15</u><sup>th</sup> day of June, 2022, by Lanny Rost and Jean Rost.

Ulicia Cude

Notary Public



#### EXHIBIT A

#### PARCEL A:

All that part of the Northerly 110.00 feet of Government Lot I, Section 11, Township 52 North, Range **26** West, of the 4<sup>th</sup> Principal Meridian, which lies Westerly of the following described line:

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#### PARCEL B:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence North a distance of 48.76 feet; thence North 62 degrees 36 minutes 24 seconds West a distance of 75.35 feet; thence North 36 degrees 53 minutes 14 seconds West a distance of 34.06 feet to the South line of the North 110.00 feet of said Government Lot 1; thence West, a distance of 268 feet, more or less, along said South line, to the shore of Hill Lake; thence Southerly along the shore of Hill Lake, a distance of 115.00 feet, more or less, to a line that bears West from the point of beginning: thence East a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL C:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

14

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence South 110.00 feet; thence West a distance of 435.00 feet, more or less, to the shore of Hill Lake; thence Northerly, along the shore of Hill Lake, a distance of 130.00 feet, more or less, to a line which bears West from the point of beginning; thence East, a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL D:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

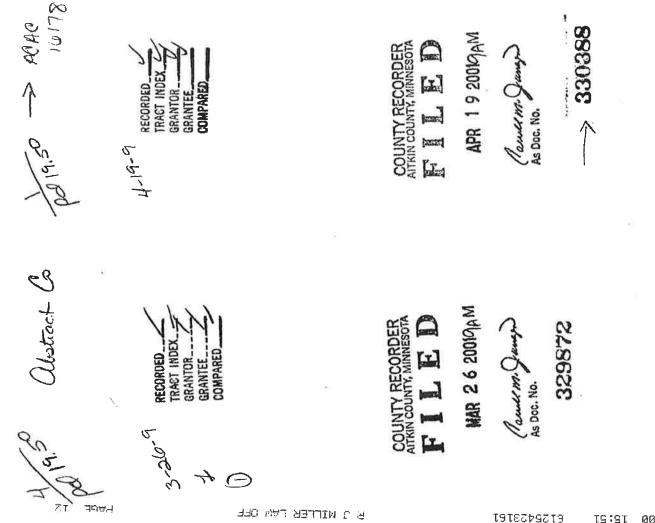
Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 330.00 feet to the point of beginning; thence South 145.00 feet to the South line of the North 475.00 feet of said Government Lot 1; thence West a distance of 460.00 feet, more or less, to the shore of Hill Lake; thence Northeasterly along the shore of Hill Lake, a distance of 150.00 feet, more or less, to a line which bears West from the point of beginning; thence East a distance of 435.00 feet, more or less, to the point of beginning and there terminating.

PARCEL E:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Beginning at the Northeast Corner of said Government Not 1; thence West, along the North line of said Government Lot 1, a distance of 408.74 feet; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.85 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 61.68 feet; thence South 62 degrees 36 minutes 24 seconds East a distance of 75.35 feet; thence South a distance of 303.76 feet to the South line of the Northerly 475.00 feet of said Government Lot 1; thence East along the South line of said Northerly 475.00 feet a distance of 294.56 feet to the East line of said Government Lot 1; thence North 3 degrees 12 minutes 37 seconds East, along said East line of said Government Lot 1, a distance of 475.73 feet to the point of beginning and there terminating; ALSO

All that part of the West 250.00 feet of the Southwest Quarter of the Northwest Quarter of Section 12, Township 52 North, Range 26 West, of the 4<sup>th</sup> Principal Meridian, which lies Northerly of the following described line: Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter; thence South 3 degrees 12 minutes 37 seconds West, along the West line of said Northwest Quarter of the Northwest Quarter, a distance of 475.53 feet to the beginning of the line to be described; thence East a distance of 250.39 feet to the East line of the West 250.00 feet of said Northwest Quarter of the Northwest Quarter and there terminating.



TS:SI 000Z/SC/20

#### CONSENT TO MORTGAGEES

Grand Rapids State Bank, a Minnesota corporation, mortgagee of the subject property pursuant to mortgage dated July 24, 1997 with the County Recorder for Aitkin County, Minnesota, on July 28, 1997, as Document No. 303798 hereby consents to the above.

#### GRAND RAPIDS STATE BANK

VICE PRESIDENT Its

STATE OF MINNESOTA ) ) ss COUNTY OF ITASCA )

120

The foregoing instrument was acknowledged before me this 29TH day of \_\_\_\_\_\_, 2000 by \_\_\_\_\_\_\_\_, 2000 by \_\_\_\_\_\_\_\_, JUNE \_\_\_\_\_\_, 2000 by \_\_\_\_\_\_\_\_, DAVID E. WIGFIELD \_\_\_\_\_\_, with the vice PRESIDENT \_\_\_\_\_\_\_\_ of Grand Rapids State Bank, on behalf of the corporation.

Public, MN Notary ITASC/ County,

CAROLE L. BORTH Notary Public-Minnesota My Comm. Expires Jan. 31, 2005

## To the Honorable Board of County Commissioners of Aitkin County, Minnesota

## **Application for Repurchase of Tax Forfeited Lands**

I, the undersigned owner-mortgagee-heir-representative of heirs Glen Isenberg/Rosanne Isenberg, at the time of forfeiture of the parcel...of land situated in the County of Aitkin, State of Minnesota, described as follows, to-wit:

See the attached Exhibit "A" which is attached hereto and incorporated herein

do hereby make application for the purchase of said parcel...of land from the State of Minnesota, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, as amended.

In support of this application for the repurchase of said land, I make the following statement:

(a) That hardship and injustice has resulted because of forfeiture of said land, for the following reasons, to-wit:

There was no Notices received by the undersigned owners prior to the Tax Forfeiture of the Exhibit "A" land being completed.

(b) That the repurchase of said land by us will promote and best serve the public interest because:

It will bring the tax forfeited land back into taxable paying ownership and correct the injustice of the tax forfeited land being sold to a third party who did not pay for the investment into the septic system and drain field in the Exhibit "A" land.

Glenn Isenberg H Rosanne Isenberg

STATE OF MINNESOTA COUNTY OF Wright ) ss.

The foregoing instrument was acknowledged before this  $16^{th}$  day of June, 2022, by Glenn Isenberg and Rosanne Isenberg.



Notary Public

#### EXHIBIT A

#### PARCEL A:

All that part of the Northerly 110.00 feet of Government Lot 1, Section 11, Township 52 North, Range **26** West, of the 4<sup>th</sup> Principal Meridian, which lies Westerly of the following described line:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 408.34 feet to the point of beginning; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.45 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 30.00 feet and there terminating.

#### PARCEL B:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence North a distance of 48.76 feet; thence North 62 degrees 36 minutes 24 seconds West a distance of 75.35 feet; thence North 36 degrees 53 minutes 14 seconds West a distance of 34.06 feet to the South line of the North 110.00 feet of said Government Lot 1; thence West, a distance of 268 feet, more or less, along said South line, to the shore of Hill Lake; thence Southerly along the shore of Hill Lake, a distance of 115.00 feet, more or less, to a line that bears West from the point of beginning; thence East a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL C:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence South 110.00 feet; thence West a distance of 435.00 feet, more or less, to the shore of Hill Lake; thence Northerly, along the shore of Hill Lake, a distance of 130.00 feet, more or less, to a line which bears West from the point of beginning; thence East, a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL D:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

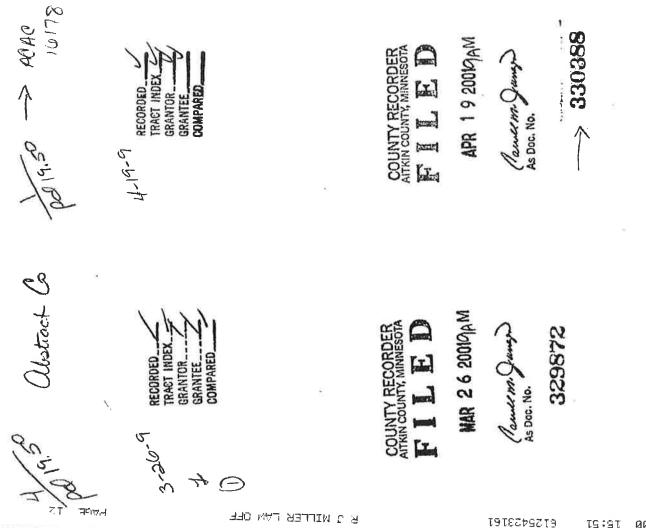
Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 330.00 feet to the point of beginning; thence South 145.00 feet to the South line of the North 475.00 feet of said Government Lot 1; thence West a distance of 460.00 feet, more or less, to the shore of Hill Lake; thence Northeasterly along the shore of Hill Lake; a distance of 150.00 feet, more or less, to a line which bears West from the point of beginning; thence East a distance of 435.00 feet, more or less, to the point of beginning and there terminating.

#### PARCEL E:

و این بر براند د All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Beginning at the Northeast Corner of said Government Not 1; thence West, along the North line of said Government Lot 1, a distance of 408.74 feet; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.85 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 61.68 feet; thence South 62 degrees 36 minutes 24 seconds East a distance of 75.35 feet; thence South a distance of 303.76 feet to the South line of the Northerly 475.00 feet of said Government Lot 1; thence East along the South line of said Northerly 475.00 feet a distance of 294.56 feet to the East line of said Government Lot 1; thence North 3 degrees 12 minutes 37 seconds East, along said East line of said Government Lot 1, a distance of 475.73 feet to the point of beginning and there terminating; ALSO

All that part of the West 250.00 feet of the Southwest Quarter of the Northwest Quarter of Section 12, Township 52 North, Range 26 West, of the 4<sup>th</sup> Principal Meridian, which lies Northerly of the following described line: Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter; thence South 3 degrees 12 minutes 37 seconds West, along the West line of said Northwest Quarter of the Northwest Quarter, a distance of 475.53 feet to the beginning of the line to be described; thence East a distance of 250.39 feet to the East line of the West 250.00 feet of said Northwest Quarter of the Northwest Quarter and there terminating.



19:97 0007/97/20

#### CONSENT TO MORTGAGEES

Grand Rapids State Bank, a Minnesota corporation, mortgagee of the subject property pursuant to mortgage dated July 24, 1997 with the County Recorder for Aitkin County, Minnesota, on July 28, 1997, as Document No. 303798 hereby consents to the above.

#### GRAND RAPIDS STATE BANK

VICE PRESIDENI Its

STATE OF MINNESOTA )

COUNTY OF ITASCA

The foregoing instrument was acknowledged before me this <u>29TH</u> day of \_\_\_\_\_\_, 2000 by <u>DAVID E. WIGFIELD</u>, the <u>VICE PRESIDENT</u> of Grand Rapids State Bank, on behalf of the corporation.

Public. County. MN Notary ITASCA

CAROLE L. BORTH Notary Public-Minnesota My Comm. Expires Jan. 31, 2005



June 2, 2022

Jean Rost, ETAL
12801 Gounty Road 3522
Oda OK. 74820
Pradiay & Taraga Jardahi
Bradley & Teresa Jordahl
Commentation MAN COMMENT

Glenn & Rosanne Isenberg

RE: 12-0-020601

The above property forfeited to Aitkin County on 8/10/2007 for the nonpayment of real estate taxes. The property is owned by Aitkin County and is the responsibility of this Department.

You, as an owner/heir/mortgagee/representative of heirs of a vested interest in the property at the time of forfeiture, have the privilege to make written application to the Aitkin County Board requesting to be allowed to repurchase this property.

Prior to the County Board considering a repurchase request, the following must be received in this office:

- 1. A copy of any documents that show you have a legal interest in this property.
- 2. Original fully completed, notarized, and signed repurchase application form (enclosed).
- 3. Certified check or money order for the full amount of the repurchase made payable to Aitkin County. The repurchase amount due <u>\$5,657.36</u>. This amount includes the real estate taxes that have not been paid and all repurchase costs.

FULLY complete the enclosed application. This is the only information the County Board of Commissioners has as to why they should approve the repurchase. The County Board can approve the repurchase only if it is determined that:

- An undue hardship or injustice resulting from the forfeiture will be corrected by the repurchase.
- The repurchase will promote the use of such lands that will best serve the public interest.

After the completed application and full payment of the repurchase amount has been received in this office, the application will be submitted to the Aitkin County Board for consideration. If the County Board approves the repurchase of the property, the property will go back into the same status as before any forfeiture. In other words, if there are any liens on the property, they will all

## **AITKIN COUNTY LAND DEPARTMENT**

502 Minnesota Ave N. Aitkin, MN 56431

acld@co.aitkin.mn.us phone: 218-927-7364 be reinstated. The fees that you are paying here cover only the forfeiture and real estate tax costs. The money that you send to us will be cashed if the County Board approves the repurchase. If they do not approve the repurchase, the money will be returned to you.

If you have any questions, please feel free to contact me.

Dennis Thompson Land Commissioner Aitkin County Land Department 502 Minnesota Ave North Aitkin, MN 56431 dennis.thompson@co.aitkin.mn.us (218) 927-7364

March 30, 12-0-020				Ini	terest ca	ic A	opril 30, 20	)22			
	Year		Tax		Cost		Interest		Penalty		Total
	2001	\$	4.00	\$		\$	50.02	\$	0.40	\$	74.42
	2002	\$	20.00			\$	44.46	\$	2.80	\$	67.26
	2003	\$	18.00			\$	37.96	\$	2.52	\$	58.48
	2004	\$	18.00			\$	35.91	\$	2.52	Ś	56.43
	2005	\$	34.00			\$	63.95	\$	4.76	\$	102.71
	2006	\$	62.00			\$	109.55	\$	8.68	\$	180.23
	2007	-	90.00			\$	148.77	\$	12.60	\$	251.37
	2008		194.00			\$	298.57	\$	27.16	\$	519.73
	2009		182.00			\$	259.35	\$	25.48	\$	466.83
	2010		1 <b>72.00</b>			\$	225.49	\$	24.08	\$	421.57
	2011	\$	166.00			\$	198.70	\$	23.24	\$	387.94
	2012		144.00			\$	155.95	\$	20.16	\$	320.11
	2013		150.00			\$	145.35	\$	21.00	\$	316.35
	2014	\$	136.00			\$	116.28	\$	19.04	\$	271.32
	2015		132.00			\$	97.81	\$	18.48	\$	248.29
	2016	\$	132.00			\$	82.76	\$	18.48	\$	233.24
	2017		136.00			\$	69.77	\$	19.04	\$	224.81
	2018	\$	166.00			\$	66.23	\$	23.24	\$	255.47
		\$	154.00			\$	43.89	\$	21.56	\$	219.45
	2020	\$	154.00			\$	26.33	\$	21.56	\$	201.89
	2021	\$	154.00			\$	8.78	\$	21.56	\$	184.34
	2022	\$	148.00			\$	•	\$	5.92	\$	153.92
Total:		\$2	,566.00	\$	20.00	\$ 2	2,285.90	\$	344.28	\$5	5,216.18
Total:				ŧ	5 <b>216</b> .18						

 $\begin{array}{c} 2.05\\ 1.95\\ 1.85\\ 1.65\\ 1.65\\ 1.45\\ 1.25\\ 1.25\\ 1.25\\ 1.25\\ 1.25\\ 0.95\\ 0.85\\ 0.75\\ 0.65\\ 0.55\\ 0.45\\ 0.25\\ 0.25\\ 0.15\\ 0.05\\ \end{array}$ 

rotal.	0210.10
St Deed Tax	17.21
Forf Proc Cost	100.00
Sheriff Cost	40.00
Deed	25.00
Land Dept Cost	200.00
Rec Fee	46.00
Crt Letter Fee-Auditor	6.48
Crt Letter Fee-Land	6.48
Insurance	0.00
Total:	5,657.36



## **AITKIN COUNTY ASSESSOR**

Aitkin County Government Center 307 2<sup>nd</sup> Street NW, Room 120 Aitkin, MN 56431 assessor@co.aitkin.mn.us Phone: 218-927-7327 Fax: 218-927-7379

May 27, 2022

Dennis Thompson, Land Commissioner Aitkin County Land Department

Re: Valuation request for Parcel 12-0-020601

Dear DJ:

Per your request, I have reviewed the valuation of this parcel located east of Hill City in Hill Lake Township.

This parcel is subject to a sewer system easement and the parcel also contains a drainfield for a sewage treatment system currently servicing at least 3 lots on Hill Lake. After reading the recorded easement for this system, it appears that the entirety of this parcel is subject to the easement. In valuing this property, I am assuming that this renders the parcel effectively unbuildable. Although, it would likely be possible to build a permanent structure according to zoning regulations, the potential of a future new septic system being built on the property in an area where potential buyers are actively using the property, would deter a future owner from investing in a permanent structure in this location.

Also, I did not find evidence of legal access to this parcel for a potential buyer other than for the current owners of the septic system. No improved road frontage exists on this parcel.

With these points in mind, and after considering recent sales of similar properties, the value of this parcel is <u>\$4900</u>. This is based on sales of rural parcels that have no road frontage and no improvements.

This value estimate is intended for the purposes of the Aitkin County Land Department. It was prepared using the procedures and methods of licensed Minnesota assessors. This estimate is not intended to have the level of detail, scope of work, and level of accuracy found in a full narrative appraisal conducted by an appraiser licensed by the Department of Commerce.

Please contact me with any questions.

Sincerely

Mike Dangers Aitkin County Assessor



 Cashier's Check

 Date:
 6/16/22

 Branch:
 1001

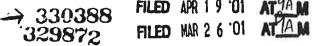
REMITTER BRADLEY A JORDAHL

DOOUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER

• •

PAY TO THE ORDER OF AITKIN COUNTY

\$5,657.36



FILED APR 1 9 '01 AT AM Carroll M. Janzen, County Recorder Carroll M. Janzen, County Recorder

7/12/00-Declaration.pe

File Nc. 12460.66

#### DECLARATION OF PRIVATE EASEMENTS

This declaration of private access and sewage system easements, made and declared on this 28th day of Quine, 2000, by Amber-Donn-Grant Construction, Inc. ("ADG", a corporation under the laws of Minnesota (herein after referred to as "Declarant" ).

#### RECITALS

#### WITNESSETH THAT:

WHEREAS, Declarant is a fee owner of real property lying and being in the County of Aitkin, State of Minnesota, legally described as:

See Attached Exhibit A

## (incorporated herein by this reference)

WHEREAS, Declarant desires to declare and establish a private driveway easement, which will benefit and burden the Parcels for the purpose of creating a perpetual non-exclusive driveway easement over and across Parcel E for the benefit of said Parcels A, B, C, D and E for vehicular and pedestrian traffic for egress and ingress to and from said Parcels; and to provide for the maintenance of said private driveway as hereinafter provided.

WHEREAS, Declarant desires to further declare and establish over Parcel D for the benefit of Parcel E an exclusive easement and privilege of egress and ingress for vehicular (both land and marine) and pedestrian traffic and the exclusive privilege of placing a dock, mooring, house boats, launches, boats, and all types and kinds of water craft along the shores and water frontage, and to declare and establish the right to swim and fish along the shores and water frontage and to swim and fish from any dock placed on the shores and water frontage of the easement area.

WHEREAS, Declarant desires to further declare and establish a private sewer system (including septic tank and drain field) and to provide an easement for the construction, maintenance, repair and replacement of said private sewer system for the benefit of Parcels A, B, C, D and E over, under and across part of Farcel E; and

 $\rightarrow$  This easement is being re-recorded to correct the typographical errors in the legal description of the drain field in Section D. WHEREAS, said land is subject to a certain mortgage and mortgagee has consented to this Declaration as evidenced herein below.

NOW THEREFORE, in consideration of the premises, the Declarant hereby declares that the Parcels are and shall be held, transferred, sold, conveyed and occupied subject to the easements and covenants hereinafter set forth, which easements and covenants shall burden and benefit and run with the land of the particular Parcels described hereinafter and be binding upon and inure to the benefit of all parties having any right, title, or interest in such Parcels or any part thereof, their heirs, successors, and assigns and are described as follows:

## PRIVATE COMMON ACCESS EASEMENT (DRIVEWAY)

A. Declarant further declares, covenants and imposes the following: a perpetual, non-exclusive easement for the benefit of Parcels A, B, C, D and E for vehicular and pedestrian traffic, for egress and ingress to and from said Parcels over, under and across said part of Parcel E described as follows:

A 66.00 foot strip of land over, under and across that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian which lies within 33.00 feet and on either side of the following described center line;

commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 374.66 feet; thence North 11 degrees 30 minutes 54 seconds East a distance of 5.00 feet to the point of beginning of the line to be described; thence South 11 degrees 30 minutes 54 seconds West a distance of 81.35 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 39.32 feet; thence South 62 degrees 36 minutes 24 seconds East a distance of 87.89 feet; thence South a distance of 189.31 feet to Point A; thence continuing South a distance of 60.00 feet and there terminating; together with an easement for the purposes described aforesaid over, under and across that part of said Government Lot 1 not included in the abovedescribed easement, which lies within the circumference of a circle having a radius of

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# 60.00 feet. The center of said circle is a point 33.00 feet East from Point A.

#### ACCESS EASEMENT TO HILL LAKE

B. Declarant further declares, covenants and imposes the following: a perpetual easement for the benefit of Parcel E for (i) vehicular (land and marine) and pedestrian traffic for egress and ingress to and from said Parcel E to the shore of Hill Lake, (ii) placing, maintaining, and using for a dock, mooring, house boats, launches, boats and all types of water craft along the shores and lake frontage (the 45-foot easement strip described below), (iii) transporting boats and trailers upon, in and across the easement area,(iv) use of the dock, lake shore frontage and water's edge for swimming and fishing; all over, under and across the following described real property and (v) the right to construct a driveway to lake and to acquire all trees, grasses and herbage, now existing or growing or hereafter planted and grown upon or within said 45 foot strip of land:

That part of Parcel D embraced within the following described real property:

The Southerly 45.00 feet of the Northerly 475.00 feet of that part of said Government Lot 1, which lies Westerly of the following described line:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 475.00 feet to the South line of the North 475.00 feet and there terminating.

#### PRIVATE SEWER LINE EASEMENT

C. Declarant further declares, covenants and imposes the following: a perpetual non-exclusive easement for the benefit of Parcels A, B, C, D and E for use and enjoyment for private sewer line purposes (including sewer pipe and appurtenances) in, over and upon that part of land of said Declarant described herein as follows:

(i) A 66.00 foot strip of land over, under and across that part of Government Lot 1, Section 11, Township 52 North, Range 26 West, of the 4<sup>th</sup> Principal Meridian, which lies within 33.00 feet and on either side of the following described center line;

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commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 374.66 feet; thence North 11 degrees 30 minutes 54 seconds East a distance of 5.00 feet to the point of beginning; thence South 11 degrees 30 minutes 54 seconds West a distance of 81.35 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 39.32 feet; thence South 62 degrees 36 minutes 24 seconds East a distance of 87.89 feet; thence South a distance of 189.31 feet to Point A; thence continuing South a distance of 60.00 feet and there terminating

together with an easement for the purposes described aforesaid over, under and across that part of said Government Lot 1 not included in the above-described easement, which lies within the circumference of a circle having a radius of 60.00 feet. The center of said circle is a point 33.00 feet East from Point A.

ALSO

(ii) A perpetual easement (being a 20-foct strip of land) upon, in and across that part of Government Lot 1, Section 11, Township 52 North, Range 26 West, of the 4<sup>th</sup> Principal Meridian, which lies within 10.00 feet of and on either side of the following described center line:

Commencing at the Northeast Corner of said Government Lot 1; thence South 3 degrees 12 minutes 37 seconds West, along the East line of said Government Lot 1, a distance of 148.74 feet; thence North 72 degrees 40 minutes 11 seconds East a distance of 5.00 feet to the point of beginning; thence South 72 degrees 40 minutes 11 seconds West a distance of 275.95 feet and there terminating.

C-1. The present and future owner(s) of each of said Parcels A, B, C, D and E, as appurtenant to each Parcel, shall have the right at all times hereafter to connect to and use any and all private sanitary sewer main, including pipes and appurtenances (and the septic tank and drain field referred to paragraph D below) (hereinafter collectively "the private sewer system") and to maintain, replace and use the private sewage system initially constructed or to be constructed by Declarant within the easement areas referred to herein, as established by the terms of this paragraph C and paragraph D Drain Field Provisions, below.

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## DRAIN FIELD PROVISIONS

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D. Declarant further declares, covenants and imposes the following: a perpetual non-exclusive easement for use and enjoyment for septic tank and drain field purposes for the benefit of said Parcels A, B, C, D and E, in, over and upon that part of said Parcel E described as follows:

All that part of the West 250.00 feet of the Southwest Quarter of the Northwest Quarter of Section 12, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, which lies Northerly in the following described line:

Southwest Southwest Mo Commencing at the Northwest Corner of said Mo Mo Mo Northwest Quarter of the Northwest Quarter; thence South 3 degrees 12 minutes 37 seconds West along the West line of said Northwest Quarter of the Northwest Quarter, a distance of 475.73 feet to the beginning of the line to be described; thence East a distance of 250.39 feet to the East line of the West 250.00 feet of the Northwest Northwest Quarter. Southwest

D-1. The present and future owners of said Parcels A, B, C, D and E as appurtenant to their parcel shall have the right at all times hereafter to discharge and pass into the private sewer system (including, specifically, the septic tank and drain field to be constructed by Declarant) sewage water generated at and from any of such Parcels A, B, C, D and E.

## MAINTENANCE AND REPAIR PROVISION

E. Declarant hereby declares that the above-described real property is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, and charges hereinafter set forth in this paragraph E.

(a) <u>Share Proportion</u>. That until a residential dwelling (year-round or seasonal) is constructed on Parcel A, the owner of each Parcel will do and hereby assume and agree to pay the following proportions of the cost of maintaining, repairing, and replacing, if necessary, the private common access easement (sometimes herein referred to as "Private Snell Drive") and the common sanitary sewer main septic tank and drain field, described above, as constructed in, under and upon that easement area described above at least to the standard necessary for reasonable egress and ingress over Private Snell Drive to said Parcels for

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vehicular and pedestrian traffic, including trucks customarily going upon said Parcels, and also the cost of repairing, maintaining and replacing, if necessary, the private sewage system to a standard complying with all applicable laws and ordinances but in all events, necessary to provide reasonable discharge and treatment of the sewage water generated and passing from each parcel: 30% to Parcel B, 30% to Parcel C, 30% to Parcel D, 10% to Parcel E.

After completion of a residential dwelling (year-round or seasonal) on Parcel A, the proportions to be borne by the respective owners shall be changed to the following: 22-1/2% to Parcel A, 22-12/% to Parcel B, 22-1/2% to Parcel C, 22-1/2% to Parcel D, 10% to Parcel E.

(b) <u>No Exemptions</u>. No owner may exempt himself from the liability for maintenance, repair, or replacement of Private Snell Drive or of the private sewage system by waiver of the use or enjoyment of any of the improvements within the easements or by abandonment of the Parcel.

(c) <u>Deed</u>. Each of the owners of the Parcels described herein hereby covenant with each owner of the other Parcels, and each owner of a Parcel described herein, by acceptance of a deed therefor, whether or not it shall be so expressed in such conveyance, shall be and hereby is deemed to covenant to then owners of all the Parcels described herein, that he/she/they shall pay promptly when due his/her/their proportionate share of the cost described in the language above. The cost described above shall be a personal obligation of the person or persons who are the owner(s) of such Parcel(s) at the time when such costs were incurred, and said obligations shall not pass to his/her/their successor in title unless expressly assumed by them.

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 $d^{(2)}$ 

#### MISCELLANEOUS

1. <u>Governing Law</u>. This Declaration shall be governed by and construed and enforced in accordance with the laws of the state of Minnesota.

2. Entire Agreement. This Declaration constitutes the entire Agreement between the parties and any prior understanding or representation of any kind preceding the date of this Declaration shall not be binding upon any party or owner except to the extent incorporated herein.

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3. Modification of Agreement. Any modification of this Declaration or additional obligation assumed by the Declarant or any owner in connection with this Declaration shall be binding only if evidenced in writing, signed by such Declarant or owner or an authorized representative of such person.

4. Attorney's Fees. In the event that any actions are filed in relation to this Declaration, the party who does not prevail in such action shall pay to the prevailing party, in addition to all the sums that any party may be called upon to pay, a reasonable sum for the prevailing party's attorney's fees.

5. <u>Easements Not to Be Obstructed</u>. The Declarant, and their successors and assigns shall use the rights granted by this instrument with due regard to the rights of others in their use of the easements, and shall not use the easements in any way that will impair the rights of others to use it and shall not obstruct passage or create a nuisance thereon.

6. <u>Terms Binding on Successors</u>. This Declaration and its terms shall run with the land and shall be binding upon the successors, executors, administrators and assigns of the Declarant as provided hereinabove.

IN WITNESS WHEREOF, Declarant has caused this document to be executed as of the day and year first above written.

AMBER-DONN-GRANT CONSTRUCTION, INC. a Minnesota corporation

RESIDEN PRESIPE

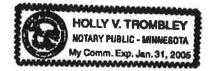
STATE OF MINNESOTA) )ss COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 28 day of \_\_\_\_\_\_, 2000, by Frank Rekuski, Jr., the President of Amber-Donn-Grant Construction, Inc., a corporation under the laws of Minnesota, on behalf of the corporation.

Notary Public

#### THIS INSTRUMENT WAS DRAFTED BY:

Miller Law Firm, P.A. - New Hope 9405 - 36<sup>th</sup> Avenue North New Hope, MN 55427 (763)542-3030



## THIS INSTRUMENT WAS DRAFTED BY:

ř.

Miller Law Firm, P.A. - New Hope 9405 - 36<sup>th</sup> Averue North New Hope, MN 35427 (763)542-3030

CATE OF MINNE	SOTA itkin	<b>у</b> и.	Miller/Davis Co. • St. Paul, MN 651-542-1
On this	18th day of A	pril, 2001	
nota	rv	(Date)	before n
me known to be the		CT CT	said County, personally appeare
	person desc	ribed in, and who executed the fores	oing instrument,
d acknowledged that	he executed	ribed in, and who executed the fores the same as free act and	oing instrument,
NOTARIAL STANF OR I	he executed	ribed in, and who executed the fores the same as free act and	oing instrument,
NOTABLAL STAND OR D	he executed	ribed in, and who executed the fores the same as free act and	oing instrument,

1

#### CONSENT TO MORTGAGEES

Grand Rapids State Bank, a Minnesota corporation, mortgagee of the subject property pursuant to mortgage dated July 24, 1997 with the County Recorder for Aitkin County, Minnesota, on July 28, 1997, as Document No. 303798 hereby consents to the above.

#### GRAND RAPIDS STATE BANK

B VICE PRESIDENT

STATE OF MINNESOTA ) 55 COUNTY OF ITASCA

The foregoing instrument was acknowledged before me this JUNE \_\_\_\_\_\_ Of Grand Rapids State Bank, on 29TH day of JUNE the VICE PRESIDENT behalf of the corporation.

MN County, Public ITASCA Notary

CAROLE L. BORTH Notary Public-Minnesota My Comm Expires Jan. 31, 2005 000000

#### EXHIBIT A

#### PARCEL A:

All that part of the Northerly 110.00 feet of Government Lot 1, Section 11, Township 52 North, Range **26** West, of the 4<sup>th</sup> Principal Meridian, which lies Westerly of the following described line:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 408.34 feet to the point of beginning; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.45 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 30.00 feet and there terminating.

#### PARCEL S:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence North a distance of 48.76 feet; thence North 62 degrees 36 minutes 24 seconds West a distance of 75.35 feet; thence North 36 degrees 53 minutes 14 seconds West a distance of 34.06 feet to the South line of the North 110.00 feet of said Government Lot 1; thence West, a distance of 268 feet, more or less, along said South line, to the shore of Hill Lake; thence Southerly along the shore of Hill Lake, a distance of 115.00 feet, more or less, to a line that bears West from the point of beginning; thence East a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

#### PARCEL C:

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 220.00 feet to the point of beginning; thence South 110.00 feet; thence West a distance of 435.00 feet, more or less, to the shore of Hill Lake; thence Northerly, along the shore of Hill Lake, a distance of 130.00 feet, more or less, to a line which bears West from the point of beginning; thence East, a distance of 370.00 feet, more or less, to the point of beginning, and there terminating.

PARCEL D:

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All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Commencing at the Northeast Corner of said Government Lot 1; thence West, along the North line of said Government Lot 1, a distance of 321.20 feet; thence South 330.00 feet to the point of beginning; thence South 145.00 feet to the South line of the North 475.00 feet of said Government Lot 1; thence West a distance of 460.00 feet, more or less, to the shore of Hill Lake; thence Northeasterly along the shore of Hill Lake, a distance of 150.00 feet, more or less, to a line which bears West from the point of beginning; thence East a distance of 435.00 feet, more or less, to the point of beginning and there terminating.

PARCEL E:

- s, t

All that part of Government Lot 1, Section 11, Township 52 North, Range 26 West of the 4<sup>th</sup> Principal Meridian, described as follows:

Beginning at the Northeast Corner of said Government Not 1; thence West, along the North line of said Government Lot 1, a distance of 408.74 feet; thence South 11 degrees 30 minutes 54 seconds West a distance of 84.85 feet; thence South 36 degrees 53 minutes 14 seconds East a distance of 61.68 feet; thence South 62 degrees 36 minutes 24 seconds East a distance of 75.35 feet; thence South a distance of 303.76 feet to the South line of the Northerly 475.00 feet of said Government Lot 1; thence East along the South line of said Northerly 475.00 feet a distance of 294.56 feet to the East line of said Government Lot 1; thence North 3 degrees 12 minutes 37 seconds East, along said East line of said Government Lot 1, a distance of 475.73 feet to the point of beginning and there terminating; ALSO

All that part of the West 250.00 feet of the Southwest Quarter of the Northwest Quarter of Section 12, Township 52 North, Range 26 West, of the 4<sup>th</sup> Principal Meridian, which lies Northerly of the following described line: Commencing at the Northwest Corner of said Northwest Quarter of the Northwest Quarter; thence South 3 degrees 12 minutes 37 seconds West, along the West line of said Northwest Quarter of the Northwest Quarter, a distance of 475.53 feet to the beginning of the line to be described; thence East a distance of 250.39 feet to the East line of the West 250.00 feet of said Northwest Quarter of the Northwest Quarter and there terminating.

81101 RAC 330385 APR 1 9 20010 AM COUNTY RECORDER AITKIN COUNTY, MINNESOTI [1] RACT INDE RECORDED COMPARE GRANTOR GRANTEE As Doc. No (anar 11 . 9 whitect MAR 2 6 20010 AM 329872 COUNTY RECORDE AITKIN COUNTY, MINNESO **RACT INDE** OMPAREI RECORDED GRANTEE GRANTOR ault m. As Doc. No. T  $\bigcirc$ 364. R 3 MILLER 140 OFF 1916009379

IS:SI 0007/90/20

