



Jeffrey Ekblad, LS County Surveyor
Surveyor – GIS Departments 651-385-3231
Recorder 651-385-3148
509 West 5th Street, Red Wing, MN 55066

TO: County Board of Commissioners
FROM: Jeffrey Ekblad, County Surveyor/County Recorder
DATE: June 18, 2024 County Board Meeting
RE: CR 46 (Cutler Road) Corrective Deed

Background:

County Road 46 (Cutler Road) alignment was described in a deed from 1939. The underlying parcel excepted out the same description which has been carried forward to today. The 1939 description does not reflect where the actual physical road is located causing title discrepancies.

Recommendation:

Staff recommend that the County Board approve the attached resolution and execute a quit claim deed to eliminate our interest in the old description, and accept the new description from the landowner which reflects the actual physical portion of the road through this parcel.

**Board of County Commissioners
Goodhue County, Minnesota**

Date: _____

WHEREAS, County Road 46 was described in Document 110555 (H8p.632) and recorded on April 29, 1939 in the office of the Goodhue County Recorder; and

WHEREAS, the description does not follow the actual physical location of the road; and

WHEREAS, the County Board may correct the description to match the actual physical location;

NOW, THEREFORE, BE IT RESOLVED,

That portion of the County Road 46 described in Document 110555 (Exhibit A) is to be correctly described as written in Exhibit B;

AND ALSO BE IT RESOLVED,

That the County Board exchange quit claim deeds with the landowner to accurately reflect the existing roadway.

State of Minnesota
County of Goodhue

Commissioner Flanders	Yes _____	No _____
Commissioner Majerus	Yes _____	No _____
Commissioner Greseth	Yes _____	No _____
Commissioner Anderson	Yes _____	No _____
Commissioner Betcher	Yes _____	No _____

I, Scott Arneson, duly appointed, qualified and County Administrator of the County of Goodhue, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Goodhue County, Minnesota at their session held on the ____ day of _____, 2024, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Red Wing, Minnesota, this ____ day of _____ 2024.

Scott Arneson
County Administrator

Exhibits for County Road 46 (Cutler Hill Road, City of Red Wing)

Exhibit A

Document 110558 (H8 p.632)

Beginning at a point 575 feet East of the Northwest corner of Section Twenty (20), Township One Hundred Thirteen (113), Range Fifteen (15) West; thence South 20 degrees 10 minutes East, 122.5 feet; thence deflect to the right on a 25-degree curve, delta angle, 28 degrees 40 minutes, 114.6 feet; thence South 8 degrees 24 minutes West, 103.7 feet; thence South 12 degrees 9 minutes West, 92.5 feet; thence deflect to the right on a 25-degree curve, delta angle, 39 degrees 20 minutes, 157.13 feet; thence South 51 degrees 29 minutes West, 189.4 feet; thence on a tangent South 61 degrees 59 minutes West, 134.7 feet; thence on a tangent South 79 degrees 27 minutes West, 165.3 feet; thence on a tangent South 87 degrees 14 minutes West, 70 feet to the west line of Section 20, Township 113 North Range 15 West, containing 1.7 acres.

Area of Right of Way: 1.76 acres, more or less.

Exhibit B

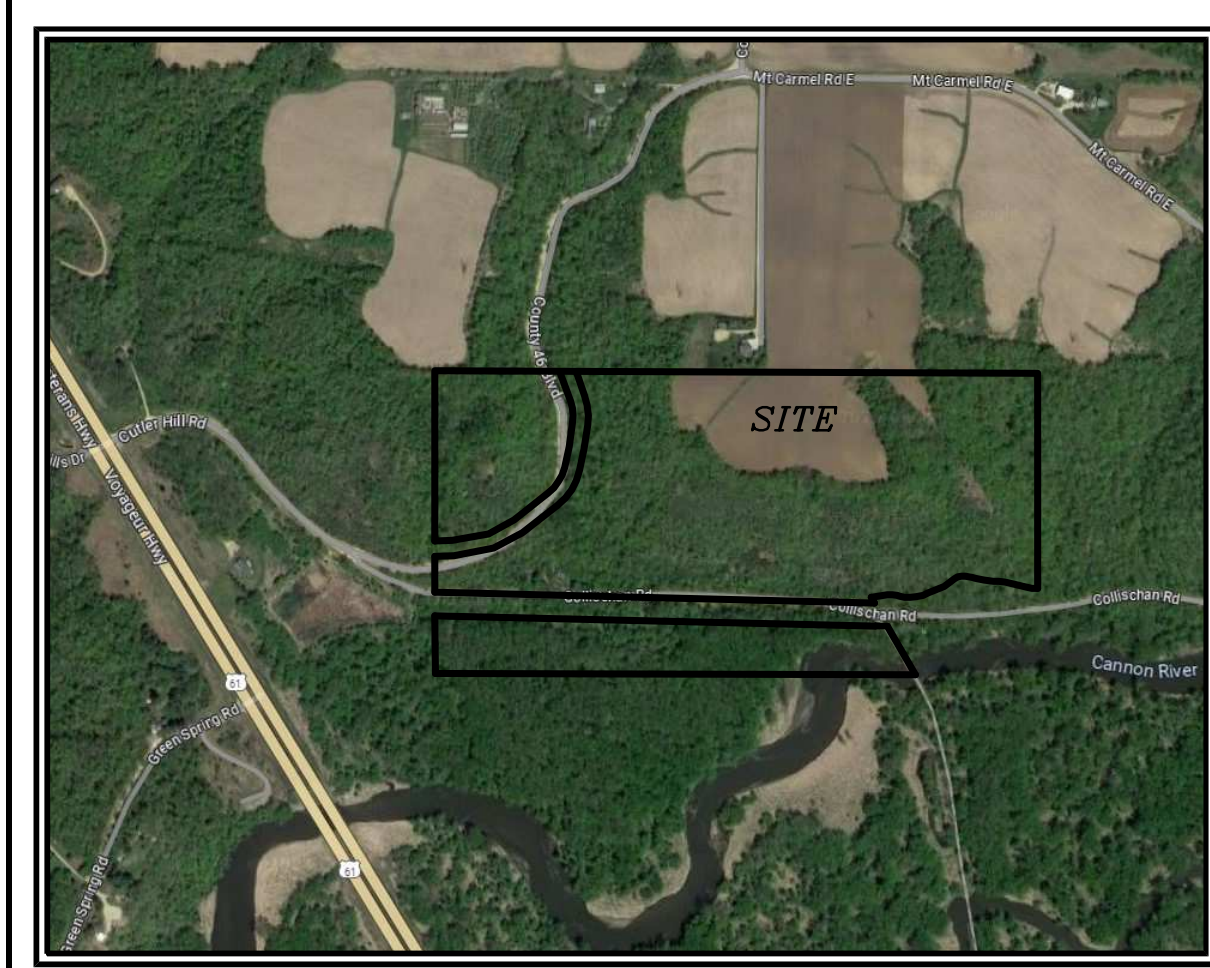
A 66.00 foot perpetual easement for roadway purposes over, under, and across that part of the Northwest Quarter of Section 20, Township 113 North, Range 15 West, Goodhue County, Minnesota, whose centerline is described as follows:

Commencing at the Northwest Quarter of the Northwest Quarter of said Section 20; thence along the north line of said Northwest Quarter South 89 degrees 48 minutes 12 seconds East 451.92 feet to the point of beginning; thence South 28 degrees 39 minutes 28 seconds East 60.80 feet; thence southeasterly 211.12 feet along a tangential curve concave to the west, having a central angle of 30 degrees 14 minutes 26 seconds, a radius of 400.00 feet; thence South 01 degrees 34 minutes 58 seconds West, tangent to the last described curve, 72.67 feet; thence South 04 degrees 59 minutes 57 seconds West 65.83 feet; thence southwesterly 111.93 feet along a tangential curve concave to the northwest, having a central angle of 26 degrees 43 minutes 14 seconds, a radius of 240.00 feet; thence South 31 degrees 43 minutes 11 seconds West, tangent to the last described curve, 10.17 feet; thence southwesterly 195.04 feet along a curve concave to the northwest, having a central angle of 15 degrees 57 minutes 52 seconds, a radius of 700.00 feet; thence South 47 degrees 41 minutes 04 seconds West, tangent to the last described curve, 53.70 feet; thence southwesterly 273.44 feet along a tangential curve concave to the northwest, having a central angle of 29 degrees 00 minutes 45 seconds, a radius of 540.00 feet; thence South 76 degrees 41 minutes 49 seconds West, tangent to the last described curve, 78.96 feet to the west line of said Northwest Quarter and there terminating.

Sidelines of the rights of way extend or shorten to the north and west lines of the Northwest Quarter of Section 20, Township 113 North, Range 15 West, Goodhue County, Minnesota.

Area of Right of Way: 1.72 acres, more or less.

VICINITY MAP



LEGEND

- Denotes a placed 1" O.D. by 18" iron pipe... Denotes Goodhue County section corner... Denotes placed PK nail... Denotes found iron monument... Denotes well... Denotes cistern... Denotes septic manhole... Denotes AC unit... Denotes guy wire... Denotes septic vent... Denotes power pole... Denotes culvert... Denotes telephone pedestal... Denotes record bearing and/or distance... Denotes fence... Denotes overhead electric... Denotes post & cable guardrail... Denotes concrete surface... Denotes asphalt surface... Denotes gravel surface.

NOTES CORRESPONDING TO SCHEDULE B PART 2 EXCEPTIONS, FILE # 2266947

- Any encroachments, encumbrance, violation, variation, or adverse circumstance affecting Title that would be disclosed by an accurate and complete land survey of the Land. SEE ITEMS 2 4 5 6 7 8 9
- Easements or claims of easements not shown by the Public Records. SEE ITEMS 2 5 6 7 9
- Any claim of adverse possession or prescriptive easement. SEE ITEMS 2 4 5 6 7 8 9
- Public or private rights, if any, in such portion of the Land as may be presently used, laid out, or dedicated in any manner whatsoever, for street, highway and/or alley purposes. SEE ITEMS 2 4 6
- Rights of the public in any portion of the Land lying below the ordinary high water mark of Cannon River, and rights of the government to regulate the use of the shore and riparian rights. This Commitment and/or Policy does not insure the exact location of any portion of the Land created by gradual buildup of the shore (accretion) or the lowering of the water level (reliction), or the title to land cut off by a change in the course of the water body (avulsion), or to artificially filled land.

NO ORDINARY HIGH WATER LINES OR FLOOD BOUNDARIES WERE DETERMINED IN THIS SURVEY. CURRENT EDGE OF WATER IS ILLUSTRATED ON THIS SURVEY. IT APPEARS MOST OF THE SUBJECT PROPERTY SOUTH OF COLLISCHAN ROAD IS IN A FLOOD AREA ACCORDING TO FEMA FIRM MAP NUMBER 27049C0160E.

Easement for fowage purposes and other matters contained in the instrument recorded February 25, 1953 in Book K-9 of Deeds, page 458.

JOHNSON & SCOFIELD INC. Surveying, Engineering & Planning 1203 Main Street, Red Wing, MN 55066

Property Address: 5840 COLLISCHAN ROAD RED WING, MN 55066

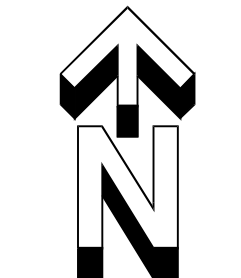
Project Number: JOHNSON & SCOFIELD, INC W-O 2024-364

Project Path: S:\SHARE\STR\CERTS\113-15\20\BIEDERMAN BROWN TRUST\BIEDERMAN BROWN TRUST ALTA 2024.DWG

KNIGHT BARRY TITLE UNITED LLC Commitment File Number 2266947 Commitment Date: April 1, 2024

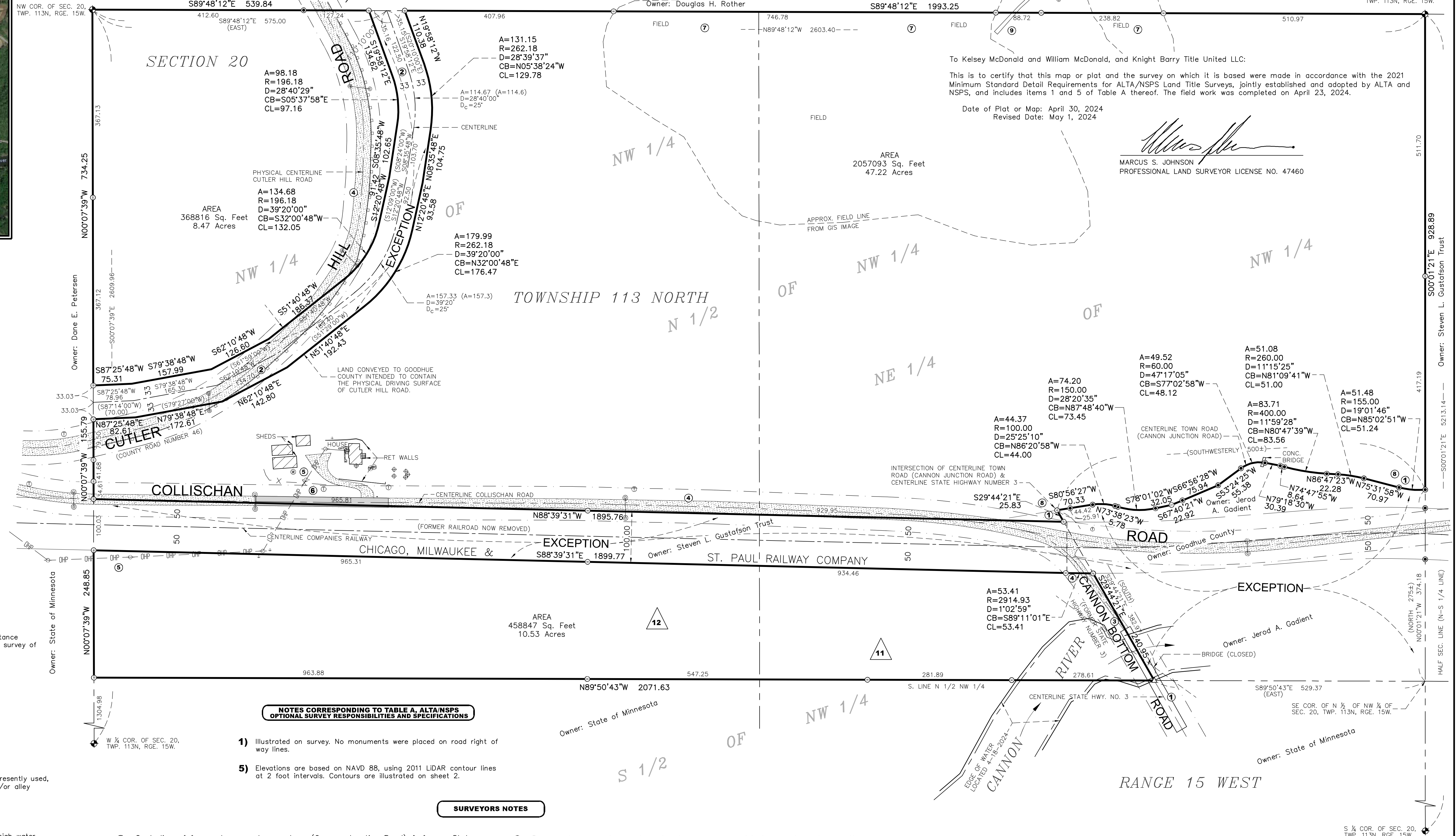


BEARINGS SHOWN HEREON ARE ORIENTED TO THE GOODHUE COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN)



UTILITY LOCATION NOTICE: ALL VISIBLE UTILITIES WERE LOCATED. JOHNSON & SCOFIELD LAND SURVEYORS DOES NOT ASSUME RESPONSIBILITY FOR MISLOCATED OR UNMARKED UTILITIES. OTHER UTILITIES MAY EXIST, INCLUDING UNDERGROUND UTILITIES.

ALTA/NSPS LAND TITLE SURVEY



NOTES CORRESPONDING TO TABLE A, ALTA/NSPS OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS

- 1) Illustrated on survey. No monuments were placed on road right of way lines.
- 5) Elevations are based on NAVD 88, using 2011 LIDAR contour lines at 2 foot intervals. Contours are illustrated on sheet 2.

SURVEYORS NOTES

- 1) Centerline of former town road or cartway (Cannon Junction Road) & former State Highway Number 3 were located and determined by Brandon W. King survey dated June 2, 2005.
- 2) The land conveyed to Goodhue County for Cutler Hill Road (County Road Number 46) is illustrated hereon. The physical driving surface for Cutler Hill Road meanders through a portion of the land intended to contain the road, however, the majority of the driving surface lies outside of the boundaries for said road.
- 3) Cannon Bottom Road (former State Highway Number 3) is closed to vehicle traffic at the north end of the bridge. Bridge location illustrated on survey.
- 4) Right of Way summary: Cutler Hill Road, Collischan Road, & Cannon Bottom Road provide access to the subject property. No further research was performed to determine if there are written easements granted to establish these roads. If no documents were recorded, then these road easements exist by prescription, or usage, by authority of Minnesota Statute 160.05, subdivision 1, and have a right of way width which varies based on what is actually used for the physical roadway and its appurtenances.
- 6) Power poles, guy wires and overhead power cross subject property and serve the house.
- 7) Telephone/communication lines and pedestals cross subject property and follow Collischan Road. Underground lines not located.
- 8) The tillable field on the subject property is accessed from the north, and appears to be farmed together and continuous with the land to the north owned by Rother.
- 9) No documents were provided that would indicate Cannon Junction Road has been vacated. If no official vacation or termination has occurred, that portion of the subject property lying within Cannon Junction Road may still be subject to the rights of the public that were granted when it was created as a public road.
- 10) There is an earthen dam that benefits the adjoiners field. Said earthen dam extends southwesterly over the subject property. A drainage pipe controls water outflow to the ravine southeasterly of said earthen dam.

PROPERTY DESCRIPTION PER TITLE COMMITMENT NUMBER 2266947

The north half (N1/2) of the northwest quarter (NW1/4) of section twenty (20) in township one hundred thirteen (113) north, of range fifteen (15) west, excepting therefrom the premises conveyed to the Chicago, Milwaukee & St. Paul Railway Company described as follows:

A strip or belt of land one hundred feet wide being fifty feet on each side of the centerline of said Companies Railway as the same is now vacated over and across the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northwest Quarter of Section No. Twenty (20), Township No. One hundred and thirteen (113), Range No. Fifteen (15).

Also excepting the following:

Commencing at the Southeast corner of the North Half (N1/2) of the Northwest Quarter (NW1/4) of Section Twenty (20), Township One Hundred Thirteen (113) North, Range Fifteen (15) West; thence North along the half section line Two Hundred Seventy-five (275) feet, more or less, to the town road or cartway (Cannon Junction Road); thence Southwesterly along said town road or cartway to State Highway Number Three (3), being Five Hundred (500) feet, more or less; thence South along said State Highway Number Three (3) to the South line of said North Half (N1/2) of said Northwest Quarter (NW1/4) of said Section Twenty (20); thence East on the Southerly line of said North Half (N1/2) of said Northwest Quarter (NW1/4) of said Section Twenty (20) to point of beginning.

Also excepting the premises conveyed to Goodhue County described as follows: Thirty-three (33) feet on each side of the following described centerline: Beginning at a point 575 feet East of the Northwest corner of Section Twenty (20), Township One Hundred Thirteen (113), Range Fifteen (15) West; thence South 20 degrees 10 minutes East 122.5 feet; thence deflect to the right on a 25 degree curve, delta angle, 28 degrees 40 minutes, 114.6 feet; thence South 24 minutes West, 103.7 feet; thence South 12 degrees 9 minutes West, 189.4 feet; thence deflect to the right on a 25 degree curve, delta angle, 39 degrees 20 minutes, 157.3 feet; thence South 51 degrees 29 minutes West, 189.4 feet; thence on a tangent South 61 degrees 59 minutes West, 134.7 feet; thence on a tangent South 79 degrees 27 minutes West, 165.3 feet; thence on a tangent South 87 degrees 14 minutes West, 70 feet to West line of Section 20, Township 113 North, Range 15 West.