



**Jess L. Greenwood, P.E.**  
*Public Works Director – County Engineer*

2140 Pioneer Road  
Red Wing, MN 55066  
Office: (651) 385-3025

TO: Honorable County Commissioners  
Scott Arneson, County Administrator

FROM: Jess L. Greenwood, Public Works Director / County Engineer

RE: 03 July 2024 County Board Meeting – CONSENT AGENDA  
**Byllesby Park Deed Restriction**

Date: 27 June 2024

#### Summary

It is requested that the County Board approve the attached Declaration of Restrictions for Byllesby Park and authorize the Board Chair and County Administrator to sign the document that will be officially recorded.

#### Background

As part of the grant (GMRPTC21-08) that Goodhue County accepted from the State of Minnesota, acting through its Department of Natural Resources, a deed restriction covering all the current park property needs to be made. The grant being referenced provided funding for the construction of the Richard Samuelson Pavilion. This Declaration of Restrictions requires that the property (see Exhibit B as part of the attachment) be permanently managed and maintained for outdoor recreation purposes consistent with the grant. Further, the Grantee (Goodhue County) shall not at any time convert any portion of the park to uses other than public outdoor recreation uses specified in the agreement without approval of the State of Minnesota.

As was noted during previous discussions with the Board, the septic area that belongs to parcel 410140700 (Eilen Land Holdings LP) that is located on Byllesby Park property will need to be excepted from the park property and the Deed Restriction amended. That process will include a land conversion at such time a suitable property is identified. Staff from the Department of Natural Resources is aware of this and has acknowledged that the process to do so will take some time. The Office of the Surveyor and Land Use Management are aware of this and plan to continue searching for a suitable conversion property.

#### Recommendations

Staff is recommending that the Board approve the Declaration of Restrictions, as presented, and authorize the Board Chair and County Administrator to sign the document so it can be recorded, therefor meeting the requirements of the grant.

**"To effectively promote the safety, health, and well-being of our residents"**

## DECLARATION OF RESTRICTIONS

Goodhue County, a political subdivision of the State of Minnesota, is the owner of the following lands in Goodhue County, Minnesota, known as Lake Byllesby Recreation Area:

Exhibit A, Attached hereto and  
made a part hereof. (The "Property.")

Goodhue County ("Grantee") has accepted a Grant (GMRPTC21-08) from the State of Minnesota, acting through its Department of Natural Resources, for improvements to Lake Byllesby Recreation Area. In order to comply with the Department of Natural Resources Parks and Trails Grant Program, Grantee does hereby impose the following restrictions on the Property:

1. The property shall be permanently managed and maintained for outdoor recreation purposes consistent with the approved Grant Contract Agreement GMRPTC21-08.
2. Grantee shall not at any time convert any portion of the park area to uses other than public outdoor recreation uses specified in this Agreement without the written approval of the State of Minnesota acting through its Department of Natural Resources.

The undersigned, having the authority to bind Goodhue County, do hereby agree that the above-recited restrictions shall apply to the Property.

Dated at Red Wing, Minnesota  
This \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

Attest: Goodhue County Board of Commissioners

\_\_\_\_\_  
Scott O. Arneson, County Administrator

\_\_\_\_\_  
Todd Greseth, Board Chairperson

STATE OF MINNESOTA    )  
                                          ) ss.  
COUNTY OF GOODHUE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by Todd Greseth and Scott Arneson, the Board Chairperson and County Administrator, respectively, of the County of Goodhue, a political subdivision of the State of Minnesota, on behalf of the Board of Commissioners.

Notarial Stamp or Seal

\_\_\_\_\_  
Notary Public

This instrument was drafted by:

David J. Grove, Attorney Reg. # 0311108  
Assistant Goodhue County Attorney  
454 West 6<sup>th</sup> Street  
Red Wing, MN 55066

Tax Statements for the real property  
Described in this instrument should be  
Sent to (include name and address of Grantee):

Goodhue County Administrator  
509 West 5<sup>th</sup> Street  
Red Wing, MN 55066

## EXHIBIT "A"

### **Byllesby Park Descriptions**

#### **PARCEL 1**

*Document 214421 (Parcel 23) (PIN 41-014-0100)*

All that part of the S1/2 of the NE1/4 of Section 14, Township 112 North, Range 18 West, described as follows:

Beginning at the Northeast corner of said S1/2 of the NE1/4 of Section 14; thence along the North line of said S1/2 of the NE1/4 of Section 14, North 89 degrees 22 minutes West a distance of 2625 feet to the Northwest corner of said S1/2 of the NE1/4 of Section 14; thence along the West line of said S1/2 of the NE1/4 of Section 14 South 00 degrees 13 minutes East a distance of 768 feet; thence South 76 degrees 44 minutes East a distance of 1187.6 feet; thence North 67 degrees 4 minutes East a distance of 1590 feet to a point on the East line of said Section 14; thence along said East line of Section 14 North a distance of 392 feet to the point of beginning.

Excepting therefrom the East 400 feet thereof.

#### **PARCEL 2**

*Document 597569 (PIN 41-014-0201)*

That part of the East 400 feet of the South Half of the Northeast Quarter of Section 14, Township 112 North, Range 18 West, Goodhue County, Minnesota, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 14; thence southerly on an azimuth of 179 degrees 41 minutes 57 seconds along the east line of said Northeast Quarter a distance of 1315.13 to the Northeast corner of the South Half of the Northeast Quarter of said Section 14; thence continuing along said east line on a southerly azimuth of 179 degrees 41 minutes 57 seconds, 265.00 feet to the point of beginning; thence continuing along said east line on a southerly azimuth of 179 degrees 41 minutes 57 seconds, 127.00 feet; thence southwesterly on an azimuth of 247 degrees 02 minutes 08 seconds, 433.47 feet to the west line of the East 400 feet of the South Half of the Northeast Quarter of said Section 14; thence northerly along said west line on an azimuth of 359 degrees 41 minutes 57 seconds, 257.53 feet; thence easterly on an azimuth of 90 degrees 43 minutes 32 seconds, 267.70 feet; thence northeasterly on an azimuth of 82 degrees 40 minutes 30 seconds, 64.31 feet; thence northeasterly on an azimuth of 63 degrees 41 minutes 36 seconds, 76.23 feet to the east line of said Northeast Quarter and the point of beginning.

#### **PARCEL 3**

*Document 257394 (PIN 41-014-0400)*

That part of the South Half of the Northeast Quarter of Section 14, Township 112, Range 18, Goodhue County Minnesota, described as follows:

Beginning at the southeast corner of the Northeast Quarter (NE1/4) of Section 14; running thence west to the Southwest corner of said Northeast Quarter (NE1/4); thence north along the west line of said NE1/4 to a point 768 feet south of the Northwest corner of the south half

(S1/2) of said Northeast Quarter (NE1/4); thence south 76 degrees 44 minutes east a distance of 1187.6 feet; thence north 67 degrees 4 minutes east a distance of 1590 feet to a point on the east line of said Section 14 which is 392 feet south of the Northeast corner of said south half (S1/2) of said NE1/4; thence south along said east line of said section to the point of beginning.

Which lies east of the following described line:

Commencing at the east Quarter corner of said Section 14; thence South 89 degrees 44 minutes 16 seconds West, assumed bearing, along the south line of the Northeast Quarter of said Section 14, a distance of 1435.39 feet to an iron pipe at the point of beginning of the line to be described; thence North 1 degree 56 minutes 20 seconds West 302.72 feet, more or less, to the northerly line of the above described property and there terminating.

Except the south 20.0 feet thereof.

Also that part of the first described property lying west of the following described line:

Commencing at the east Quarter Corner of said Section 14; thence South 89 degrees 44 minutes 16 seconds West, assumed bearing, along the south line of the Northeast Quarter of said Section 14, a distance of 2005.05 feet to an iron pipe at the point of beginning of the line to be described; thence North 2 degrees 14 minutes 40 seconds West a distance of 407.62 feet to the northerly line of the first described property and there terminating.

Except that part of the above described lands lying southeasterly of the centerline of State Highway Number 19, as now constructed.

Subject to all easements of record.

**PARCEL 4**

*Document 608779 (PIN 41-013-3500)*

That part of the Southeast Quarter of the Northwest Quarter of Section 13, Township 112 North, Range 18 West, Goodhue County, Minnesota, lying northerly of the centerline of State Trunk Highway No. 19 and westerly of the following described line:

Commencing at the southeast corner of said Southeast Quarter of the Northwest Quarter; thence North 00 degrees 15 minutes 42 seconds West (assumed bearing) along the east line thereof 1081.10 feet; thence North 89 degrees 37 minutes 00 seconds West 910.68 feet; thence continuing North 89 degrees 37 minutes 00 seconds West 244.65 feet; thence North 05 degrees 51 minutes 13 seconds East 238.94 feet to the north line of said Southeast Quarter of the Northwest Quarter and the point of beginning; thence South 05 degrees 51 minutes 13 seconds West 238.94 feet; thence South 05 degrees 50 minutes 20 seconds West 582.04 feet, more or less, to the centerline of State Trunk Highway No. 19 and there terminating.

and

That part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 112 North, Range 18 West, Goodhue County, Minnesota, lying northerly of the centerline of State Trunk Highway No. 19,

EXCEPTING THEREFROM that part described as follows:

Commencing at the west quarter corner of said Section 13; thence 00 degrees 00 minutes 00 seconds, assumed azimuth being north along the west line of Section 13 a distance of 1022.94 feet to the point of beginning; thence 36 degrees 04 minutes 41 seconds 364.23 feet; thence 32 degrees 53 minutes 51 seconds 173 feet, more or less, to the shore line of the Cannon River; thence westerly along said shore line 308 feet, more or less, to the intersection with the west line of Section 13; thence 180 degrees 00 minutes 00 seconds along said west line 435 feet, more or less to the point of beginning.

Subject to a perpetual easement for ingress and egress over and across that part of the Southeast Quarter of the Northwest Quarter of Section 13, Township 112 North, Range 18 West, Goodhue County, Minnesota, being a strip of land 33.00 feet in width, lying 16.50 feet on each side of the following described line centerline:

Commencing at the northwest corner of said Southeast Quarter of the Northwest Quarter; thence South 89 degrees 32 minutes 57 seconds East (assumed bearing) along the north line of said Southeast Quarter of the Northwest Quarter 89.12 feet to the point of beginning of the centerline to be described; thence South 02 degree 10 minutes 29 seconds West 804 feet, more or less, to the centerline of State Trunk Highway No. 19 and there terminating.

The side lines of said strip are to be shortened or prolonged to terminate on the centerline of State Trunk Highway No. 19 and the north line of said Southeast Quarter of the Northwest Quarter.

# Byllesby Park Map - Exhibit B

