



OFFICE OF COUNTY RECORDER
Chisago County, Minnesota

I hereby certify that this document was filed in this office
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LEE OLSON-County Recorder, by ___ Deputy.

Well Certificate: ___ Received ___ Not Required

Received from/return to:
JOHNSON, GRUNDHOEFER & ALLIEGRO, LLC
105 MAIN ST
BOX 217
CENTER CITY, MN 55012

Fees:		
REC'G COMPLIANCE FUND		\$11.00
STATE GENERAL FUND		10.50
TECHNOLOGY FUND		10.00
GENERAL ABSTRACT		14.50
	Total	\$46.00

**CHISAGO LAKE TOWNSHIP
CHISAGO COUNTY, MINNESOTA
Resolution No. 11-17-05-01**

**PARTIAL STIPULATION AND RESOLUTION
GRANTING A CARTWAY
AND AWARDDING DAMAGES**

Chisago Lake Township, Chisago County, Minnesota

Dale E. Loeffler, Petitioner

A-536912

THIS INSTRUMENT WAS DRAFTED BY:
Peter J. Grundhoefer
Johnson, Grundhoefer & Alliegro, LLC
105 Main Street, Box 217
Center City, MN 55012
(651) 257-1160

**CHISAGO LAKE TOWNSHIP
CHISAGO COUNTY, MINNESOTA
Resolution No. 11-17-05-01**

**PARTIAL STIPULATION AND RESOLUTION
GRANTING A CARTWAY
AND AWARDING DAMAGES**

WHEREAS, the Chisago Lake Township (“Town”) board of supervisors (“Town Board”) received a petition dated November 30, 2004 from Dale E. Loeffler (“Petitioner”), and an amended Petition dated July 7, 2005, pursuant to Minnesota Statutes, section 164.08, subdivision 2, for the establishment of a cartway to his property across the land of others (the “Petition”); and

WHEREAS, Petitioner’s property comprises two separate tax parcels identified as PID 02.00600.00 (the “Petitioner’s Western Parcel”) and PID 02.00596.00 (the “Petitioner’s Eastern Parcel”), and is described on the attached Exhibit A (the “Property”); and

WHEREAS, the Petitioner asks that a cartway be established as legally described on attached Exhibit B (“Petitioner’s Proposed Route”); and

WHEREAS, the requested cartway would pass over two parcels of lands of Elizabeth J. Anderson (“Anderson”), namely the northern parcel (PID 02.00475.00) (“Anderson’s Northern Parcel”) and the southern parcel (PID 02.00597.00) (“Anderson’s Southern Parcel”), whose property is described on attached Exhibit C; and

WHEREAS, the requested cartway would also pass over the lands of Richard D. Gurtek and Donna Gurtek (“Gurteks”), whose property is described on attached Exhibit D (“Gurtek Property”); and

WHEREAS, the Petitioner provided the Town Board an Irrevocable Letter of Credit in the amount of \$30,046.00 required by Town Board to secure the Petitioner’s obligation to reimburse the Town for all expenses and costs it incurs related to consideration, processing, review and decision on the cartway petition, including professional costs; and

WHEREAS, Richard D. Gurtek and Donna Gurtek submitted an alternative proposed route for the southern portion of Petitioner’s Proposed Route, which did not include additional lands and which has been resolved by stipulation between Petitioner and Gurteks; and

WHEREAS, Anderson submitted an alternate proposed route from the west across the additional property of Alan W. Johnson and Marilyn M. Johnson, Nathan W. Johnson and Catherine Novalany Johnson, Daryl Johnson and Donna Johnson, and Berg J. Johnson and Margaret Johnson (“Alternative Western Route”); and

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WHEREAS, the Town Board held a public hearing, after proper posting and notice, on December 17, 2009, thereafter continued for additional proceedings on January 21, 2010, March 1, 2010, June 7, 2010, September 8, 2010, October 28, 2010, December 21, 2010, April 20, 2011 and May 17, 2011 during which the Town Board reviewed the proposed cartway, alternative routes, and gave the parties, interested persons and the public an opportunity to present information, orally and in writing, regarding the proposed cartway; and

WHEREAS, the Town Board has heard and considered the competing interests in this matter in light of Minnesota Statutes, Section 164.08, subdivision 2 regarding establishment of a cartway to the Property; and

WHEREAS, Petitioner and Anderson have entered a partial stipulation which is limited to the following: that Petitioner shall pay Anderson the amount of \$28,000.00 as total damages for construction of the Cartway on her land; that Anderson shall have no liability for cost of construction of the Cartway; that Anderson waives her right to appeal all aspects of this Order; that Anderson shall be awarded ownership of trees removed in construction of the Cartway to be placed at a location agreed upon by Anderson and the tree removal subcontractor; Anderson has agreed to no other provisions of this Resolution and Order; and

WHEREAS, the Town Board hereby makes the following:

Findings of Fact

1. The Petitioner is the owner of a tract of land subject to the Petition that contains at least 5 acres;
2. Petitioner has two easements granted in 1981 and 1983 and recorded with the Chisago County Recorder's Office as Documents #181084 and #181083, respectively, (the "Existing Easements") (Exhibits B and C of Petition);
3. The Existing Easements are 66 feet wide running from Lindo Trail, a Township Road, to the northern line on the northeastern corner of the Petitioner's Western Parcel and running through the lake bed of Sunrise Lake. Petitioner's surveyor, Dale Hebeisen, provided elevation data verifying multiple points along the Existing Easements below the ordinary high water mark of 875.2 feet ("OHW");
4. The OHW mark was determined by the Commissioner of the Department of Natural Resources ("DNR") based upon a formal survey conducted and of record;
5. The DNR has jurisdiction over the permitting of the construction of roads, including cartways, in areas determined to be lake bed;
6. The southern most portion of the Existing Easements connects to an area of Petitioner's property which is below the OHW mark and therefore has limited utility;

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7. Mike Mueller, the area hydrologist for the DNR, testified that a permit for construction of a cartway would not be granted based upon the information contained in the survey showing that the area of the Existing Easement was below the OHW mark;
8. Daniel Seemon, Ecologist for the Regulatory Branch of the U.S. Army Corps of Engineers, provided written comments indicating that the Existing Easements involved extensive wetland fill and that Section 404 of the Clean Water Act requires the “least damaging” practical alternative to avoid filling wetlands, which in this case are also waters of the U.S. Mr. Seemon “strongly suggested” that the township consider a location for the cartway that had “substantially less impact or no wetland impact than through the Existing Easements. (Exhibit E of amended Petition). Although Mr. Seemon’s subsequent correspondence qualified the fact that jurisdiction had not been conclusively determined, his comments illustrated the problems with the Existing Easements as a cartway route. (Exh. A-1).
9. Petitioner testified that accessing his Property through the Existing Easement was too difficult, challenging and dangerous, because it was essentially swamp land, and required walking through water and muck. (T.1, p. 61).
10. Denny Honsa, Engineer for Anderson, agreed that the Existing Easements contained wetlands. (T.2, p. 90).
11. Anderson’s attorney stipulated to the statement that it is in the public interest to keep the roads out of the lake. (T.2, p.37).
12. Mr. Honsa agreed that the OHW mark was 875.2 feet, (T.2, p. 78), and indicated he was relying on the elevation data prepared by Mr. Hebeisen in determining lake bed elevations. (T.2, p. 106).
13. Mr. Mueller testified that Petitioner submitted an application in 2008 asking to construct a road on the Existing Easement. Mr. Mueller indicated that without a formal survey to determine whether the Existing Easements crossed the lake bed, he was reluctant to make a determination. (T.2, p. 41).
14. Mr. Mueller testified that he had reviewed the elevation data subsequently provided by Mr. Hebeisen, which confirmed that the Existing Easements go through the lake bed of Sunrise Lake. (T.2, p. 33, p. 41-42).
15. Mr. Mueller testified that Minnesota does not use a clear test for “navigable” water, but that such determination is fact specific. Mr. Mueller indicated that the lake bed could be considered navigable waters if there is sufficient water to float a boat at times. (T.2, p. 35-36).
16. Mr. Mueller testified that Minn. Rule 6115 did not allow private roadways across public waters, (T.2, p. 34), and that public roads are specifically referenced in the rule. (T.1, p. 42).

17. Minn. Rule 6115.0190, Subpart 3(F), states that it is prohibited to construct a roadway or pathway, or create an improved land access from peripheral shorelands to islands, or to facilitate land transportation across the waters; however, when a project is proposed by a federal, state or local government agency and this provision would prevent or restrict the project, or create a major conflict with other public purposes or interests, the Commissioner may waive this provision if:
 - (1) there is no other feasible and practical alternative to the project that would have less environmental impact; and
 - (2) the public need for the project rules out the no-build alternative.”
18. The Town Board finds that there is another feasible and practical alternative to the project that would have less environmental impact than the Existing Easement, and that no public need for the project exists that would create an exception to the no-build alternative under Minn. Rule 6115.0190, Subpart 3(F).
19. The Petitioner’s proposed route for the cartway commences at a point intersecting Lindo Trail at the northwest corner of Anderson’s Northern Parcel, and proceeds south along the western line of Anderson’s Northern Parcel until such point that it generally proceeds southerly along the OHW mark of the lake bed of Sunrise Lake, terminating at a point on the north line of Petitioner’s Eastern Parcel, the Petitioner’s Proposed Route.
20. The Proposed Route is generally 33 feet wide, with expansions beyond 33 feet in six locations, with no area wider than 4 rods at any point (the “Expansion Areas”), (T.2, p. 12, Exh. 7). The Expansion Areas are proposed in order to address backslope issues on three areas east of the 33 foot wide route, and to address storm water and retention issues on three areas on the western side. (T.1, p. 56). The total of the six locations lying outside of the 33 foot area of the Petitioner’s Proposed Route is approximately 8,000 square feet. (T.2, p. 49).
21. The planned area of travel of the Petitioner’s Proposed Route is a 12 foot wide gravel surface.
22. A wetland delineation of the Petitioner’s Proposed Route was completed by Petitioner’s certified wetland delineator, and the only area of wetland located was at the northern edge of the Proposed Route connecting to Lindo Trail. (Exhs. 5, 7, 8).
23. The north end of the Petitioner’s Proposed Route will require wetland mitigation through wetland credit purchase at a ratio of 2 to 1. (T.2, p.11). Other wetlands along the Proposed Route are avoided (T.2, p.11), and Petitioner’s Proposed Route avoids going below the OHW mark (T.2, p. 10).
24. The Petitioner’s Proposed Route will require retaining walls in some areas because of the slope. (T.2, p. 46).
25. The Petitioner’s Proposed Route would serve 3 parcels which do not currently have access, namely the Anderson’s Southern Parcel, the Gurtek Property and the Petitioner’s Property. (T.2., p. 57).

26. In locating along the western edge of the Anderson Property, the Gurtek Property and the Petitioner's Property, Petitioner's Proposed Route minimizes the area bisected, or severed, along these three parcels, and therefore is the least invasive and least damaging route. (T.2, p. 40 & 42).
27. Although the owners of the Gurtek Property are not petitioners for a cartway, the Gurtek Property appears to be either land locked or accessible only by navigable waters, or both, and will benefit from Petitioner's Proposed Route.
28. The potential for developing the Petitioner's Property is most likely limited to a single building site. (T.2, p. 78). Petitioner indicated that he planned to build only one home on his property. (T. 2, p. 105).
29. The length of the Proposed Route is approximately 1,700 to 1,800 feet with a total area of approximately 1.3 acres.
30. Testimony indicated that a member of the Anderson family preferred the middle option on the northern edge of the Petitioner's Proposed Route, as opposed to the eastern option which would access Lindo Trail directly in front of their home.
31. Mr. Mueller testified that the DNR would not have jurisdiction over Petitioner's Proposed Route because it does not intercept the OHW, and therefore would not be crossing public waters. (T.2, p. 36).
32. Warren White, Petitioner's engineer, testified that he intentionally stayed away from all wetlands, except on the northern edge, to create a route that was feasible. (T. 2, p. 50). Mr. White indicated that the steepest grade along Petitioner's Proposed Route was approximately 9 to 1, that such slope represents an approximate angle of 4%, and was deemed safe in his opinion. (T.2, p. 51-53). Mr. White testified that Petitioner's Proposed Route was designed to accommodate emergency vehicles, (T.2, p. 63), is feasible from an emergency standpoint and is safe as a proposed cartway. (T.2., pp. 46 & 56).
33. Petitioner's two parcels total approximately 46 acres with most likely one building site on the Eastern Parcel. (T.2, p. 59).
34. Mr. Honsa testified that he did not see a problem if the cartway along the Petitioner's Proposed Route was 33 feet in width. (T.2, pp. 84 & 94-95).
35. Petitioner's Proposed Route provides Petitioner access to the useable portion of his land located on Petitioner's Eastern Parcel. (T.2, p. 16).
36. Tara Guy, Assistant Zoning Director for Chisago County, testified that the cartway could be built, subject to a variance for road setback from the OHW mark, and that a hardship for such variance would likely be demonstrated. (T.2, p. 70).
37. Steve Putman, Zoning Code Enforcement Officer from Chisago County, testified that county wetland specialist, Jeff Fertig, issued a letter stating that the wetland delineation

- report submitted by Petitioner was accurate. (T.2, p. 82). Mr. Putman testified that Petitioner's Proposed Route had the least visual impact and least environmental impact to Sunrise Lake and Sunrise Overlay District. (T.2, p. 86).
38. Gurteks filed a request for alternate route. Subsequently, Petitioner and Gurteks reached a stipulation whereby they agreed that the proposed cartway, if granted, would continue through the Gurtek Property along the alternate route proposed by Gurteks, at any width decided by the township; that the award of damages from Petitioner to Gurteks is agreed upon as zero dollars; that Gurteks will contribute toward the cost of road construction to the Gurtek Property at 20 percent; that Gurteks will pay 20 percent of the maintenance cost of the cartway to the north line of the Gurtek Property; that the cartway will terminate at the north line of the Petitioner's Property and south line of the Gurtek Property; that Gurteks will grant Petitioner an easement over and across the Gurtek Property at the location noted on Holt and Hebeisen map north of the OHW mark in the bay shown just north of what is denoted as "Wetland B" on such map; and Petitioner will grant to the Township a permanent easement of the area denoted as a "hammerhead" turnaround immediately south of the Petitioner's north line for purposes of emergency vehicle access.
 39. Mr. Hebeisen reviewed the proposed Alternative Western Route and determined that it crossed the OHW mark in the two spots marked with dark arrows on Exhibit 6; Mr. Hebeisen's review considered the least impact on the neighbors and the environment. (T.1, p. 18).
 40. The Alternative Western Route would cross what has been described as an "ice ridge" on Petitioner's Western Parcel of Petitioner's Property along the north shore of Sunrise Lake, the gap across which was estimated by Mr. Hebeisen to be approximately 18 feet, with an elevation of approximately 873 feet, approximately 2 feet below the OHW mark. (T.2, p. 21).
 41. Mr. Mueller testified that the Alternative Western Route presented the same problems as the route along the Existing Easements in that the Alternative Western Route would need to cross below the OHW mark, and therefore was subject to the same rules which would generally prohibit a road on the ice ridge unless one of the identified exceptions, previously found to be absent, was present.
 42. Mr. Mueller further testified that he was not aware of any public need to have a cartway issued along the ice ridge. (T.2, p. 38).
 43. Mr. White testified that, among other factors, he was concerned that there was no verification that the ice ridge was actually wide enough to build a road. (T.2, p. 53).
 44. Mr. White also expressed concern over the safety of the proposed two sharp, 90 degree turns along the Alternative Western Route. (T.2, p. 57).
 45. Ms. Guy expressed concern that the Alternative Western Route would require variance for structural setback and for the proposed length in excess of 1300 feet.

46. Mr. Putman also expressed concern that the Alternative Western Route does not meet road setback requirements and that it overlapped shore impact zones immediately on both sides.
47. Mr. Putman also expressed concern over the stability of a road on the ice ridge along the Alternative Western Route, (T.2, p. 86), including specific questions about stability of slope, whether the ice ridge was wide enough, and whether the soils were suitable. (T.2, p. 88).
48. Alan Johnson, landowner through whose land the Alternative Western Route is proposed, expressed concern over the Anderson's claim that the Alternative Western Route was only 500 feet long. Alan Johnson testified that the actual distance of the Alternative Western Route was close to 1900 feet. (T.2, p. 92-94). Alan Johnson also was concerned that the Alternative Western Route was directed through the middle of his farm field and through the front yard of their home, (T.2, p. 92-94); through wetlands; with two 90 degree turns; across an ice ridge; would bisect their 8 acres in half, making sale much more difficult, and substantially reducing market value; and would require the removal of large trees. (T.2, p. 92-94).
49. Donna Johnson, owner of the land along the Alternative Western Route, testified that such route would also need to cross their property and was concerned that the distance of the road was at least three times the length estimated by Anderson's engineer. Donna Johnson was concerned about the Alternative Western Route being built along the lake; that trees would have to be removed; that a long-standing eagle's nest would be removed; and that the land along the lake shore is constantly changing. (T.2, p. 95-97).
50. Petitioner testified that the Alternative Western Route does not give him access to a useable portion of his property. (T. 2, p. 100).
51. Mr. Honsa testified that he did not know if the ice ridge along the Alternative Western Route would support a 20 foot wide road. (T.2, p. 122)
52. Mr. Honsa further testified that no engineering plans had been prepared on the Alternative Western Route, (T. 2, p. 126); he conceded that the 500 foot estimated distance on the Alternative Western Route was not accurate. (T.2, p. 126).
53. Mr. Stewart confirmed that he had no information to dispute the distance of the Alternative Western Route as estimated by Alan Johnson.
54. Mr. Gurtek expressed concern that the Alternative Western Route did not reach the Gurtek Property, and that if it did, the distance of the Alternative Western Route would be closer to 4,800 feet. (T.2, p. 131).
55. Mr. Stewart indicated that the ice ridge would continue to form over time. (T. 2, p. 134).
56. Anderson's attorney indicated that his client is not asking the Town Board to approve a cartway along the Alternative Western Route. (T.2, p. 150).

57. Mr. White testified that he did not believe an environmental study would allow construction of a 12 foot cartway on an ice ridge. (T.2, p. 155).
58. Based upon the fact that the Existing Easement runs through the lake bed and ends in an area in Petitioner's Western Parcel which is below the OHW mark, and upon the fact that Petitioner's Eastern Parcel supports at least one building site, and that Petitioner intends to use Petitioner's Eastern Parcel for such purpose, and that the Existing Easement does not provide access to Petitioner's Eastern Parcel, Petitioner is entitled to a Cartway in order to be provided meaningful access to his Property and to put the Property to its best possible use.
59. The Alternative Western Route is not less disruptive and damaging to neighbors than Petitioner's Proposed Route, and the Alternative Western Route is not in the public's best interest.
60. The Alternative Western Route terminates in the middle of Petitioner's Western Parcel and runs through the lake bed, below the OHW mark, and therefore does not provide meaningful access to Petitioner's Property.
61. The testimony and evidence presented supports the conclusion that a permit for the construction of a road along the Existing Easement would not be issued. Even if such a permit could be granted, construction of a road along the Existing Easement is not practical.
62. The area through which Petitioner's Proposed Route runs is comprised of undeveloped lands, and is located along the far western edge of the affected properties, and such areas lie within the zoning set back area which prohibits the placement of structures such as homes and accessory structures.
63. Expenditure of Town funds to construct a cartway along Petitioner's Proposed Route is not in the public interest and the Town shall not spend Town funds on the cartway.
64. To the extent the lake bed could be considered "navigable water", Petitioner would be entitled to a cartway; provided, however, that the Town Board does not rely on such a finding as the basis for its decision in this matter.
65. The Town Board, having had an opportunity to observe the credibility of the witnesses and to determine the weight of the witnesses' testimony as indicated in the above numbered findings, finds that the testimony of such witnesses was credible and persuasive and accurate.
66. Petitioner and Anderson have entered a stipulation limited to the following: that Petitioner shall pay Anderson the amount of \$28,000.00 as total damages for the construction of the Cartway on her land; that Anderson shall have no liability for cost of construction of the Cartway; that Anderson waives her rights to appeal all aspects of this Order; that Anderson shall be awarded ownership of trees removed in construction of the Cartway to be placed at a location agreed upon by Anderson and the tree removal

subcontractor; and that Anderson has agreed to no other provisions of this Resolution and Order.

NOW, THEREFORE, BE IT RESOLVED, subject to obtaining all permits, variances and/or other approvals from the regulating authorities to construct this cartway, the Town Board, based upon the record and its findings and determinations contained herein, hereby approves the Petitioner's cartway petition and grants the establishment of the requested 33 foot wide cartway generally along Petitioner's requested route, with expansion of the cartway beyond 33 feet in the areas indicated on the attached Exhibit B, (the "Cartway Route"), pursuant to the following terms and conditions:

1. The Petitioner is required to pay all costs associated with the establishment of the cartway including, but not limited to, compensation paid to the owners of the properties made subject to the cartway, the Town's attorney fees, appraiser fees, engineering fees, administrative costs, surveying costs, and such other costs as the Town Board deems necessary for the consideration, review and establishment of the requested cartway, including costs incurred prior to the date of the hearing. The Town will deduct its unreimbursed expenses from the amount deposited with the Town by the Petitioner. If the Town Board determines the deposited amount will not be sufficient to fully reimburse the Town for its costs associated with this proceeding, it will notify the Petitioner in writing of the need to deposit additional funds with the Town. If the Petitioner fails to deposit the required additional funds or otherwise fails to fully reimburse the Town for the costs it incurs, the Town Board shall suspend any further action regarding the Petition. The cartway proceeding will be suspended until the Petitioner provides the required additional funds or otherwise fully reimburses the Town for all of its costs. If the Petitioner fails act promptly to reimburse the Town for its costs, the Town Board may terminate the cartway proceeding and may certify any unreimbursed costs it has incurred to the County Auditor for collection on the taxes of the Petitioner's property pursuant to Minnesota Statutes, section 366.012. In no case shall the cartway be opened or used until the cartway establishment procedure is completed and the Petitioner fully reimburses the Town for all of its costs.
2. The Town shall not participate in any way in any construction or improvement activities on the cartway, either upon establishment or in the future. Any such activities shall be the responsibility of the Petitioner, his heirs and assigns. The Town will also not maintain the cartway, now or in the future. It shall be the responsibility of one or more of the owners who own land adjacent to the cartway or who use it as access to maintain it in proportion to their level of use as provided in Minnesota Statutes, section 164.08, subdivision 3.
3. Petitioner shall comply with all federal, state and local laws and rules relating to the permitting and construction of a cartway along Cartway Route, and shall provide the Town with copies of such compliance and permits.

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4. Construction of the cartway by Petitioner is conditioned upon Petitioner granting the Town a permanent easement, allowing a turn around on Petitioner's land immediately south of the south line of Gurteks' property, in a form acceptable to the Town, for emergency vehicle access on Petitioner's Property.
5. The cartway shall not be considered established until there are no appeals or all appeals are finally determined as provided in Minnesota Statutes, section 164.07, subdivisions 7 & 10, all permits, variances and/or approvals to construct the Cartway are issued by the regulating authorities, the Cartway Order is recorded in the office of the County Recorder, and the Petitioner has fully reimbursed the Town for its costs and expenses associated with this cartway establishment process.
6. That based upon the partial stipulation between Petitioner and Anderson, Petitioner shall pay to Anderson the amount of Twenty-eight Thousand and No/100ths Dollars (\$28,000.00) as total damages for the construction of the Cartway on Anderson's land; that Anderson shall have no liability for payment of the cost of construction of the Cartway; that Anderson hereby waives all rights to appeal any portion of this Order; that all trees removed for the construction of the Cartway shall remain the property of Anderson and shall be cut into lengths determined by the tree removal subcontractor and moved to a location to be agreed upon between Anderson and the same subcontractor pursuant to the stipulation of Petitioner and Anderson; and that the stipulation between Petitioner and Anderson is limited to the terms of this paragraph.
7. That construction on the Cartway shall not commence until payment in full is made from Petitioner to Anderson as set forth in paragraph 6 above.
8. Petitioner shall pay no damages to Gurteks pursuant to the stipulation of Petitioner and Gurteks.
9. Gurteks shall contribute twenty (20%) percent toward the cost of construction of the Cartway to the Gurteks' property pursuant to the stipulation of Petitioner and Gurteks.
10. Gurteks shall pay twenty (20%) of the ongoing maintenance cost of the Cartway to the north line of the Gurteks' property pursuant to the stipulation of Petitioner and Gurteks.
11. Gurteks shall grant to Petitioner a permanent easement over and across the Gurteks' Property at the location noted on Holt and Hebeisen map north of the Ordinary High Water mark in the bay shown just north of what is denoted as "Wetland B: on said map attached hereto as Exhibit E pursuant to the stipulation of Petitioner and Gurteks.
12. This Order is conditioned upon the procurement of all permits, variances and/or approvals for construction of the Cartway from the applicable regulating authorities, and jurisdiction of all issues related to the Cartway petition are reserved by the Township until such permits, variances and/or approvals are obtained.

That Petitioner and Anderson hereby stipulate and agree only to paragraph 66 of the findings of fact of this resolution and to paragraph 6 of the order in this resolution.

Dated: _____

Dated: ~~7/20/2001~~ 7/20/2011
BA

Dale E. Loeffler
Petitioner

Elizabeth Anderson

Elizabeth Anderson

Approved as to Content and Form

Dated: _____

Dated: 5-17-11

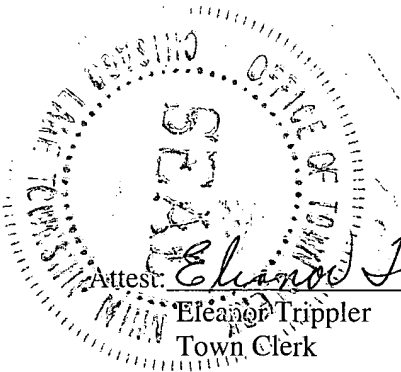
Scott K. Springer
Attorney for Petitioner

Lonny D. Thomas

Lonny D. Thomas
Attorney for Anderson

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Adopted this 17th day of may, 2011.



Attest: *Eleanor Trippler*

Eleanor Trippler
Town Clerk

BY THE TOWN BOARD

James Froberg

James Froberg
Town Chairperson

That Petitioner and Anderson hereby stipulate and agree only to paragraph 66 of the findings of fact of this resolution and to paragraph 6 of the order in this resolution.

Dated: 5-17-11

Dated: _____

Dale E. Loeffler
Dale E. Loeffler
Petitioner

Elizabeth Anderson
Elizabeth Anderson

Approved as to Content and Form

Dated: 17 MAY 2011

Dated: _____

Scott K. Springer
Scott K. Springer
Attorney for Petitioner

Lonny D. Thomas
Lonny D. Thomas
Attorney for Anderson

Adopted this _____ day of _____, 2011.

BY THE TOWN BOARD

James Froberg
Town Chairperson

Attest: _____
Eleanor Tripler
Town Clerk

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EXHIBIT A

Legal Description of Petitioner's Property

PID 02.00600.00 (Petitioner's Western Parcel)

PID 02.00596.00 (Petitioner's Eastern Parcel)

All that part of Government Lots 3 and 4 described as follows: Beginning at a point in the West line of Lot 4, Section 17, Township 34, Range 20, Chisago County, Minnesota, 60 rods South of the Northwest corner thereof; thence South along the West line of said Lot 4, 20 rods more or less to the lake shore line of Sunrise Lake; thence Easterly and Southeasterly along the shore line of said Sunrise Lake about 115 rods; thence Northeasterly along shore line of said Sunrise Lake about 40 rods; thence Northwesterly and Northerly along the shore line of said Sunrise Lake about 60 rods to a point 60 rods South of the North line of said Section 17; thence West parallel with and 60 rods distant from said North line 95 rods more or less to the point of beginning.

Lot 5, Section 17, Township 34, Range 20, Chisago County, Minnesota, excepting therefrom the North 60 rods.

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EXHIBIT B

Legal Description of Cartway Proposed by Petitioner

(See attached)

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EXHIBIT B

A 33.00 foot wide strip across part of the Southwest Quarter of the Southeast Quarter of Section 8, and part of Government Lot 4, Section 17, all in Township 34, Range 20, Chisago County, Minnesota, described as lying easterly of and adjoining the following described Line "A".

Commencing at the southeast corner of the west 709.50 feet of said Southwest Quarter of the Southeast Quarter; thence North 01 degrees 09 minutes 38 seconds West, assumed bearing along the east line of said west 709.50 feet a distance of 561.43 feet to a point hereinafter referred to as Point "A"; thence continuing North 01 degree 09 minutes 38 seconds West, along said east line, 100 feet, more or less, to the centerline of Lindo Trail and the point of beginning of said Line "A"; thence South 01 degree 09 minutes 38 seconds East, along said east line, 100 feet, more or less, to said Point "A"; thence continuing South 01 degree 09 minutes 38 seconds East, 300.37 feet; thence southeasterly along a tangential curve concave to the northeast, 64.46 feet to a point hereinafter referred to as Point "B", said curve having a radius of 133.00 feet and a central angle of 27 degrees 46 minutes 04 seconds; thence continuing southeasterly along said curve concave to the northeast, 20.00 feet, said curve having a radius of 133.00 feet and a central angle of 08 degrees 36 minutes 57 seconds; thence South 37 degrees 32 minutes 43 seconds East, tangent to said curve, 32.07 feet; thence southerly along a tangential curve concave to the west, 34.31 feet, said curve having a radius of 83.50 feet and a central angle of 23 degrees 32 minutes 30 seconds; thence South 14 degrees 00 minutes 13 seconds East, tangent to said curve, 142.00 feet to a point hereinafter referred to as Point "C"; thence continuing South 14 degrees 00 minutes 13 seconds East, 106.07 feet; thence South 05 degrees 52 minutes 21 seconds East, 40.00 feet to a point hereinafter referred to as Point "D"; thence continuing South 05 degrees 52 minutes 21 seconds East, 56.57 feet; thence southerly along a tangential curve concave to the west, 18.00 feet to a point hereinafter referred to as Point "E", said curve having a radius of 83.50 feet and a central angle of 12 degrees 21 minutes 04 seconds; thence continuing southerly along said curve concave to the west, 31.59 feet, said curve having a radius of 83.50 feet and a central angle of 21 degrees 40 minutes 47 seconds; thence South 28 degrees 09 minutes 30 seconds West, tangent to said curve, 164.38 feet to a point hereinafter referred to as Point "F"; thence continuing South 28 degrees 09 minutes 30 seconds West, 48.99; thence southerly along a tangential curve concave to the east, 46.00 feet to the east line of the west 709.50 feet of said Government Lot 4, said curve having a radius of 91.50 feet and a central angle of 28 degrees 48 minutes 24 seconds; thence South 00 degrees 38 minutes 54 seconds East, along said east line, 169.48 feet to the south line of the north 660.00 feet of said Government Lot 4; thence southwesterly along a tangential curve concave to the northwest, 22.27 feet, said curve having a radius of 33.50 feet and a central angle of 38 degrees 05 minutes 30 seconds; thence South 37 degrees 26 minutes 36 seconds West, tangent to said curve, 290.09 feet; thence southerly along a tangential curve concave to the east, 44.43 feet, said curve having a radius of 66.50 feet and a central angle of 38 degrees 17 minutes 01 seconds; thence South 00 degrees 50 minutes 25 seconds East, 40.45 feet to the south line of the north 990.00 feet of said Government Lot 4 and said Line "A" there terminating.

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And that part of said Southwest Quarter of the Southeast Quarter lying easterly of said 33.00 foot wide strip and westerly of a line described as commencing at the above referred to Point "A"; thence North 88 degrees 50 minutes 22 seconds East, 33.00 feet to the point of beginning of the line to be described; thence South 24 degrees 14 minutes 38 seconds East, 39.53 feet; thence South 01 degree 09 minutes 38 seconds East, 25.00 feet; thence South 27 degrees 16 minutes 08 seconds West, 32.56 feet to the east line of said 33.00 foot strip and said line there terminating.

And that part of said Southwest Quarter of the Southeast Quarter described as lying westerly of the above described Line "A" and easterly of a line described as beginning at the above referred to Point "B"; thence South 19 degrees 32 minutes 27 seconds East, 68.65 feet; thence South 51 degrees 57 minutes 06 seconds East, 32.07 feet to said Line "A" and said line there terminating.

And that part of said Government Lot 4 described as lying westerly of the above described Line "A" and easterly of a line described as beginning at the above referred to Point "C"; thence South 75 degrees 59 minutes 47 seconds West, 6.50 feet; thence South 14 degrees 00 minutes 13 seconds East, 45.00 feet; thence South 22 degrees 13 minutes 22 seconds East, 45.47 feet to said Line "A" and said line there terminating.

And that part of said Government Lot 4 described as lying westerly of the above described Line "A" and easterly of a line described as beginning at the above referred to Point "D"; thence South 06 degrees 50 minutes 12 seconds West, 25.00 feet; thence South 05 degrees 52 minutes 21 seconds East, 37.11 feet; thence South 20 degrees 17 minutes 16 seconds West, 31.90 feet; thence South 08 degrees 34 minutes 06 seconds West, 35.00 feet to said Line "A" and said line there terminating.

And that part of said Government Lot 4 described as lying easterly of said 33.00 foot wide strip and westerly of a line described as commencing at the above referred to Point "E"; thence South 83 degrees 31 minutes 17 seconds East, 33.00 feet to the point of beginning of the line to be described; thence South 00 degrees 45 minutes 57 seconds West, 31.00 feet; thence South 33 degrees 02 minutes 23 seconds West, 70.77 feet to the east line of said 33.00 foot strip and said line there terminating.

And that part of said Government Lot 4 described as lying easterly of said 33.00 foot wide strip and westerly of a line described as commencing at the above referred to Point "F"; thence South 61 degrees 50 minutes 30 seconds East, 33.00 feet to the point of beginning of the line to be described; thence South 10 degrees 13 minutes 55 seconds West, 59.70 feet; thence South 13 degrees 48 minutes 18 seconds East, 21.52 feet; thence South 21 degrees 02 minutes 39 seconds West, 66.22 feet to the east line of said 33.00 foot strip and said line there terminating.

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EXHIBIT C

Legal Description of Elizabeth J. Anderson Property

PID 02.00475.00 (Anderson's North Parcel)

PID 02.00597.00 (Anderson's South Parcel)

North Parcel (PID 02.00475.00)

The Southwest Quarter of Southeast Quarter of Section 8, Township 34, Range 20, except the West 709.5 feet of that part lying southerly of the centerline of Lindo Trail.

South Parcel (PID 02.00597.00)

The North 660 feet of Lot 3, Section 17, Township 34, Range 20; and the North 660 feet of Lot 4, Section 17, Township 34, Range 20, except the West 709.5 feet thereof.

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EXHIBIT D

Legal Description of Property Richard D. Gurtek and Donna Gurtek

PID 02.00594.00

All of Lots 3 and 4 of Section 17, except parts of said Lots heretofore conveyed as described in Book 24 of Deeds, page 464 and in Book 35 of Deeds, page 394,

all in Township 34, Range 20.

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EXHIBIT E

Holt and Hebeisen Map

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**HULT &
HEBEISEN, P.A.**

PO Box 37
Forest Lake, MN 55625
ph: (651) 464-3130
fax: (651) 464-4822
www.hultpa.com

Surveyors + Engineers + Wetland Specialists

**Client
LOEFFLER**

**Project
CARTWAY
EASEMENT**

**Location
17-3420
CHICAGO COUNTY**

Certification

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.

Summary

Date: F. Hebeisen
Registration No. 13590 Date: 5/26/10
The undersigned has prepared and signed this plan, a duplicate of which is on file with the State of Minnesota, at Forest Lake, MN.

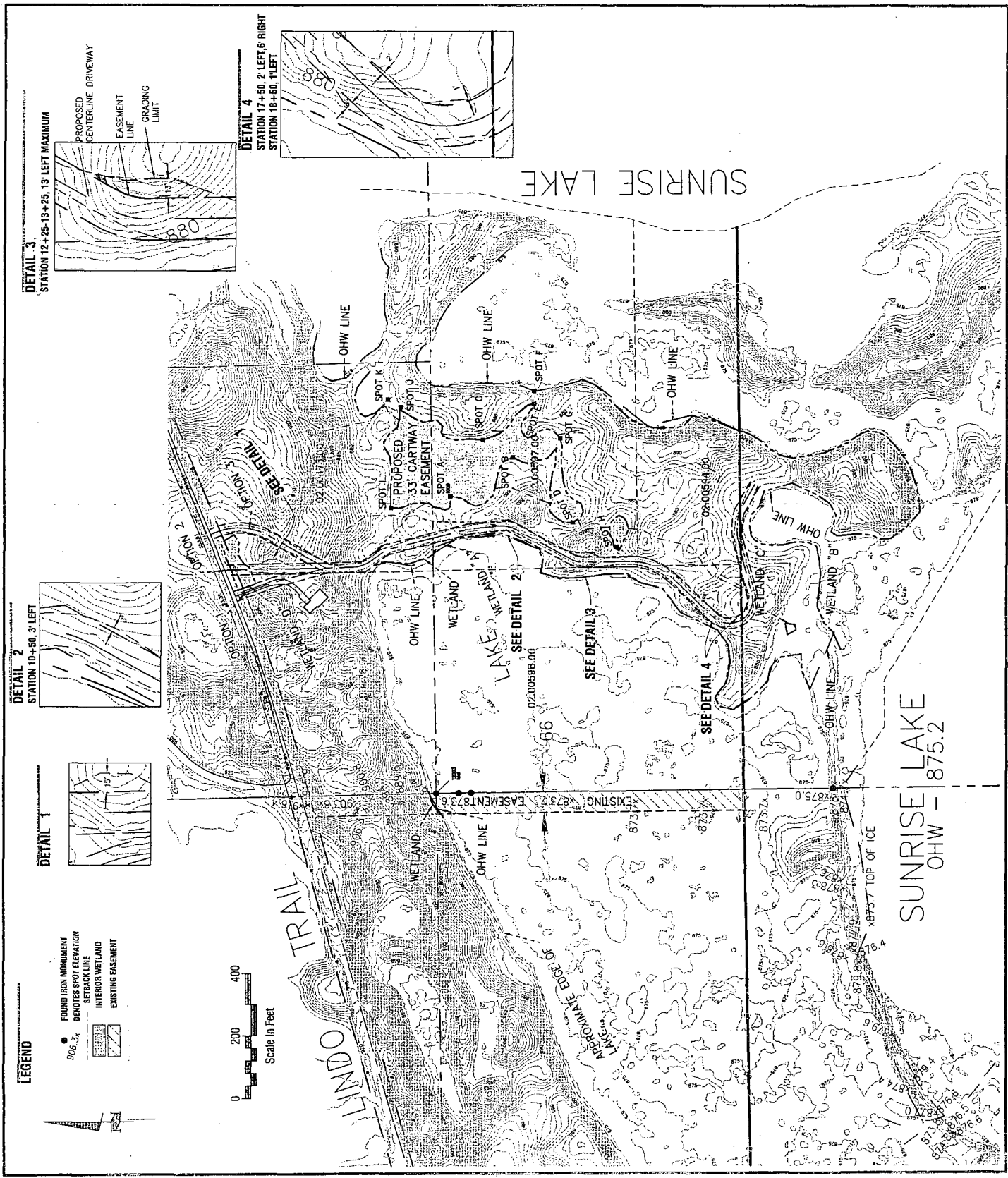
Revision History

Drawn: MGN
Book / Page:
Initial Issue: 1/7/10
No. Date By: Submitter / Revision

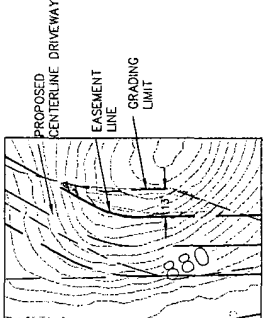
**Sheet Title
TOPOGRAPHY
1/7/10**

Sheet Number: **1**
Exhibit 5

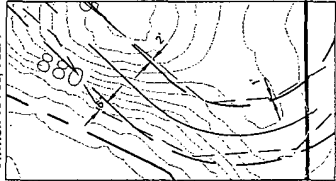
Project No. 01159



DETAIL 3
STATION 12+25.13+25, 13' LEFT MAXIMUM



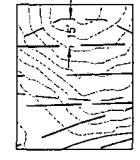
DETAIL 4
STATION 17+50, 2' LEFT, 6' RIGHT
STATION 18+50, 1' LEFT



DETAIL 2
STATION 10+50, 3' LEFT



DETAIL 1



LEGEND

- FOUND IRON MONUMENT
- DENOTES SPOT ELEVATION
- SETBACK LINE
- ▨ INTERIOR WETLAND
- ▩ EXISTING EASEMENT

