



Right of Way Technical Training

SESSION NO. 3

Title Opinions

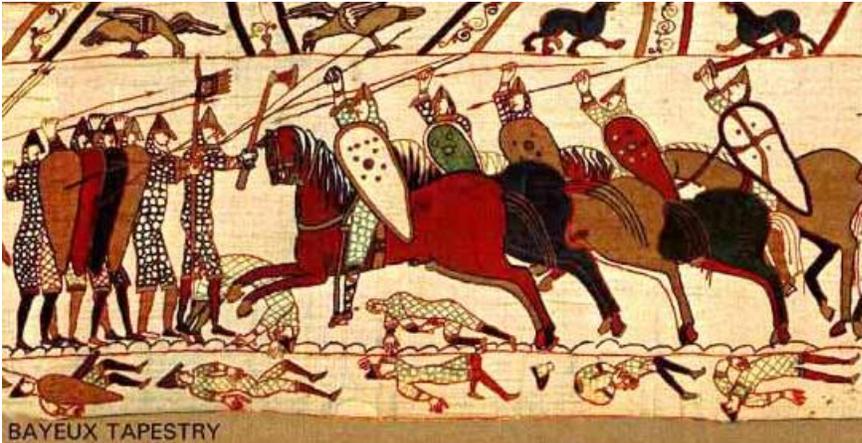
Table of Contents:

Chapter 1: History.....	3
Chapter 2: Definition of Title Opinion.....	7
Chapter 3: Ordering Title Opinions.....	22
Chapter 4: Interpreting the Legal Description.....	31
Chapter 5: Who utilizes the Title Opinion?.....	51

Chapter 1

History

Just like an automobile, all real property has title but it is far more complex. Where did this concept stem from? American real property law has its foundation from the Middle Ages and the feudal system. Land was a valuable asset and wars were often fought over it. In 1066, William the Conqueror invaded England and claimed all of the land.



He had a survey completed of England and parts of Wales that was recorded in the “Doomsday Book”. It was an assessment of each landholder and the amount of their land and livestock to determine its worth and the amount it had been taxed.



To control his new kingdom, he set up the feudal system, meaning that all the land was held by the monarch. Use of the land was granted to lords. The lords would then contract with the commoners or tenants, giving them rights or estates to use the land in exchange for goods and services. This is also known as tenure and ranged from serving as a knight to giving a specified amount of the annual crop. There were a variety of tenures. The fee simple, like today, had the most freedom even allowing the tenant to convey the estate. Fee tail estate meant that the tenure could only be passed on to a lineal descendant and if none existed would revert back to the lord. Life estates were also granted and automatically reverted to the lord after the tenants’ death. There

also was the concept of escheat in which the land reverted back to the lord if there was a death of the heirs or the tenant committed a felony.



The feudal system evolved over the centuries but it was concept that the British took with them as they spread throughout the world, including the colonies in North America that later fought for independence in 1775 and formed the United States of America.



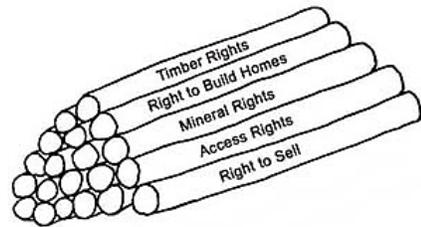
Modern times and Title

How the estate is acquired is the title or the means by which a person has just possession of a property. Instruments or documents are used to transfer the ownership from one party to the other. The condition of the title is found by analyzing these

instruments to determine who owns the real property and if there are others that have an interest or right to it. There are different means for obtaining property:

1. Title by public grant such as a patent from the United States.
2. Title by a private grant such as a deed from another party.
3. Title by a will from a deceased party.
4. Title by descent from someone that didn't have a will.
5. Title by involuntary alienation such as foreclosure or bankruptcy.
6. Title by adverse possession or unwritten agreement.
7. Title by eminent domain.
8. Title by the property reverting to the state (escheat).
9. Title by dedication, such as streets dedicated in a subdivision plat.
10. Title with the element of estoppel.
11. Title by accretion, or land built up by the action of water.

Rights are the attributes that one has in the property, also known as the bundle of rights. Like a bundle of sticks, each stick is a specific right, such as the mineral, water, and timber rights. An individual can retain a specific right when conveying property or acquire a specific right and not the entire bundle.



An individual can also place a lien on another's property. A lien is a charge against property whereby the property is made security for the payment of a debt. These can cloud the title, meaning that there are undesirable issues with the real estate. It is favorable to acquire real estate with clear title. Don Goedken (former OLM Right of Way Attorney) used to say, "MnDOT is not in the business of fixing title", if there are problems with a title, MnDOT has acquisition methods such as eminent domain to bypass the extensive process required to clear title and the court will grant us clear title of only the area we need for transportation purposes.

Easements are an interest in land that is granted by the owner to another party for a specific purpose, for instance to have an electric transmission line cross their land. There are various types of easements, and can either be tied to an individual or to a specific parcel. A person may have a drive way easement over their neighbor's property, this easement would transfer with the property if sold unless stated otherwise. MnDOT's right of way easements are in the category of easement in gross, meaning that it is attached to a party not to a parcel of land.

The United States of America.

CERTIFICATE
No. 22614

To all to whom these presents shall come, Greeting:

Whereas, *Katherine S. McQuillin and C. H. Warner, of Itkin County, Minnesota*

has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at *Saint Cloud, Minnesota*, whereby it appears that full payment has been made by the said *Katherine S. McQuillin and C. H. Warner*

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands,"

and the acts supplemental thereto, for *the North East quarter of the North West quarter, the North half of the North West quarter, the North half of the South West quarter, the South West quarter of the South West quarter and the North half of the South East quarter of Section twenty five in Township thirty eight North of Range twenty five West of the Sixth Principal Meridian in Minnesota, containing three hundred and twenty acres*

according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said *Katherine S. McQuillin and C. H. Warner, under the provisions of Section 5, Act of March 3, 1837 (24 Stat. 536).*

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said *Katherine S. McQuillin and C. H. Warner*

and to *their* heirs, the said tract above described: To HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said *Katherine S. McQuillin and C. H. Warner*

and to *their* heirs and assigns forever.

In testimony whereof, I *Theodore Roosevelt*

PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *twenty fourth* day of *May*, in the year of our Lord one thousand ~~eight~~ ^{nine} hundred and ~~seven~~, and of the Independence of the United States the one hundred and *thirty first*.

[L.S.]

By THE PRESIDENT:

T. Roosevelt

By

J. M. McKean Secretary.

H. W. Sanford Recorder of the General Land Office.

Chapter 2

Definition of Title Opinion

By: Danielle Holder
(Right of Way Attorney, Metro)

What is a Title Opinion?

A title opinion states the condition of the title or the ownership of a specific parcel of real estate and of the encumbrances to which it is subject. It is based on the interpretation of instruments recorded in various county offices such as the Recorders, Registrars, Court Administration, etc. The term 'owner' includes all persons with any interest in the property subject to a taking.



(Rock County Courthouse)

STANDARD No. 61

Adopted June 20, 1969
Amended June 28, 2002 and November 15, 2008

40 YEAR STANDARD¹

Except for real estate which remains registered pursuant to Minn. Stat. Ch. 508 and 508A, a fee simple title, as defined by Minn. Stat. §500.02, which is derived from a source which has been of record at least 40 years shall not be considered unmarketable by reason of any adverse right, including liens, rights of re-entry, possibilities of reverter and other interests, claims, encumbrances and estates, founded upon any instrument which was executed, or any event which occurred, more than 40 years before the date of examination unless:

- a. The owner of such adverse right has either filed notice thereof as provided in Minn. Stat. §541.023 or commenced an action to enforce the right, or
- b. The owner of such adverse right is in possession² of the real estate, or
- c. Such adverse right is a mineral estate which has been severed by conveyance, reservation or otherwise from the surface estate, or
- d. Such adverse right is founded upon a mortgage that has not finally matured, or
- e. Such adverse right is preserved by Subd. 6 of Minn. Stat. §541.023, or
- f. Such adverse right is an environmental covenant under the Uniform Environmental Covenants Act (Minn. Stat. §§114E.01-.65).

A source founded upon an instrument which purports to transfer, or to confirm the transfer of, a fee simple title from a person who was not the record owner of the real estate to the grantee or transferee named in such instrument shall only be deemed a source of record at least 40 years if, during the period of 40 years after it was recorded, the two conditions provided in Subd. 7 of Minn. Stat. §541.023 have been fulfilled:

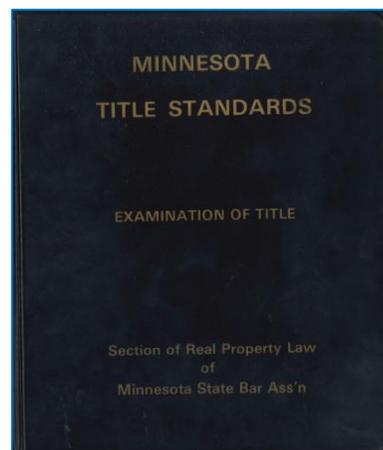
- a. Another instrument was recorded which purports to transfer a fee simple title from said grantee or transferee to another person, and
- b. No instrument was recorded which purports to be or confirm a transfer of any interest in the real estate by or from whoever was the record owner in fee simple immediately before the commencement of said period of 40 years.

Authorities: Minn. Stat. §541.023; compare *Wichelman v. Messner* 250 Minn. 88, 83 N.W. (2d) 800 (1957)
Minn. Stat. §114E.40

¹ This standard relates only to the effect of Minn. Stat. §541.023. Adverse rights which are not barred by that Section may nevertheless be barred by other laws.

² **Example:** The owner of rights under a party wall agreement, right-of-way, utility easement or other easement manifested by actual use or occupancy consistent with the nature of the easement created is considered to be in "possession" of the servient estate.

The title opinion should be completed in accordance with the Minnesota Title Standards (a book by the Minnesota State Bar Association). This book was first considered in 1941 by the Section of Real Property Law of the Hennepin County Bar Association and adopted by the Board of Governors of Minnesota State Bar Association in 1946. They have been used consistently for the past 55 years.



541.023 ACTIONS AFFECTING TITLE TO REAL ESTATE.

Subdivision 1. **Commencement.** As against a claim of title based upon a source of title, which source has then been of record at least 40 years, no action affecting the possession or title of any real estate shall be commenced by a person, partnership, corporation, other legal entity, state, or any political division thereof, to enforce any right, claim, interest, incumbrance, or lien founded upon any instrument, event or transaction which was executed or occurred more than 40 years prior to the commencement of such action, unless within 40 years after such execution or occurrence there has been recorded in the office of the county recorder in the county in which the real estate affected is situated, a notice sworn to by the claimant or the claimant's agent or attorney setting forth the name of the claimant, a description of the real estate affected and of the instrument, event or transaction on which such claim is founded, and stating whether the right, claim, interest, incumbrance, or lien is mature or immature. If such notice relates to vested or contingent rights claimed under a condition subsequent or restriction it shall affirmatively show why such condition or restriction is not, or has not become nominal so that it may be disregarded under the provisions of section 500.20, subdivision 1.

Subd. 2. **Application.** (a) This section shall apply to every right, claim, interest, incumbrance, or lien founded by any instrument, event, or transaction that is at least 40 years old.

(b) This section applies to repurchase options or other rights of repurchase that encumber an interest in land based upon an instrument other than a deed of conveyance granted by a governmental body, agency, or subdivision, unless within 40 years of the recording of the instrument a notice is recorded under subdivision 1. This paragraph does not revive repurchase options or rights of repurchase barred by subdivision 1.

(c) This section does not apply to actions to enforce rights, claims, interests, encumbrances, or liens arising out of private covenants, conditions, or restrictions to which section 500.20, subdivision 2a, or successor statutes do not apply.

Subd. 2a. **Registered property not affected.** (a) Except as provided in paragraph (b), this section does not apply to real property while it remains registered according to chapter 508 or 508A.

(b) This subdivision does not affect an action or proceeding involving the validity of a claim of title based upon a source of title which has been of record at least 40 years if:

(i) the action or proceeding is pending on August 1, 2001, or is commenced before February 1, 2002; and

(ii) a notice of the pendency of the action or proceeding is recorded before February 1, 2002, in the office of the registrar of titles of the county in which the real property affected by the action or proceeding is located.

Subd. 3. **Extent of section.** This section does not extend the right to commence any action beyond the date at which such right would be extinguished by any other statute.

Subd. 4. **Notices, recording; fee.** County recorders are hereby directed to accept for recording notices conforming with the provisions hereof, and to charge therefor fees corresponding with the fees charged for recording notices of lis pendens of similar length. Such notices may be discharged in the same manner as notices of lis pendens, and, when so discharged, shall, together with all information included therein, cease to constitute either actual or constructive notice.

Subd. 5. **Abandonment presumed.** Any claimant under any instrument, event or transaction barred by the provisions of this section shall be conclusively presumed to have abandoned all right, claim, interest, in-

cumbrance, or lien based upon such instrument, event, or transaction; and the title in the name of any adverse claimant to the real estate which would otherwise be affected thereby shall not be deemed unmarketable by reason of the existence of such instrument, event, or transaction; it being hereby declared as the policy of the state of Minnesota that, except as herein provided, ancient records shall not fetter the marketability of real estate.

Subd. 6. **Limitations; certain titles not affected.** This section shall not affect any rights of the federal government; nor increase the effect as notice, actual or constructive, of any instrument now of record; nor bar the rights of any person, partnership, or corporation in possession of real estate. This section shall not impair the record title or record interest, or title obtained by or through any congressional or legislative grant, of any railroad corporation or other public service corporation or any trustee or receiver thereof or of any educational or religious corporation in any real estate by reason of any failure to record further evidence of such title or interest even though the record thereof is now or hereafter more than 40 years old; nor shall this section require the recording of any notice as provided for in this section as to any undischarged mortgage or deed of trust executed by any such corporation or any trustee or receiver thereof or to any claim or action founded upon any such undischarged mortgage or deed of trust. The exceptions of this subdivision shall not include (1) reservations or exceptions of land for right-of-way or other railroad purposes contained in deeds of conveyance made by a railroad company or by trustees or receivers thereof, unless said reserved or excepted land shall have been put to railroad use within 40 years after the date of said deeds of conveyance, (2) nor any rights under any conditions subsequent or restrictions contained in any such deeds of conveyance.

Subd. 7. **Source of title.** For the purposes of this section, the words "source of title" as used in subdivision 1 hereof shall mean any deed, judgment, decree, sheriff's certificate, or other instrument which transfers or confirms, or purports to transfer or confirm, a fee simple title to real estate, including any such instrument which purports to transfer, or to confirm the transfer of a fee simple title from a person who was not the record owner of the real estate. However, any such instrument which purports to transfer, or to confirm the transfer of, a fee simple title from a person who was not the record owner of the real estate to the grantee or transferee named in such instrument shall be deemed a source of title "of record at least 40 years" within the meaning of subdivision 1 only if, during the period of 40 years after it was recorded, the following two conditions are fulfilled: (1) another instrument was recorded which purports to transfer a fee simple title from said grantee or transferee to another person and (2) no instrument was recorded which purports to be or confirm a transfer of any interest in the real estate by or from whoever was the record owner in fee simple immediately before the commencement of said period of 40 years. The purpose of the next preceding sentence is to limit the effect of erroneous descriptions or accidental conveyances.

History: 1943 c 529; 1945 c 124 s 1; 1947 c 118 s 1; 1959 c 492 s 1; 1976 c 181 s 2; 1986 c 444; 1989 c 229 s 4; 1993 c 222 art 5 s 4; 2001 c 7 s 86; 2001 c 50 s 31-36; 2005 c 4 s 125-128; 2009 c 86 art 1 s 80

The Marketable Title Act from Minnesota State Statute 541.023 created the '40 year standard'. This applies to abstract property and allows the title examiner to disregard many of the defects in the title and the older interests that haven't been noticed in the records in the past 40 years or in the actual possession. Whether or not the search is limited to 40 years depends on the location and circumstances. If discrepancies are found, further research may need to be done or the title may need to be continued. To continue a title, re-submit it to the Legal unit in Central Office with a request for additional research.

The Real Estate Manual is drafted by the Legal and Property Management Unit in the Office of Land Management. The most recent version was compiled by Don Goedken in 2012. It was created for the Field Title Investigators but it is also a helpful resource. 'It provides a general discussion of Minnesota real estate concepts'. After the title opinion is received, the Field Title Report is prepared. It is a supplement to the title opinion that fully identifies all parties of interest, the basis for their interests, the occupancy of the property and any physical factors that may affect its acquisition. Copies of the manual can be requested from the Legal and Property Management Unit.

Title Research

Minnesota has two systems for maintaining records of real estate transactions, abstract and Torrens. The abstract system has been in place since the first transfer of ownership upon statehood and the grant of the original patent being the first record for a particular parcel of land. All other documents affecting the title should have been filed with the County Recorder, including mortgages, conveyances, wills, deeds, easements, etc... An abstract of title is the summary of all the conveyances, listing the names of the parties of the land and the agreements arranged to show the continuity of ownership, or the chain of title. The research is completed by looking at the tract index at the County Recorder's office. Some counties have better records and all have slightly different methods for accessing and organizing the documents. The purpose of the County Recorder is to record, protect, secure and preserve the documentation of land title. Land is one of the most valuable assets a citizen may possess. They also maintain records of the financing statements for land, military service discharge records and vitals. Records can date back to 1855 (Minnesota was admitted to statehood in 1858).



(Tract Index books)

The Torrens title system is the registration of the title to the land, not the evidence of such a title. It is a system under which, upon the land owner's application, the court may, after appropriate proceedings, direct the issuance of a certificate of title. With some exceptions, this certificate is conclusive as to the applicant's estate in land. After registration, all deeds and documents affecting the property are duly registered. This system was named after its author, Sir Robert Torrens. It was first introduced in South Australia in 1857. Torrens title includes the guarantee of sufficiency of title. At the time of first registration under this system there is a quiet title action on the property, giving a new starting point to the chain of title and eliminating the need for maintaining previous records. Torrens has the main advantage that ownership and possessions are assured. (From the book: 'Definitions of Surveying and Associated Terms')

CERTIFICATE OF TITLE

Certificate No: 6629.0

TRANSFER FROM NO. 6556 registered 03/28/2011 ORIGINALLY REG. NO. 1600 dated 05/21/1976
Volume F Page 145.

State of Minnesota, County of Wright

This is to certify that

**1004 State Hwy 25 I LLC, a Maryland Limited Liability Company,
an undivided 53% interest, in fee simple**

Whose address is

**8930 Baltimore Street, c/o Storch Realty, Inc.
in the City of Savage
State of MD. 20763**

*Owner(s) of the following described land situated in the
County of Wright and State of Minnesota*

Lots 1 and 2, Block 2, & Out Lot "B", Buffalo Junction Commercial Park according to Plat of record.

Subject to the encumbrances, liens and interest noted by the memorial underwritten or endorsed hereon; and subject to the following rights or encumbrances subsisting, as provided in Section 508.25 Minnesota Statutes 1953 namely;

1. Liens, claims, or rights arising or existing under the laws or the constitution of the United States, which this state cannot require to appear of record;
2. The lien of any tax or special assessment for which the land has not been sold at the date of the certificate of title;
3. Any lease for a period not exceeding three years when there is actual occupation of the premises thereunder;
4. All rights in public highways upon the land;
5. Such right of appeal, or right to appear and contest the application, as is allowed by this chapter;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title.

Memorials

Certificate No: 6629.0

Document #: T *****

Instr:

Amount:

Ref:

Dated:

Filed:

In favor of:

Comments:

*****CERTIFICATE CREATED BY DOC. NO. 28862*****

Document #: T 4039

Instr: EASEMENT

Amount:

Ref: (Lot 2, Blk 2)

Dated: 05/05/1977

Filed: 08/11/1980 at 9:00 AM

In favor of:

STATE OF MINNESOTA

Comments:

Marcia Lantto

Document #: T 9762 ✓

Instr: PLATS

Amount:

Ref: (Parcel No. 401 & 402D)

Dated: 08/28/1992

Filed: 09/03/1992 at 3:00 PM

In favor of:

MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 86-6

Comments:

Marcia Lantto

Document #: T 24381 ✓

Instr: AFFIDAVIT

Amount:

Ref:

Dated: 01/12/2006

Filed: 01/27/2006 at 12:00 PM

In favor of:

WHOM IT MAY CONCERN

Comments:

Barb Gabrelcik, Chief Deputy for Larry A. Unger

1/4 Document #: T 24519

Instr: MORTGAGE

Amount: \$640,000.00

Ref: (Lot 1, Blk 2)

Dated: 02/22/2006

Filed: 03/23/2006 at 12:00 PM

In favor of:

TWIN CITIES METRO CERTIFIED DEVELOPMENT COMPANY

Comments:

Barb Gabrelcik, Chief Deputy for Larry A. Unger

REL. T29095

If a tract of land has both Torrens and abstract, MnDOT policy is to not cover both on the same title opinion.

Legal Description

The description added to the title opinion is from the last deed of record for abstract property or from the Certificate of Title for Torrens property. The title opinion description may not include the entire description found on the deed or certificate of title. The background research was only performed for the area requested and only that portion should be spotted.

TITLE OPINION				
I hereby certify to the State of Minnesota that I have examined the title to the real estate herein described as shown by the records in the office of the County Recorder, Registrar of Titles, County Auditor and County Treasurer, and as shown by said records the title to the following described tract:				
<p>That part of Lots 1, 2 and 3 in Block 70 of First Addition to the City of St. James, described as follows, to-wit: Beginning at a point on the East line of said Block 70, 50 feet northwesterly from the Southeast corner of said Block 70, said point being the Northeast corner of the tract deeded to Hans Olson by M.K. Armstrong and wife, said deed being recorded in Book W of Deeds, Page 357; thence northwesterly along the Eastern line of said Block 70, 52 feet; thence westerly on a line parallel with the southerly line of Block 70 to the East line of the alley running North and South through said block; thence southerly along the East side of said alley to the Northwest corner of said tract deeded to Hans Olson above mentioned; thence easterly along the northerly line of said Olson tract to the place of beginning, but subject to terms of a party wall agreement recorded in Book B, Page 498, and party wall agreement recorded in Book T of Miscellaneous, page 123. Together with all rights and privileges, but subject to terms of the party wall agreement recorded in Book Y of Miscellaneous, Page 79. Also subject to an easement recorded in Book 66, Page 90.</p>				
is at the date of this certificate in the following named persons:				
<u>Name</u>	<u>Nature of Interest</u>	<u>Date of Document & Date Recorded</u>	<u>Book & Page and/or Doc. No.</u>	<u>Name of Spouse If single, so state</u>
Charles T. Friesen and Matthew J. Friesen, as joint tenants	fee	d: 10/30/2008 r: 11/4/2008	210026	Charles T. Friesen and Kristine Friesen are husband and wife; Matthew J. Friesen and Michelle Friesen are husband and wife

The description may also be manufactured. These are created for gap/overlap tracts and for areas where the deed was cut into smaller pieces. There should be a note on the title opinion identifying that it is a manufactured title and a note on the second page describing the reason for the manufactured description.

CERTIFICATE OF TITLE

I hereby certify to the State of Minnesota that I have examined the title to the real estate herein described as shown by the records in the office of the County Recorder, Registrar of Titles, County Auditor and County Treasurer, and as shown by said records the title to the following described tract:

The East 22.00 feet of Lot 2, Block 6, plat of ST. JAMES, according to the recorded plat thereof, Watonwan County, Minnesota, as measured perpendicular to the East line of said Lot 2.

MANUFACTURED DESCRIPTION

The title opinion will not cover adjacent land owned by the same owner. However the Market Data should include the information for the additional property. If additional land is described on the Market Data it should be included in the parent tract but not added to the title since there is no taking.

Ownership

Fee or Fee Simple Absolute – This is the “owner” to be entered into REALMS and on the caption blocks.

- Individuals: Joint Tenants, Tenants in Common, Spousal Interests
- Corporations
- Partnerships
- Limited Liability Companies
- Trusts – the name of the trust should be added

Charles T. Friesen and Matthew J. Friesen, as joint tenants
MJD St. James, LLC, a Minnesota limited liability company
Family Dollar, Inc., a North Carolina corporation

Emily M. Axford, Trustee, or her successors in trust, under the Charles D. & Emily M. Axford Living Trust dated October 31, 1997. Subject to Life Estate in favor of Emily M. Axford

- Common Interest Communities – the name of the association should be put into the caption block.
- Tax Forfeit – if it is still held by the State, the caption block should read: State of Minnesota in trust for the taxing district

Other interests you may see on the front of the title opinion:

- Life Estate – Person has interest in property for a period of time measured by a specified lifetime.

<u>Name</u>	<u>Nature of Interest</u>
William E. Nordgren	Life Estate
Nancy B. Nordgren Olsen Peggy J. Young Kathy A. Christenson	Fee

- Contract for Deed (purchaser) – the party is purchasing the property from the fee owner on installment. The fee owner is listed on the caption block.
- Record Fee – the person’s name is appearing of record as the owner even though we have evidence that the title has transferred.

2nd page of the Title Opinion:

SUBJECT ONLY TO THE FOLLOWING: (Here enumerate encumbrances and liens of every nature, giving names and addresses of parties, date of instrument, date of recording, document number, and other pertinent information; also enumerate other defects, if any, in the title; any judgments docketed in the office of the Court Administrator that would be a lien against this property should be shown here. Show docket number, date of entry and amount of judgment, names of judgment debtor and creditor and attorney for the creditor.)

A Limited Warranty Deed, dated July 17, 1974 and recorded September 23, 1974 as document number 124991, conveys the parcel herein concerned from Gulf Oil Corporation, a Pennsylvania corporation, to Thomas A. Mayberry. As part of the conveyance, Thomas A. Mayberry waived and released for himself, his heirs, legal representatives, successors and assigns:

[A]ny and all rights to receive an allocation of gasoline or other petroleum products under any allocation program now in effect or that becomes effective after the date hereof, and acknowledges that he shall not be eligible for any allocation based upon volumes of purchases made by [sic] [Thomas A. Mayberry] or any other person or company previously occupying and operating a business on the premises hereby conveyed and [Thomas A. Mayberry] covenants and agrees to and with [Gulf Oil Corporation], its successors and assigns, that [Gulf Oil Corporation] shall not be obligated to furnish petroleum products to [Thomas A. Mayberry] or his heirs, legal representatives, successors and assigns, based on any allocation programs now in effect or that become effective after the date hereof.

See attached document.

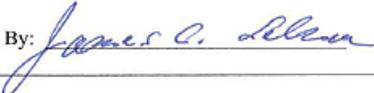
A Mortgage, dated December 7, 2012, and filed December 10, 2012 as document number 219747, executed by borrowers Keith G. Anderson, Sr., A/K/A Keith G. Anderson, and Judith A. Anderson, A/K/A Judy A. Anderson, husband and wife, in favor of St. James Federal Savings and Loan Association to secure the principal amount of \$35,000.00 appears of record. The maturity date is December 7, 2017. See attached document.

That a Judgment in favor of Professional Systems of Mankato, creditor, against Keith G. Anderson, Jr., and Josie R. Anderson, debtors, in the amount of \$1,251.00 appears of record. Said judgment was docketed on January 31, 2013, in case number 83-CV-13-500, in Watonwan County, State of Minnesota. There are no attorneys listed. Professional Systems of Mankato has a registered business address of 360 Pierce Avenue, #100, North Mankato, MN 56003. It should be noted that although the Warranty Deed was conveyed to Keith G. Anderson and Judy A. Anderson, the above-mentioned mortgage is in favor of Keith G. Anderson, Sr., A/K/A Keith G. Anderson, and Judith A. Anderson, A/K/A Judy A. Anderson, making it unlikely that this judgment is against the fee owners of this parcel. Therefore, it is unlikely that the judgment affects this parcel.

I further certify that all taxes and assessments against said tracts are paid, except:

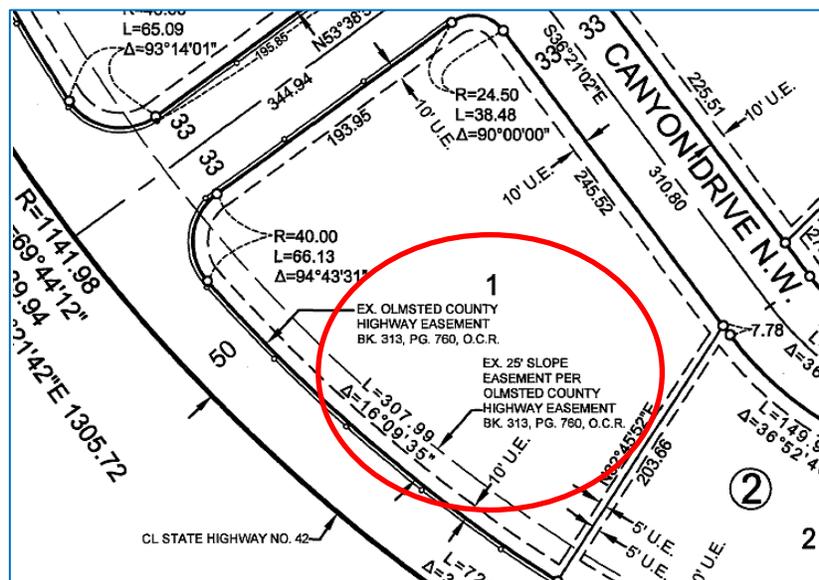
Taxes for the year 2013 in the amount of \$1,426.00 are paid in full.

P.I.N. 20-100-1670

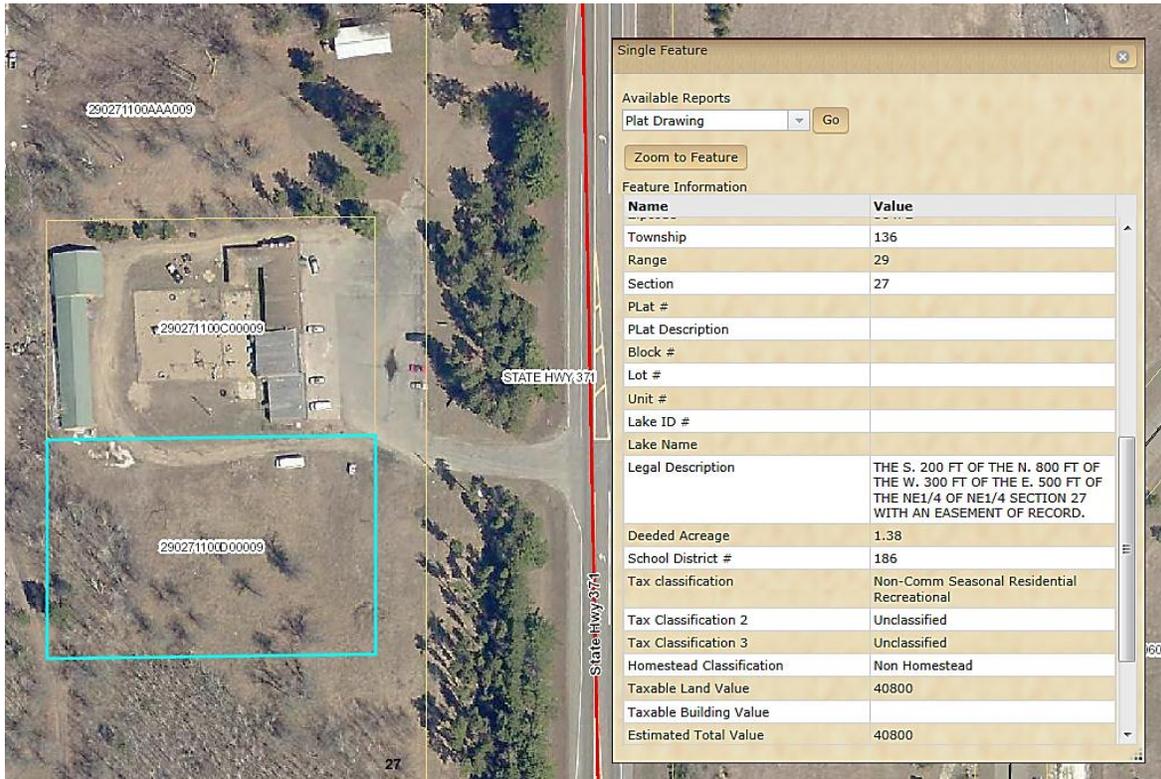
Last Tract Entry or Certificate Memorial	SIGNATURE	
Document No. 219747	Attorney or Abstractor	DATE
This search is effective through December 6, 2013 at 5:00 p.m.	By: 	December 13, 2013

- Easements – Interest in land in possession of another that entitles the easement holder limited use, enjoyment or benefit of the land on which it exists.
 - Appurtenant easement – Benefits a piece of property (the dominant estate) usually by an adjoining property. Passes with the title to the dominant estate. The property on which it is located is the servient estate.
 - Example: A driveway
 - Easement in gross – Benefits a person or party.
 - Example: utility and right of way easements
 - Blanket Easement or specific – Blanket easements are always affected and put in the caption block.
 - Prescriptive Easement – Not noted in the records but has been established by usage over time (unrecorded easements).
 - License or Permit – Not an easement but often used for utilities
 - Affected vs. Not Affected:
 - All affected easements are added to the caption block on the workmap
 - The Right of Way Technician is responsible for marking up easements on the back of the title.
 - The Attorney’s Condition of Title (ACOT) is based on this information
 - Mark the affected easement documents with ‘affected’ across the top.
 - Easement on the Deed or Certificate of Title but not on the title opinion:
 - Could have been released
 - It could apply to a different tract on the deed or Torrens Certificate
 - Other reasons include that it expired or added in error

Other documents may be depicted on the Half Section maps but are not listed in the title. They should be obtained if possible; they may contain information for laying out roads or other useful information. Subdivision plats may also identify easements that were not listed on the title.



Declarations (for Condominium plats) may also contain easements and can help clarify information on the plat. Resolutions (made by governing officials) may contain information about street vacations. County Parcel Identification Numbers (PIN or PID) should not be used to identify parcels. They may have not been spotted correctly in the County GIS map or may include additional land.



Road Easements can be created in the following ways:

- Dedicated per subdivision plat (Minnesota State Statute 505). Read the dedication on the plat.

Plats", now in force. The Streets and Alleys indicated on this plat are dedicated to the use of the public for Streets and Alleys only, and in case of the Vacation of any such Streets and Alleys by any competent Authority the reversion and title in fee of such vacated Streets and Alleys is hereby expressly reserved and declared to be in abouid named owners and the fee and any part of any Streets and Alley is declared not to be included in or as any part of

- Town Roads established pursuant to Minnesota State Statute 164.07

164.07 ESTABLISHMENT, ALTERATION, OR VACATION OF TOWN ROAD.

Subdivision 1. **Authorization; petition.** Any town board may alter or vacate a town road, including those dedicated to the public by plat, or establish a new road in its town upon a petition of not less than eight voters of the town, who own real estate, or occupy real estate under the homestead or preemption laws or under contract with the state, within three miles of the road proposed to be established, altered, or vacated; provided, that in any town not having eight voters who own real estate or occupy real estate under the homestead or preemption laws or under contract with the state, within three miles of any proposed road, the town board of such town may alter or vacate a town road, or establish a new road in the town upon a petition signed by a less number of voters of such town, who own real estate or occupy real estate under the homestead or preemption laws or under contract with the state, in such town. Such petition shall contain a description of the road, and what part thereof is to be altered or vacated, and, if a new road, the names of the owners of the land, if known, over which such road is to pass, its point of beginning, general course, and termination. If the petition is to establish or alter a road, the petition must also contain a statement of the purpose and necessity for establishing or altering the road.

- County Roads established pursuant to Minnesota State Statute 163.11

163.11 POWERS RELATING TO HIGHWAYS.

Subdivision 1. **Resolution.** County highways may be established, altered, vacated, or revoked by resolution of the county board. Any public highway within the county, other than a trunk highway, municipal state-aid street, or county state-aid highway, may be taken over as a county highway by resolution of the county board.

Subd. 2. **Contents of resolution.** The resolution shall contain a description of the highway. In the case of a newly established highway or the alteration of a highway, the resolution shall also contain a description of the several tracts of land through which the highway passes, the names of all persons known by the board to be the owners and occupants of each tract, and a description of the right-of-way, if any, needed therefor from each tract and the interest or estate therein to be acquired.

Subd. 3. **Acquiring necessary property.** All lands or properties needed for the establishment, location, relocation, construction, reconstruction, improvement, and maintenance of a county highway may be acquired by purchase, gift, or eminent domain proceedings as provided in chapter 117 and acts supplemental thereto, or as in section [163.12](#), subdivisions 1 to 10.

- Street and Alley openings by cities pursuant to Minnesota State Statute 430.02

430.02 PROCEEDINGS FOR ACQUISITION OF LANDS.

Subdivision 1. **Plat and survey.** After adoption of the resolution, the city engineer shall make and present to the council a plat and survey of the proposed improvement. The plat or survey must show character, course, and extent of the improvement and the property necessary to be taken or interfered with, the name of the owner of each parcel of property, to the extent the engineer can readily find the name, and a statement to explain the plat and survey and the character and extent of the proposed improvement. For constructing pedestrian malls or improving streets primarily for pedestrian uses, the council may employ a competent engineer or landscape architect or both, and may purchase plans or designs prepared by a competent engineer or landscape architect, to aid the city engineer in duties under this chapter.

A plat and survey finally adopted by the city council must be filed with the city clerk and must be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council.

The plat must also show the amount of land taken from each owner, to the extent the owners are known, and the lands contiguous to the improvements.

- Right of Way established by use or common law dedication, including those established pursuant to Minnesota State Statute 160.05. This is commonly referred to as the 'six year statute'.

160.05 MS 1953 [Repealed, [1957 c 943 s 72](#)]

160.05 DEDICATION OF ROADS.

Subdivision 1. **Six years.** When any road or portion of a road has been used and kept in repair and worked for at least six years continuously as a public highway by a road authority, it shall be deemed dedicated to the public to the width of the actual use and be and remain, until lawfully vacated, a public highway whether it has ever been established as a public highway or not. Nothing contained in this subdivision shall impair the right, title, or interest of the water department of any city of the first class secured under Special Laws 1885, chapter 110. This subdivision shall apply to roads and streets except platted streets within cities.

Subd. 2. **Roads on and parallel to railroad right-of-way.** The continued use of any road by the public upon and parallel to the right-of-way of any railway company shall not constitute such a road a legal highway or a charge upon the town in which the same is situated, and no right shall accrue to the public or any individual by such use.

History: [1959 c 500 art 1 s 5](#); [1973 c 123 art 5 s 7](#); [1982 c 424 s 40](#); [1984 c 562 s 5](#)

- Roadways can also be condemned, gifted or purchased in fee or easemet.

Gaps and Overlaps

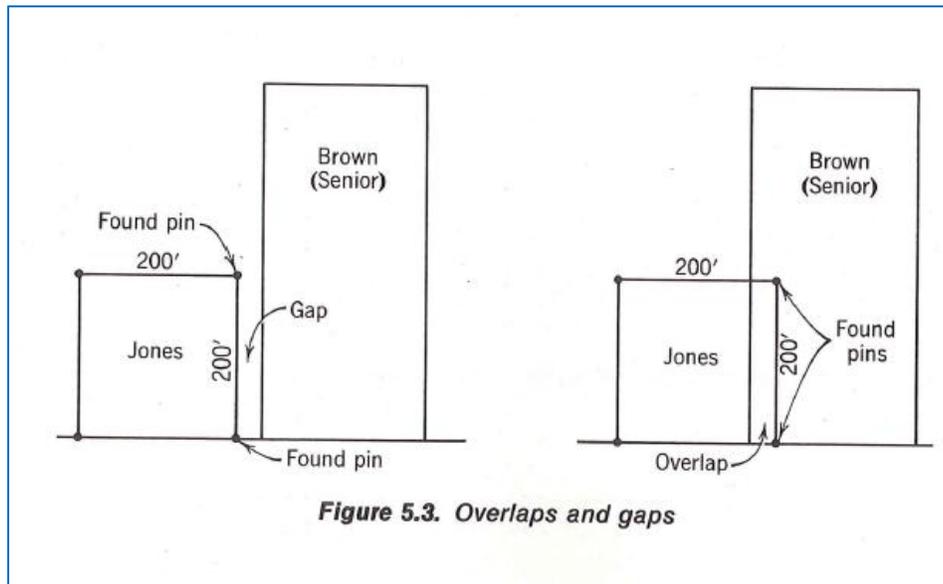


Figure 5.3. Overlaps and gaps

Gaps and overlaps are common problems with land descriptions. A gap is where a strip of land that the adjoining titles do not cover. A new title for the gap will have to be created, tracing back to when the gap occurred and excepting out the parcels that created the gap. It is helpful to create an exhibit showing the adjoining titles shaded and manufacturing a possible legal description of the area. An overlap occurs when it appears that more than one party have an interest in the same parcel. These situations are handled on an individual basis. If the same party owns the overlapping tracts, it is not considered an overlap.

Attorney's Condition of Title (ACOT)

Page 1 of 1	CS/900: 8605 (25=25) 901
	Parcel: 502F
	County: Wright
	Date: June 8, 2015
ATTORNEY'S CONDITION OF TITLE	
O'Reilly Auto Enterprises, LLC (DE LLC) 233 South Patterson Avenue ATTN: Liz Dugger Springfield, Missouri 65802-2298 (Greene Co.)	Fee
Alternate: 8460 Excelsior Blvd. Hopkins, Minnesota 55343 (Hennepin Co.)	
by C T Corporation System Inc. (DE C), its registered agent 100 South 5th Street Suite 1075 Minneapolis, Minnesota 55402 (Hennepin Co.)	
Bremer Bank, National Association (US C) 372 St. Peter St St. Paul, Minnesota 55102 (Ramsey Co.)	Mortgage
Stearns Bank National Association (US C) 4191 Second Str S St. Cloud, Minnesota 56301 (Stearns Co.)	Possible Claimant of an Interest
County of Wright (MN BP) Auditor/Treasurer Wright County Courthouse 10 - 2nd Str NW Buffalo, Minnesota 55313 (Wright Co.)	Taxes
NOTES: Title opinion should be continued.	

The ACOT is a list of all the interested parties and an address where notice can be served for condemnation proceedings. It is used as a checklist for direct purchase and a service list for condemnation. Affected easement holders on this list are determined using the Title Opinion markup done by the Right of Way technicians and from the information provided on the Field Title Report.

Updated Title Opinions

There are a variety of reasons that title opinions may have to be updated. Projects get delayed or the Right of Way group ordered them early to get a jump start on a project. Regardless of the reason, the titles should not be older than 6 months. Also if there is knowledge that a transfer was made, then the title should be updated to reflect that. If there is a change, REALMS should be updated.

Name	Nature of Interest	Date of Document & Date Recorded	Book & Page and/or Doc. No.	Name of Spouse If single, so state
Retia M. Petersen	Fee	October 12, 1994 October 12, 1994	File 129 Card 373 (#168712)	
Marvin R. Rakotz and Donna Mae E. Rakotz h+w as JT	Fee	d. 11/13/2013 r. 11/22/2013	doc. no. 221972	

During the past five years the title to said tract was in the following persons, if different from above:

Name	Nature of Interest	Date of Document & Date Recorded	Book & Page and/or Doc. No.	Name of Spouse If single, so state
------	--------------------	----------------------------------	-----------------------------	------------------------------------

SUBJECT ONLY TO THE FOLLOWING: (Here enumerate encumbrances and liens of every nature, giving names and addresses of parties, date of instrument, date of recording, document number, and other pertinent information; also enumerate other defects, if any, in the title; any judgments docketed in the office of the Court Administrator that would be a lien against this property should be shown here. Show docket number, date of entry and amount of judgment, names of judgment debtor and creditor and attorney for the creditor.)

Easements as shown on the plat of St. James Townhouse Community's Subdivision, recorded 1/26/77, in File 121, Card 1354.

Plat of Somerset Hills Subdivision, a Replat of St. James Townhouse Community's Subdivision, recorded 7/13/78, in File 121, Card 4924 (#132859).

Utility Easement in favor of the City of St. James, recorded 5/10/77, in File 121 Card 1891.

Subject to a mortgage in favor of St. James Federal Savings and Loan Association in the principal amount of \$75,000.00 dated 11/20/2013 and filed 11/22/2013 as document no. 221973. This mortgage was executed by Marvin Rakotz and Donna Mae Rakotz, husband and wife.

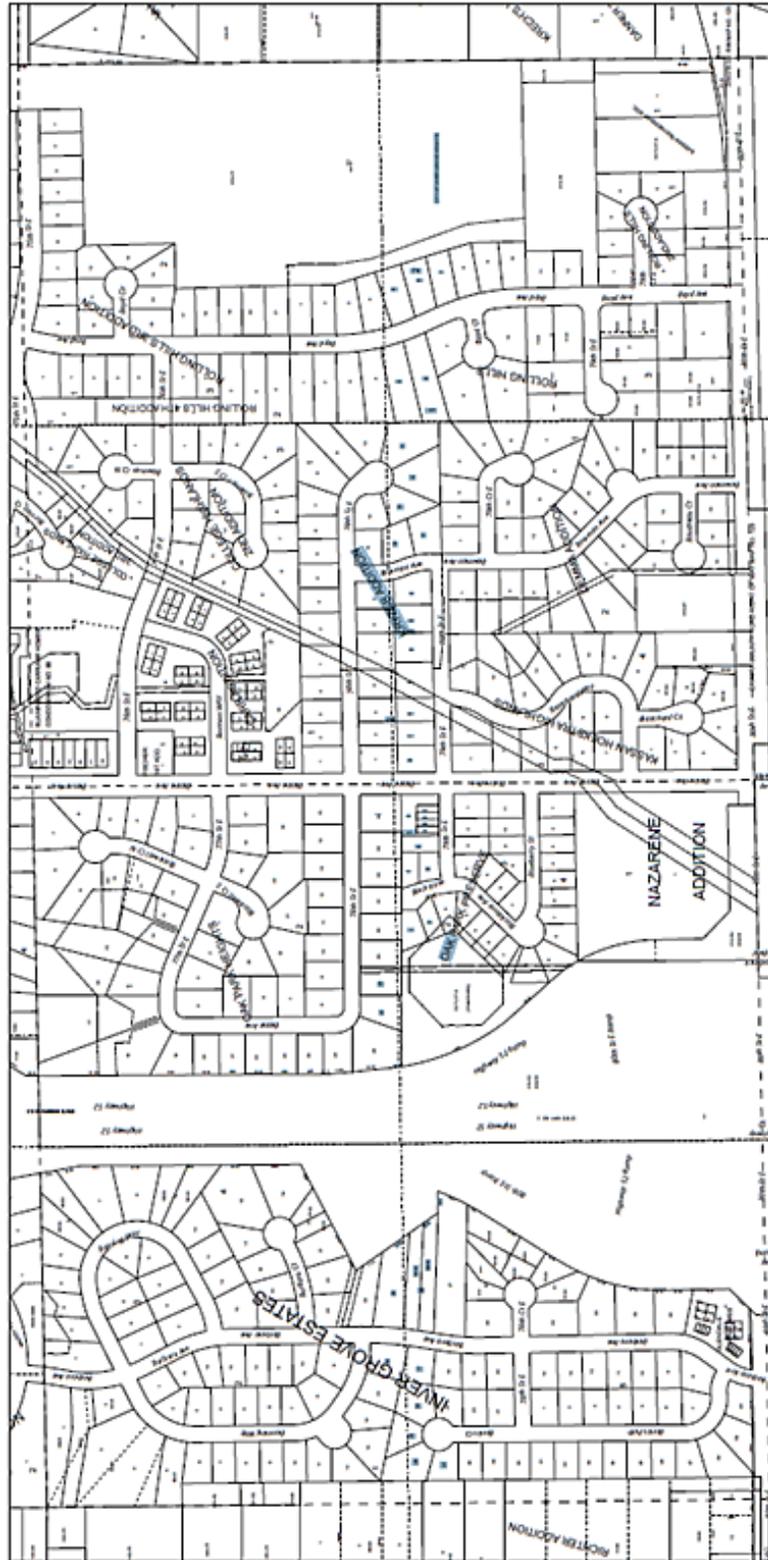
Subject to Party Wall Agreement dated 11/20/2013 and filed 11/22/2013 as document no. 221971.

I further certify that all taxes and assessments against said tracts are paid, except:
P.I.N. 20-605-0050

Last Tract Entry or Certificate Memorial	SIGNATURE	DATE
Book - of - Page	Attorney or Abstractor	
168712	 by: Robert C. Golike	November 12, 2013
Doc. No. 221973 Filed 11/22/2013		07/18/2014

S1/2 Section 9, T.27N., R.22W.

City of Inver Grove Heights



Dakota County, 2015

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained.

#46 - Property Map-Urban 10' Scale

DAKOTA COUNTY, MINNESOTA

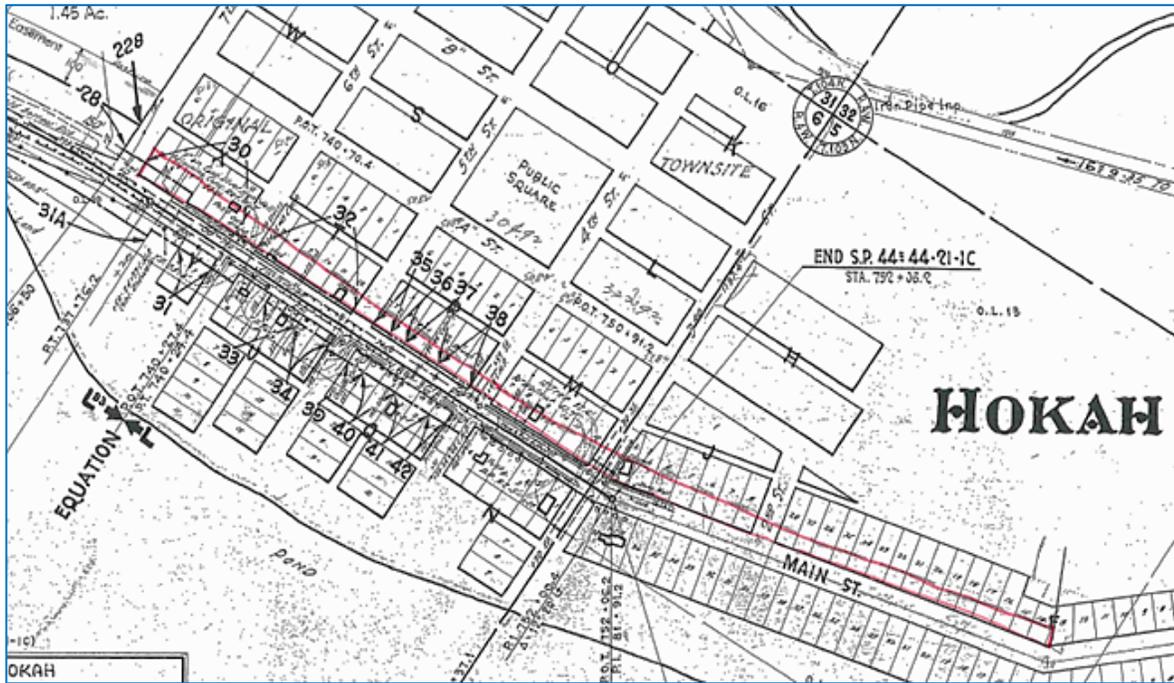
Property Map

Date of Map: Jun 5, 2015

Bearings are referenced to the
Dakota County coordinate system.



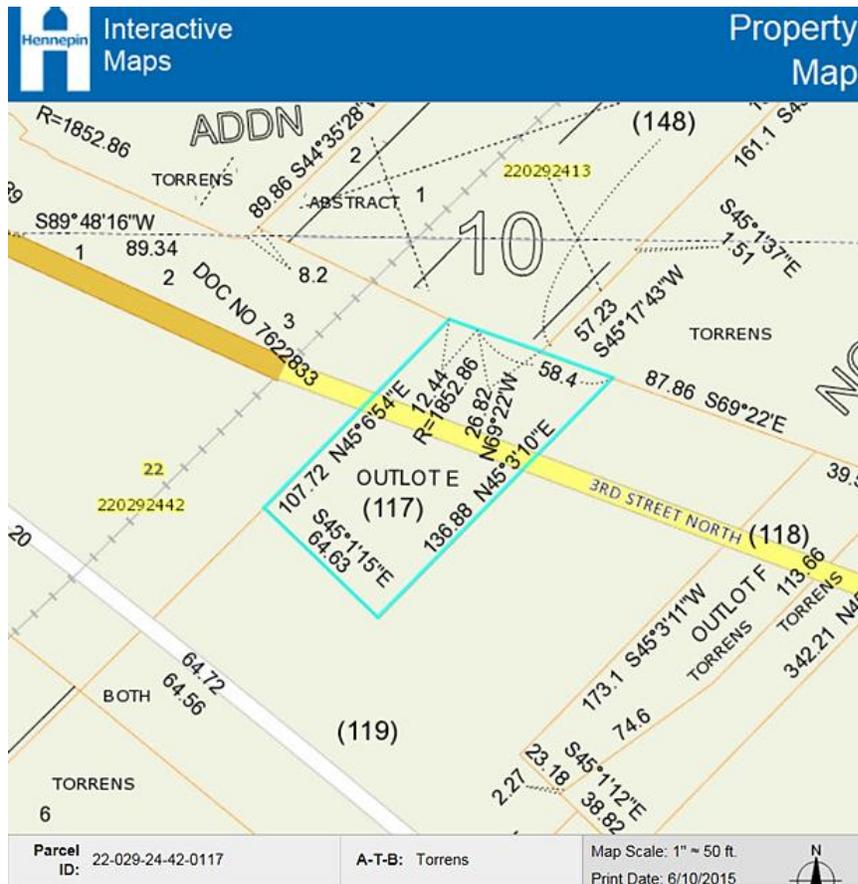
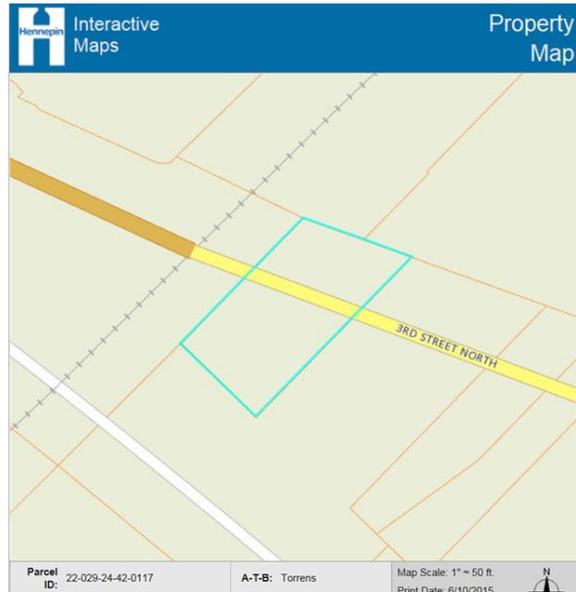
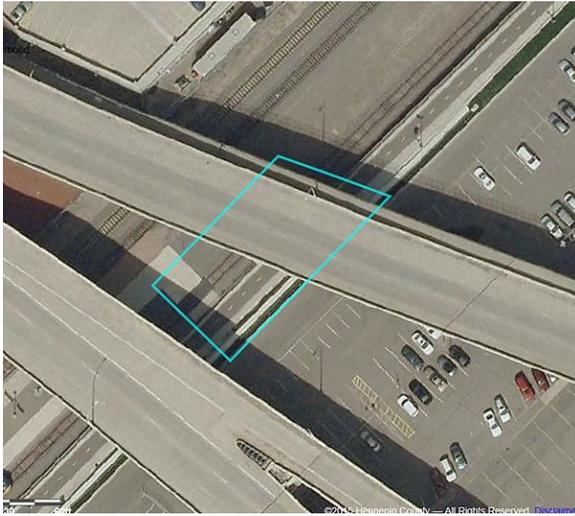
When Half Section maps are not available, Final Right of Way maps will suffice. Make sure that it is the most current map for that highway. Also print off enough area that the Public Land Survey information is visible (Section, Township and Range). Only the proposed acquisition areas are desired, it is not necessary to plot the entire final map if only a portion has a proposed taking. It is also helpful if the plot is to scale and identify the approximate location.



Many of the Counties have a GIS viewer available with a tax identification number (PIN or PID), but this isn't the preferred method for requesting titles. There are limitations on ordering titles this way. The legal descriptions are often inaccurate and you will only get the title for that specific id. You may get more or less then what is needed. If it is used, provide a print of the records and highlight the description, have one map with all the parcels, include a map with and without the aerial and provide as much information as possible.

Property Card		Parcel ID Number	39330060
Taxpayer Information			
Taxpayer Name		SKLUZACEK DANIEL J & TERESA	
Mailing Address		2650 280 ST E NEW PRAGUE MN 56071	
Property Address			
Address		2650 280 ST E	
City		NEW PRAGUE MN 56071	
Uses		Parcel Information	
200 Agricultural/211		GIS Acres	86.84123
		Tax Acres	90.00
		Plat	
		Lot	
		Block	
Tax Description			
Section 33 Township 113 Range 022 W1/2 SE1/4 & W 10A OF SE1/4 SE1/4			
Building Information			
Building Style	1 1/4 STRY	Bedrooms	3
Year Built	1948	Bathrooms	2.00

Example:



Requests

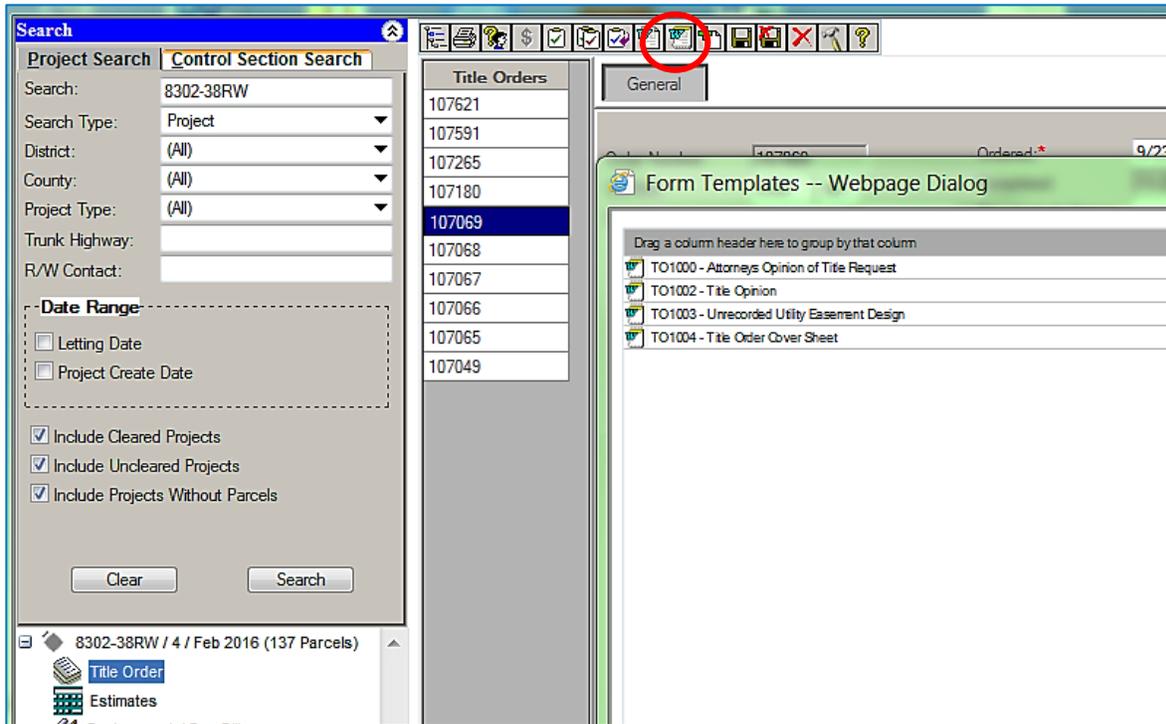
- Limit the number of titles per request to 30 or less.
- Be as accurate as possible.
- Add the name and phone number of the person requesting the titles, not the Right of Way Engineer.
- Include the Letting Date of the project.
- Use the forms in REALMS (make sure you add the correct county)
- Only one county per request.

The screenshot displays the REALMS web application interface. The browser address bar shows the URL: <http://realmsp.dot.state.mn.us/> - MNDOT - Right of Way Electronic Acquisition and Land Management - Windows Internet Explorer.

The interface is divided into several sections:

- Search Section:** Includes a search bar with the text "8302-38RW", search type dropdown set to "Project", and various filters for District, County, Project Type, and Date Range. There are "Clear" and "Search" buttons.
- Title Orders List:** A table listing title order numbers: 107621, 107591, 107265, 107180, 107069 (highlighted in blue), 107068, 107067, 107066, 107065, and 107049.
- New Title Order Form:** A form for creating a new title order. The "Order Number" field is populated with "107069". Other fields include "Ordered:" (9/23/2013), "Completed:" (11/25/2013), "CS/900:" (8302-38RW), "County:" (Watonwan (83)), and "Received At District:". A "Get Unit Cost" button is present.
- Summary Table:** A table with columns: Type, Estimated, Actual, Unit Cost, and Total. The rows are: New Titles (Estimated: 30, Actual: 44, Unit Cost: \$0.00, Total: \$0.00), Continuations (Unit Cost: \$0.00, Total: \$0.00), Recordings (Unit Cost: \$0.00, Total: \$0.00), Expenses (Total: \$0.00), and TOTAL (Total: \$0.00).
- Comments Section:** A text area labeled "Comments:" with the text "Order 6 of 6".
- Navigation Panel:** Located at the bottom left, it includes links for "Title Order" (circled in red), "Estimates", "Environmental Due Diligence", "Authorizations", "Commissioner's Orders", "Parcels (137)", "Plats (7)", and "Final Mapping (Mapped: 0 of 137)".

After completing the new title order in REALMS, fill out form TO1000. This is the Attorneys Opinion of Title Request. Then send the form by interoffice mail, along with the title request maps, to the Legal and Property Management Unit supervisor (currently is Samantha Juneau).



Form TO1000 – Attorneys
Opinion of Title Request

The Title Order No.
should be the number that
was populated in the
REALMS entry.

 **Minnesota Department of Transportation**

Memo
Minnesota Department of Transportation – Mankato
2151 Bassett Drive
Mankato, MN 56001-6888

Office Tel: 507-304-6160
Fax: 507-389-6281

June 11, 2015

To: Donald D. Goedken
Attorney at Law

From: Matthew Young
Transp Specialist
Mankato Right of Way

Subject: **Attorney's Opinion of Title Request for TH 4**
Title Order No. 107069
S.P.: 8302-38RW
C.S.: 8302
County: Watonwan
District: Mankato
Job No.: TRWSP830238
No Job No. on file, please order [X]
Project Termini: St. James Project

New Titles: 30
Continuations:
Recordings:

Due Date: 12/31/2013

Request Group no. (for Metro information only):

Remarks: This is COT request 6 of 6. Attached is a map of the work area for this request. There is no existing R/W map for this area. Please contact me if additional information is needed. Thank you.

Form TO1004: Title Order Cover Sheet

This form should be attached to the title request map. Verify that the correct template was selected. The REALMS # should match the number populated in REALMS for the new title order (see page 27).

**ATTORNEY'S
OPINION
TITLE ORDER**

**S.P. 8302-38RW (TH 4)
C.S. 8302(4=084)**

Job Number: TRWSP830238

**Watonwan
09/23/2013**

REALMS # 107069

Contact Mathew Young
807-304-6183

Time Savers

- Request all the titles needed for the area in one request.
- Send additional information if you have it:
 - Old Titles (from existing parcel files)
 - Neighboring titles
 - Tax information from the county's website
- It's better to order more title than not enough.

Re-Ordering Titles

- Don't re-request titles. Ask if you are not sure.
- Spot the titles as soon as possible. The vendors have a contract that expires quickly.
- If Gaps are found:
 - Draft out the titles that are available and show the gap.
 - Manufacture a legal description for the gap.
 - Explain why there is a gap.

Consultants

To find the list of prequalified Title Services Contractors:

[Http://www.dot.state.mn.us/consult/](http://www.dot.state.mn.us/consult/)

Minnesota Department of Transportation

Professional Technical Consultant Services

Consultant Services Home Collaboration Updates P/T Notices **Pre-qualification** P/T Contract Documents Document Requirements Contacts

Products and Services

- Pre-qualification Program**
 - [Pre-qualification Program Application/Renewal](#)
- Certified List Program**
 - [Certified Lists](#)
- Contracts**
 - [Executed P/T Contracts](#)

News

Travel reimbursement (January)
As of January 1, 2015, the travel reimbursement rate for mileage has changed, and the standard IRS mileage rate for business use of a personal vehicle is now .575 (cents) per mile. As a reminder, as of January 1, 2014, travel reimbursement rates for meals adjusted as follows: Meals are now

Professional Technical Consultant Services

Consultant Services Home Collaboration Updates P/T Notices **Pre-qualification** P/T Contract Documents Document Requirements Contacts

Pre-qualification Program

Overview

MnDOT maintains the Pre-qualification Program in order to be able to procure Professional/Technical services from consultants that have been determined to be qualified. When a specific contract need arises, MnDOT uses the Pre-qualification Program to select consultants to perform work according to the contract dollar value parameters listed below.

For specific projects, MnDOT requires consultants to be pre-qualified. For work not covered under any pre-qualification [work type](#), consultants may utilize subconsultants at their discretion with approval from MnDOT. Pre-qualification is not a guarantee of work. MnDOT is not obligated to award a contract or complete a project under this program.

MnDOT Consultant Services manages and maintains the Pre-qualification Program and ensures that it is in accordance with Minnesota statutes and

Forms

- [Administrative Application](#) (Word 160 KB)
- [Pre-Award Audit Information Package](#) (Word 72 KB)
- [Resume & Relevant Project Experience Form \(Form PQ1\)](#) (Word 89 KB)
- [Affidavit for MnDOT's Level 1 CADD Standards](#) (Word 29 KB)
- [Affidavit for MnDOT's Level 2 CADD Standards](#) (Word 29 KB)

Pre-qualification Program Work Types

- [Work Type Definitions](#)

Current List of Pre-Qualified Consultants

- [By Work Type](#) (PDF 115 KB) - Updated 05/28/15
- [By Consultant](#) (PDF 134 KB) - Updated 05/28/15

8.4 Title Services

BEESON LAW OFFICE PA	Approved
BENTON COUNTY ABSTRACT COMPANY	Approved
BEST & FLANAGAN, LLP	Approved
BRIAN JOHNSON, dba SUNRISE TITLE SERVICES	Approved
CAPITOL LIEN RECORDS & RESERACH, INC.	Approved
CARL R. LARSON	Approved
CORSON STEVEN	Approved
GOODHUE COUNTY ABSTRACT COMPANY, INC.	Approved
HUBBARD COUNTY ABSTRACT CO., INC.	Approved
INDEPENDENT ABSTRACTING SERVICES, INC.	Approved
J. SELMER LAW, P.A.	Approved
JENNIFER STECKEL MCNALLY	Approved
Minnesota Abstract & Title Company	Approved
PAUL E. BOHNSACK II	Approved
PROSOURCE TECHNOLOGIES LLC	Approved
RICE COUNTY ABSTRACT AND TITLE COMPANY	Approved
SATHRE TITLE & ABSTRACT, INC.	Approved
THE DOWNS LAW FIRM	Approved
WASECA ABSTRACT COMPANY	Approved
WILLIAM D. MULDOON	Approved

DBE

Chapter 4

Interpreting the Legal Description

By: Sijetlana Kojic
(Senior Land Surveyor, Metro)

Documents that should be part of the parcel package:

- Title Opinion, Field Title Report, Market Data Report and Parcel Sketch
- All affected easements. Read the easement documents to verify if they are affected or not. On the title mark the affected easements with 'A' and not affected easements with 'NA'.
 - In addition:
 - Check the Field Title Report, since it may have a note about an easement that is not listed on the title.
 - Check the Half Section maps for any easements on the affected parcel that may not be listed on the title.
- Street vacation documents listed on the front and/or back of title
 - In addition:
 - Check the Half Section maps since there may be vacated streets/alleys within the parcel that are not listed on the title.
- All the documents referenced on the title.
 - For example:
 - '...to the north line of property as described in doc no. 5015096...'
 - '...all that part of the Northwest Quarter...as described in Torrens Certificate 49652...'
 - '...except that part of the subject property as described in document no. 1056509...'

23

MINNESOTA DEPARTMENT OF TRANSPORTATION

C.S. _____ PARCEL NO. 200A

COUNTY OF WASHINGTON JOB NO. _____

TITLE OPINION

I hereby certify to the State of Minnesota that I have examined the title to the real estate herein described as shown by the records in the office of the County Recorder, Registrar of Titles, County Auditor and County Treasurer, and as shown by said records the title to the following described tract:

All that part of the NW ¼ of NW ¼ of Section 3, Township 29, Range 20, described on Torrens Certificate #49652, a copy of said description is attached hereto as "Exhibit A"

EXCEPT that part of subject property deeded to the State of Minnesota described in Warranty Deed Document T-1056509.

Wattles' Definition of a Legal Description:

'It is an outline of a tract of land using an orderly grouping of words which delineates the piece of land by itself'.

Structure of Land Description:

A description usually has four parts: Caption, Body, Qualifying Clause and Augmenting Clause.

Caption identifies the general area in which the land being described is situated.

'That part of the Northwest Quarter of Section 12, Township 115 North, Range 21 West of the 5th Principal Meridian, Hennepin County, described as follows...'

Body identifies a particular tract in the general area described in the caption.

'Commencing at the northwest corner of said Section 12; thence southerly along the west line of said Section 12 a distance of 1112.78 feet to the point of beginning; thence northerly deflecting to the left 115 degrees 10 minutes 22 seconds for a distance of 400 feet...'

Qualifying Clause takes something away from the area described in the caption or body.

'...excepting therefrom...' or '...subject to...'

Augmenting Clause adds something to the area being conveyed.

'...together with (or also)...'

Terms and Definitions

Adjacent - means near or close, but it is often used to mean contiguous.

Adjoining – means attached or contiguous.

Each side – means on both sides.

Except or excepting therefrom – means cut out, excluded.

Subject to – means reservation or restriction, not an exception.

Reserved – means keeping a certain right.

Straight line – means the shortest distance between two points.

Line – in a description, it does not necessarily mean a straight line.

More or less – means approximately.

Parallel with a line – running at a constant distance from the base line.

Projection – is the extension of a line.

Continuation – is the extension of a line.

Said – means preceding, used to refer to something again without having to give all the details.

Commencing at – tracts or lines do not start at the point commencement. This is used when starting at a known tie to get to the point of beginning. There could be a series of calls before the point of beginning.

Beginning at – starting point of a line or tract.

Perpendicular – at right angles to a straight line or to the tangent of a curve at a given point.

Bounded – contained within a certain boundary or limited to an area.

Easement – a right of use over the property of another.

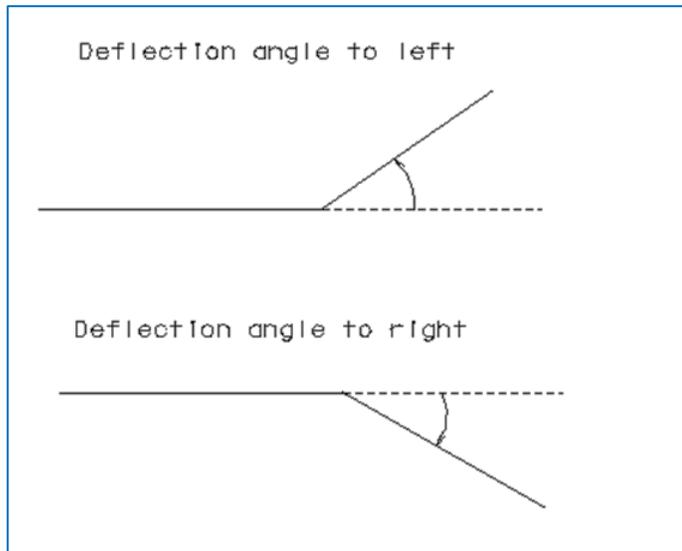
On file and of record – refer to a legal document (plat, deed, etc.) that has been filed and recorded at courthouse.

Thread – The thread of a road is a line midway between the side lines. The thread of a stream is the line equidistant between the two banks of a stream.

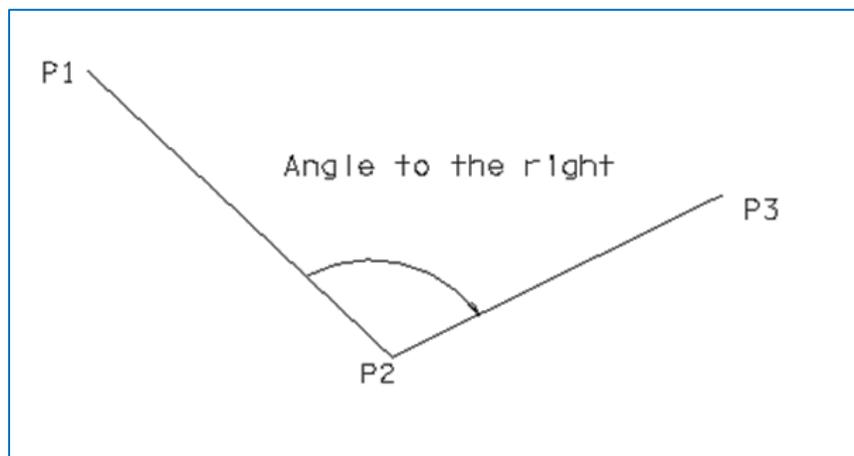
Thalweg – The deepest part of a channel of a river or stream.

Meander Line – The traverse of a body of water for the purpose of determining the size and location of the body of water. It does not represent the land boundary.

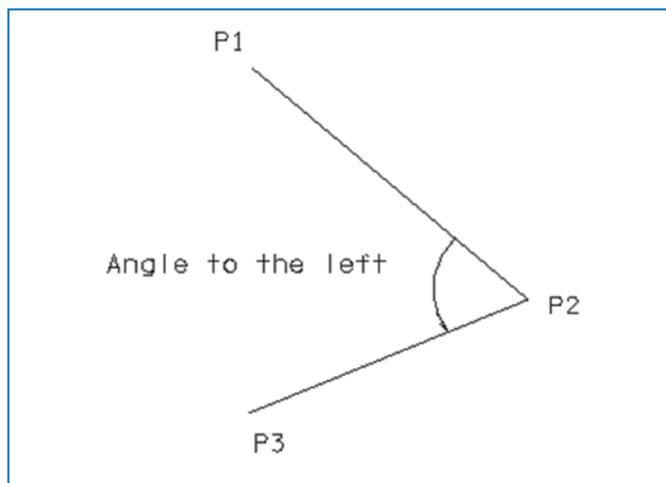
Deflection angle – the horizontal angle measured from the prolongation of the preceding line, right or left, to the following line.



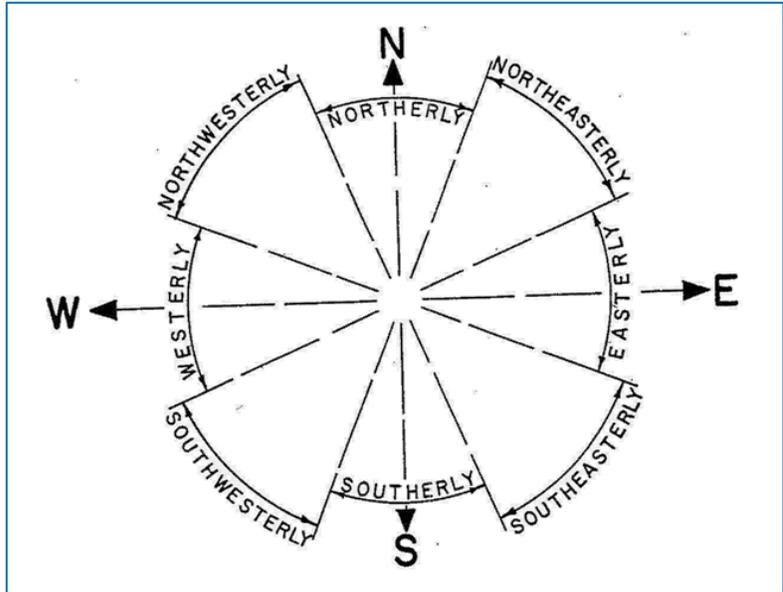
Angle to the right – the horizontal angle measured clockwise from the preceding line to the following line.



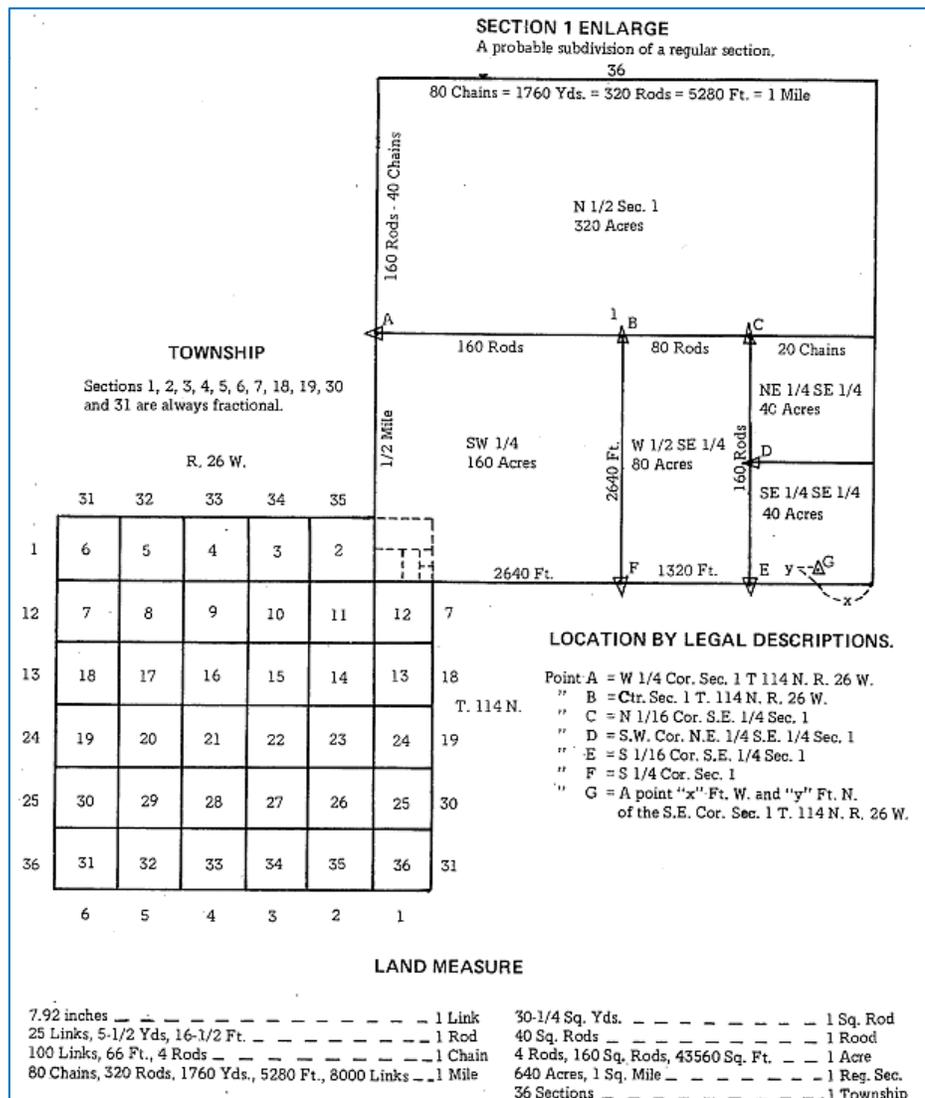
Angle to the left – the horizontal angle measured counter-clockwise from the preceding line to the following line.



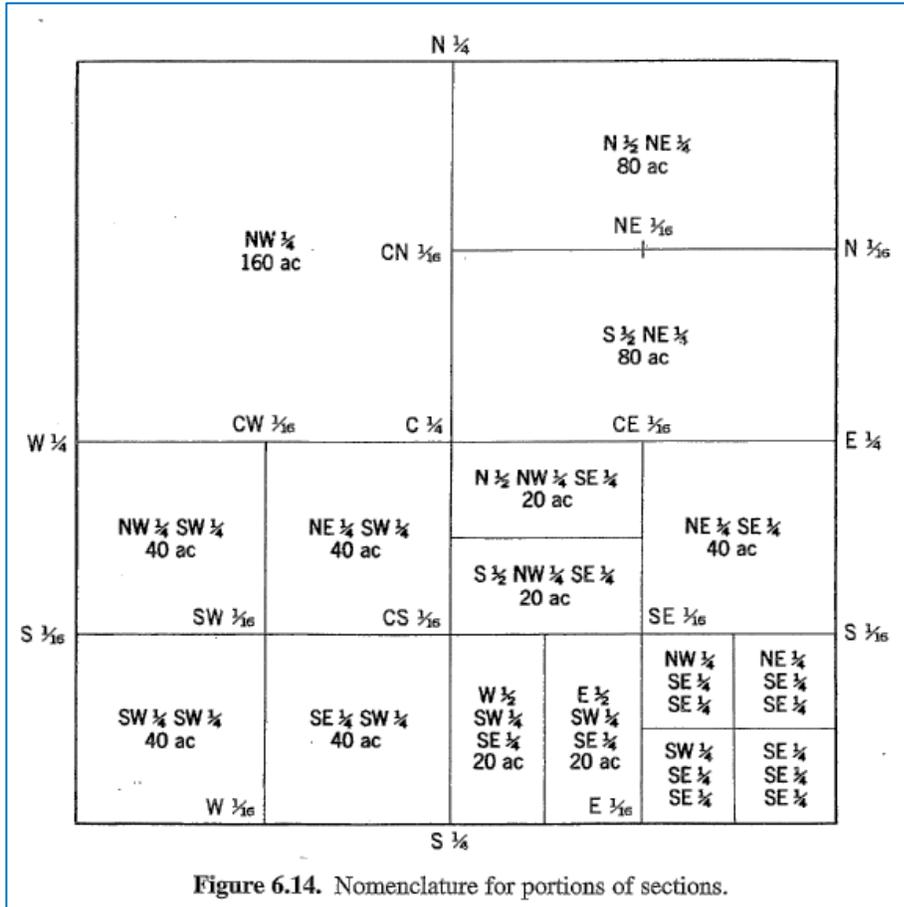
General direction calls – given in descriptions to make the description easier, give the reader a sense of direction and to fix direction of travel.



Public Land Survey System (PLSS) -



A diagram of the Aliquot parts (or standard subdivisions) of a Section:



This is a zoomed in area of a GLO (Government Land Office) original plat. It is of Section 21 and is not a standard subdivision because of the lake. The red numbers identify the Government Lot number. These plats can be found at:

www.mngeo.state.mn.us/glo/Index.htm

or

www.glorerecords.blm.gov/default.aspx



Below are a few of the common terms for curves:

Curves in Surveys and Descriptions

RADIUS (R) – is the line between the center of the circle and its circumference.

The LENGTH (L) – of arc is the distance along the curve.

The CENTRAL ANGLE or DELTA (Δ) – is the angle subtended by the radii.

The SEMI-TANGENT (Generally just called TANGENT) (T) – is the extension of the straight line, called the tangent line, which precedes or follows the curve to its intersection with the other semi-tangent.

The CHORD is that segment of a straight line which is intersected by the two points on a curve, or, in other words, the straight line distance between the two ends of a segment of arc. (C or Ch)

Qualifications of Curves

SIMPLE CURVE – is a single segment of arc.

COMPOUND CURVES– are a group of two or more segments of arcs having different lengths of radii on the same side of the curves, common radial lines and common tangents.

SPIRAL CURVE– is a collective group of multiple compound curves having radii of successively decreasing or increasing lengths.

REVERSE CURVE – is a segment of arc of which the center of its circle is on the opposite side of the adjoining curve and of which one of its radial lines is the prolongation of a radial line of the opposite curve.

TANGENT CURVES – have a common radius or prolongation of each other's radius (though they may be of different lengths), therefore, compound curves and reverse curves are by definition tangent. The most commonly used phrase is TANGENTIAL CURVE.

TANGENCY – of a curve to a line or curve means that the radius line is perpendicular to that line or the tangent of the curve at that point of curve.

CONCAVITY – relates to the enclosed side of a curve toward the center of the circle. The general direction given for the concavity is that of the radial line from the midpoint of the arc toward the center.

CONVEXITY– (seldom used) relates to the outside face of a curve away from the center.

NON-TANGENT or NON-TANGENTIAL – relates to the fact that the point of curve is not tangent to the preceding line or curve. This condition is also known as a broken-back curve.

CUSP – is the meeting of two curves or a curve and a tangent line having the same general direction. The point of a crescent is a cusp

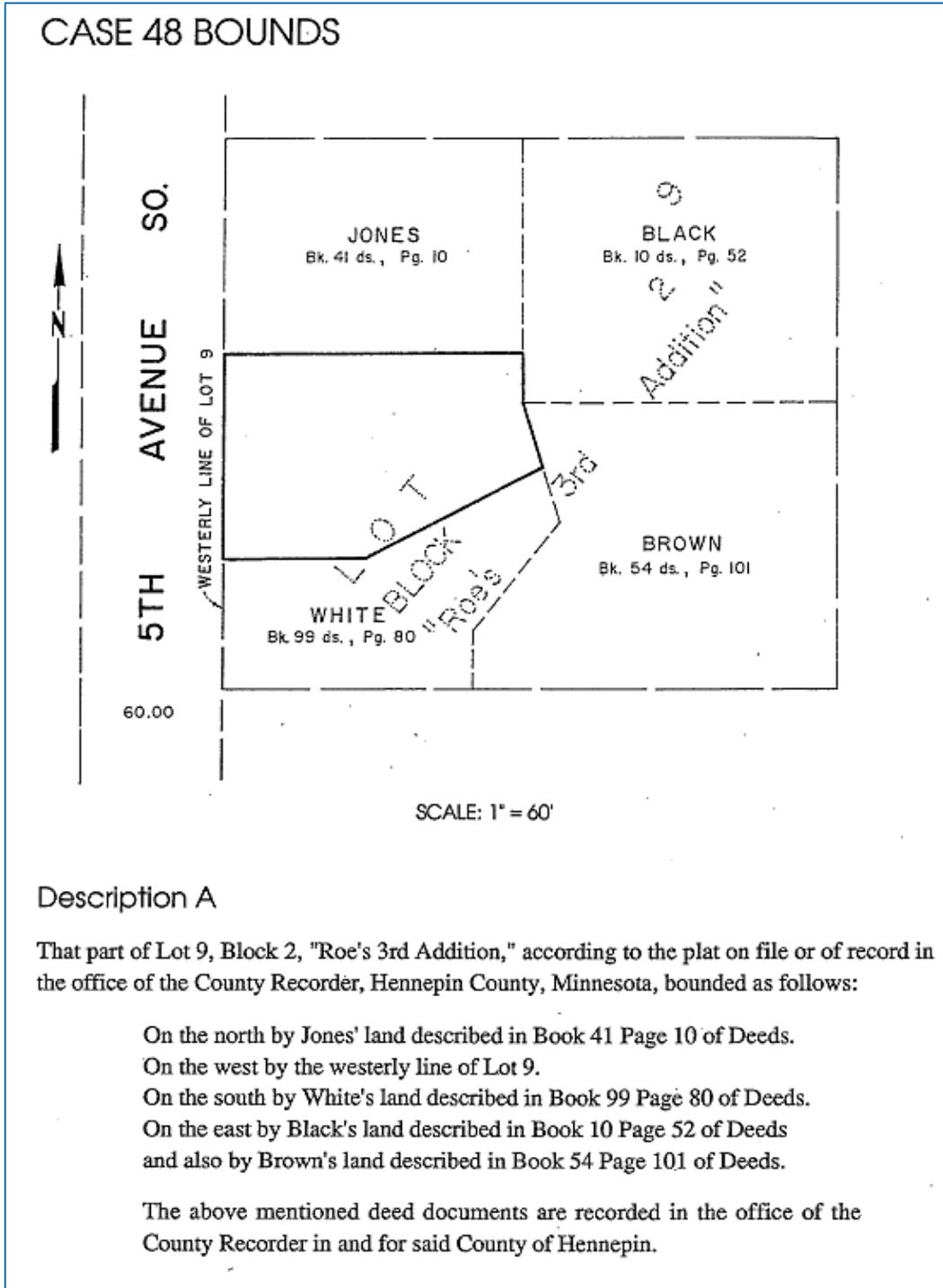
Types of Land Descriptions

- Subdivision of a section
 - 'The East Half of Section 13, Township 114 North, Range 21 West...'
- Recorded Plat
 - 'Lot 7, Block 12 of Riverview Addition...'
- Metes and Bounds Description

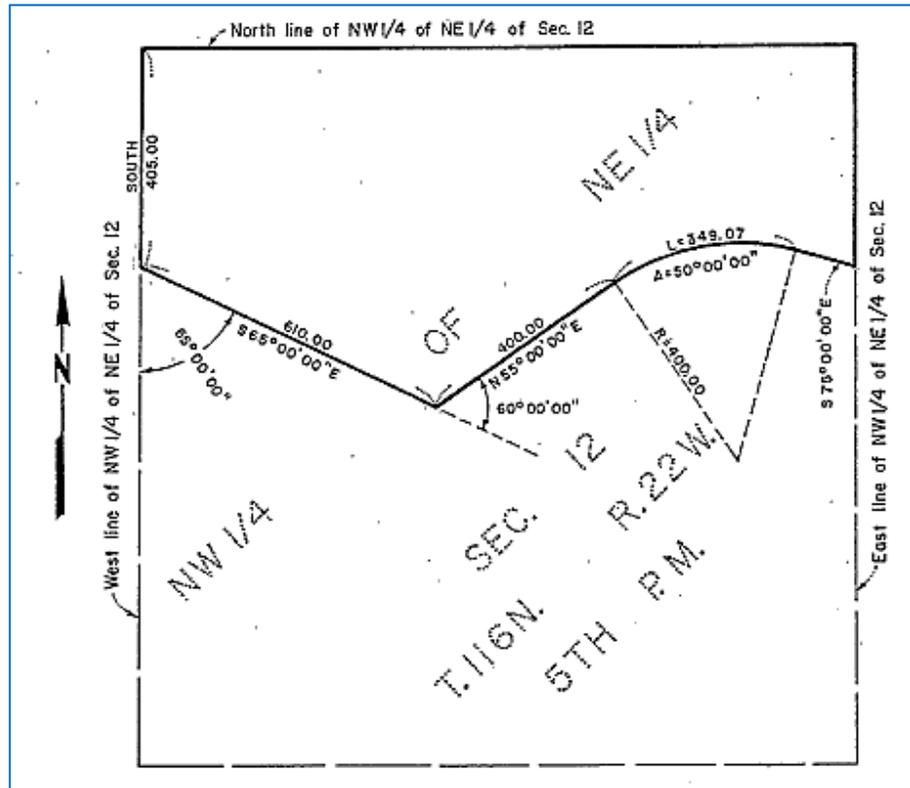
- Bounds, Metes and Bounds, Division Line, Strip, Linear, Area, Proportional Parts

Examples:

A. Bounds



B. Metes and Bounds



Description A

That part of the Northwest Quarter of the Northeast Quarter, Section 12, Township 116 North, Range 22 West of the 5th Principal Meridian, described as follows:

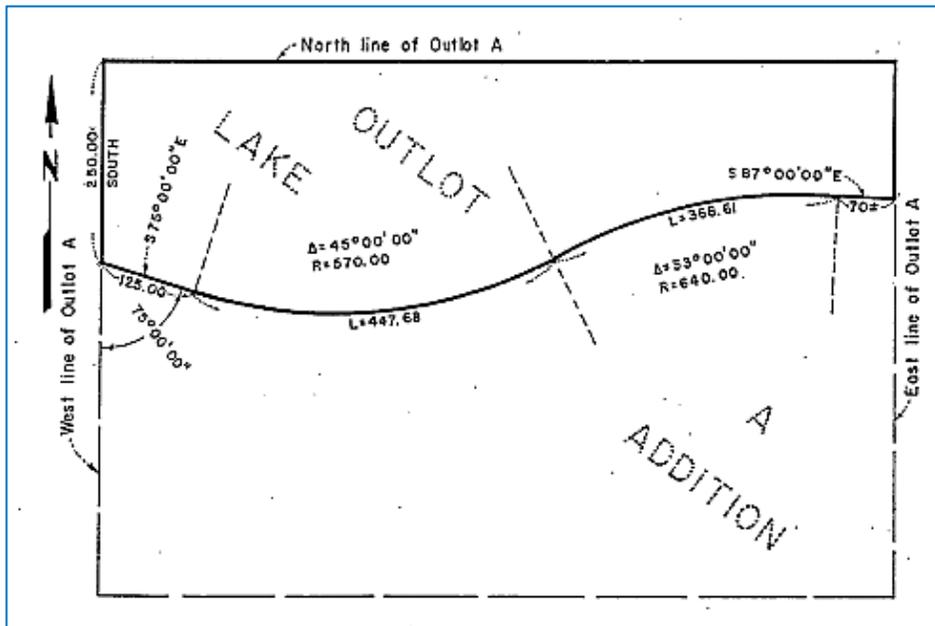
Beginning at the northwest corner of said Northwest Quarter of the Northeast Quarter; thence southerly, along the west line of said Northwest Quarter of the Northeast Quarter, a distance of 405.00 feet; thence southeasterly, deflecting to the left 65 degrees 00 minutes 00 seconds, a distance of 610.00 feet; thence northeasterly, deflecting to the left 60 degrees 00 minutes 00 seconds, a distance of 400.00 feet; thence northeasterly and easterly a distance of 349.07 feet along a tangential curve to the right having a radius of 400.00 feet and a central angle of 50 degrees 00 minutes 00 seconds; thence easterly, tangent to said curve, to the east line of said Northwest Quarter of the Northeast Quarter; thence northerly along said east line to the northeast corner of said Northwest Quarter of the Northeast Quarter; thence westerly along the north line of said Northwest Quarter of the Northeast Quarter to the point of beginning.

Description B

That part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 116 North, Range 22 West of the 5th Principal Meridian, Hennepin County, Minnesota, described as follows:

Beginning at the north quarter of said Section 12; thence South, assumed bearing, along the west line of said Northwest Quarter of the Northeast Quarter 405.00 feet; thence South 65 degrees 00 minutes 00 seconds East 610.00 feet; thence North 55 degrees 00 minutes 00 seconds East 400.00 feet; thence northeasterly and easterly along a tangential curve, concave to the south, radius 400 feet, central angle 50 degrees 00 minutes 00 seconds, 349.07 feet; thence South 75 degrees 00 minutes 00 seconds East along tangent to the east line of said Northwest Quarter of the Northeast Quarter; thence northerly along said east line to the northeast corner of said Northwest Quarter of the Northeast Quarter to the point of beginning.

C. Division Line



Description A

That part of Outlet A, LAKE ADDITION, according to the recorded plat thereof, lying northerly of a line described as follows:

Commencing at the northwest corner of said outlet; thence southerly, along the west line of said outlet, a distance of 250.00 feet to the beginning of the line to be described; thence southeasterly, deflecting to the left 75 degrees 00 minutes 00

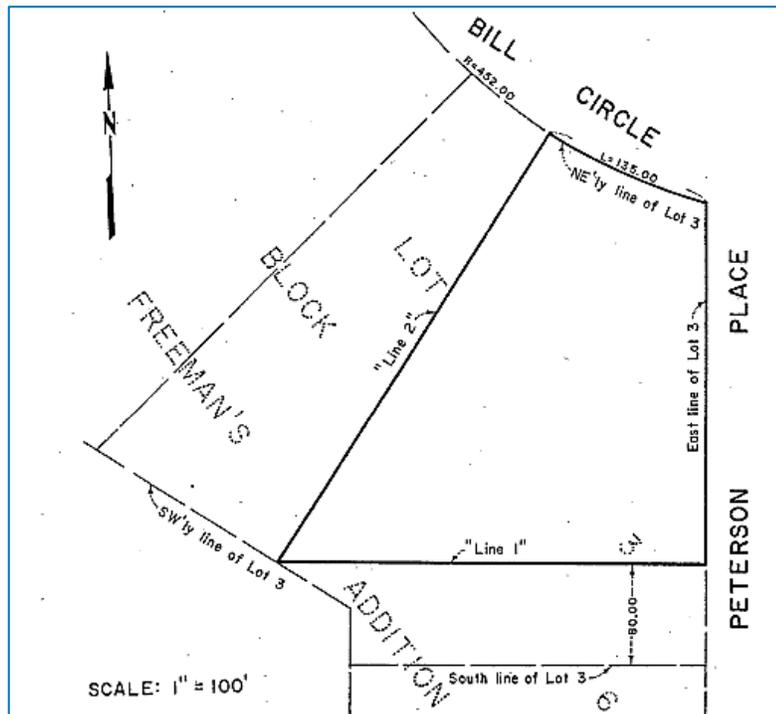
seconds, a distance of 125.00 feet; thence easterly a distance of 447.68 feet along a tangential curve concave to the north having a radius of 570.00 feet and a central angle of 45 degrees 00 minutes 00 seconds; thence easterly a distance of 368.61 feet along a reverse curve concave to the south having a radius of 640.00 feet and a central angle of 33 degrees 00 minutes 00 seconds; thence easterly, tangent to said reverse curve, a distance of 70.00 feet, more or less, to the intersection with the east line of said outlot, and said line there terminating.

Description B

That part of Outlot A, LAKE ADDITION, according to the recorded plat thereof, lying northerly of the following described line:

Beginning at a point on the west line of said Outlot A 250.00 feet south of the northwest corner of said outlot; thence South 75 degrees 00 minutes 00 seconds East 125.00 feet (said west line has an assumed bearing of South); thence easterly along a tangential curve, concave to the north, radius point of reverse curvature; thence easterly along 640.00 foot radius curve concave to the south, central angle 33 degrees 00 minutes 00 seconds, 368.1 feet; thence South 87 degrees 00 minutes 00 seconds East 70 feet, more or less, to the east line of said outlot and there terminating.

D. Division Line



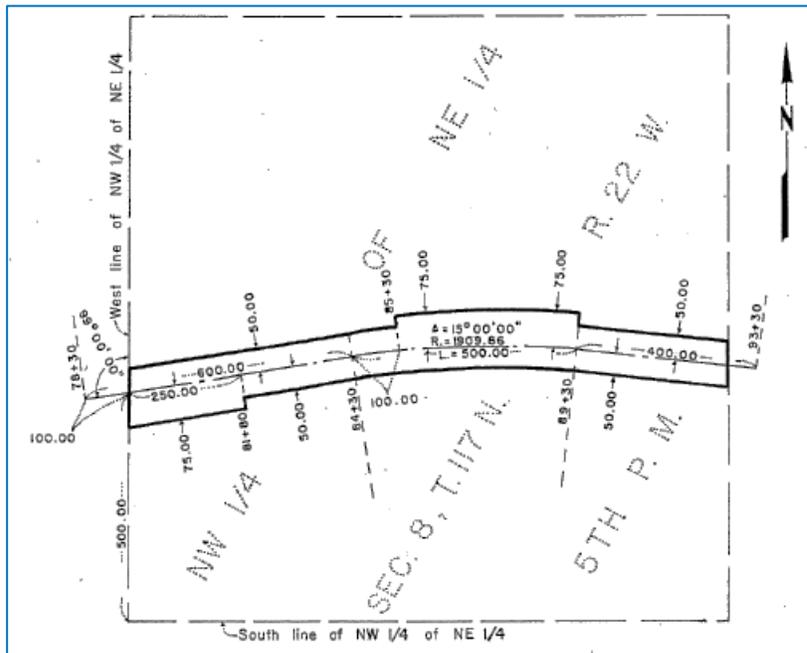
Description A

That part of Lot 3, Block 6, FREEMAN'S ADDITION, according to the record plat thereof, lying northerly of "Line 1" and southeasterly of "Line 2." Said "Line 1" and "Line 2" are described as follows:

"Line 1" is a line parallel with and distant 80.00 feet northerly from the south line of said lot, as measured at a right angle to said north line, and its westerly prolongation.

"Line 2" is a line drawn from the point of intersection of said "Line 1" with the southwesterly line of said Lot 3 to a point on the northeasterly line of said Lot 3, distant 135.00 feet northwesterly, measured along said northeasterly line, from the northeast corner of said Lot 3.

E. Strip



Description A

A 100.00 foot easement for highway purposes over, under and across the Northwest Quarter of the Northeast Quarter of Section 8, Township 117 North, Range 22 West of the 5th Principal Meridian. The center line of said easement is described as follows:

Commencing at the southwest corner of said Northwest Quarter of the Northeast Quarter; thence northerly, along the west line of said Northeast Quarter of the Northeast Quarter a distance of 500.00 feet; thence westerly, deflecting to the left 99 degrees 00 minutes 00 seconds, a distance of 100.00 feet to the beginning of the center line to be

described; thence easterly, deflecting 180 degrees 00 minutes 00 seconds, a distance of 600.00 feet; thence easterly a distance of 500.00 feet along a tangential curve concave to the south having a radius of 1909.86 feet and a central angle of 15 degrees 00 minutes 00 seconds; thence easterly, tangent to said curve, a distance of 400.00 feet, and said center line there terminating.

Together with a strip of land 25.00 feet in width southerly of and adjoining the above described strip and lying between the west line of said Northwest Quarter of the Northeast Quarter and a line drawn at a right angle to said center line from a point thereon distant 250.00 feet easterly from the west line of said Northwest Quarter of the Northeast Quarter as measured along said center line.

And together with a strip of land 25.00 feet in width northerly of and adjoining the above described 100.00 foot strip which lies easterly of a line normal to the curve in said center line at a point on said center line 100.00 feet easterly, measured along said center line, from the beginning to said curve and westerly of a line normal to said curve at its easterly terminus.

F. Linear, Area and Proportional Parts Descriptions:

1. 'The east 100 feet of the Southeast Quarter of the Southeast Quarter of Section 15...'

This parcel is computed by a line that is 100 feet westerly of and parallel with the east line of Southeast Quarter of the Southeast Quarter.

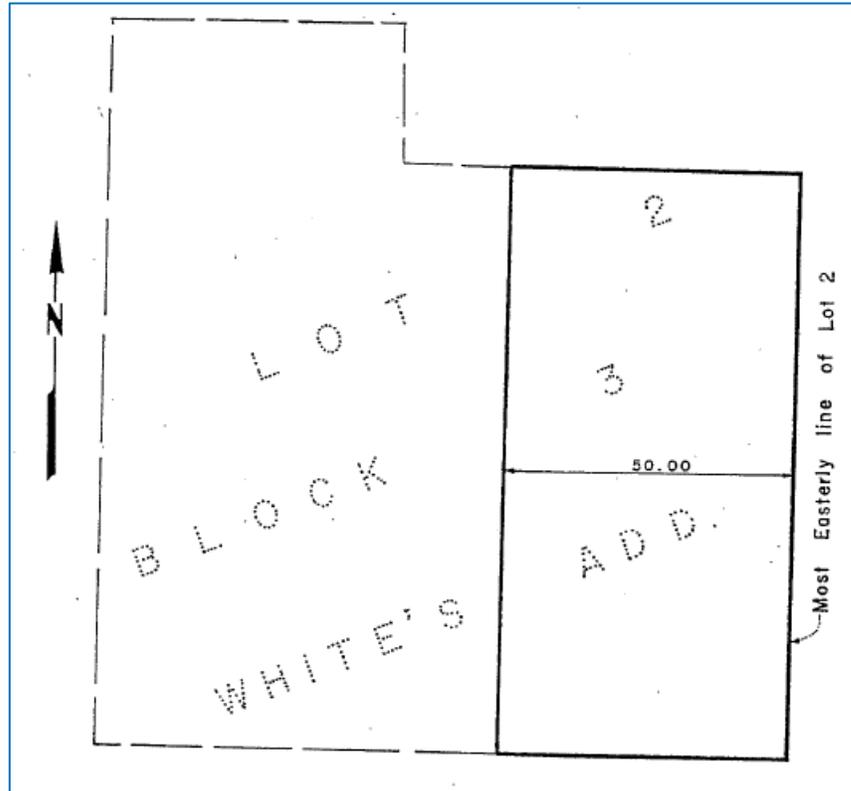
2. 'The east one acre of the Southeast Quarter of the Southeast Quarter of Section 15...'

This parcel is located by computing a line that is parallel with the east line of the Southeast Quarter of the Southeast Quarter and located so that the exact acreage called for is contained in the tract.

3. 'The East Half of the Southeast Quarter of the Southeast Quarter of Section 15...'

This parcel is located by connecting points located at the mid-points of the north and south boundary lines of the Southeast Quarter of the Southeast Quarter.

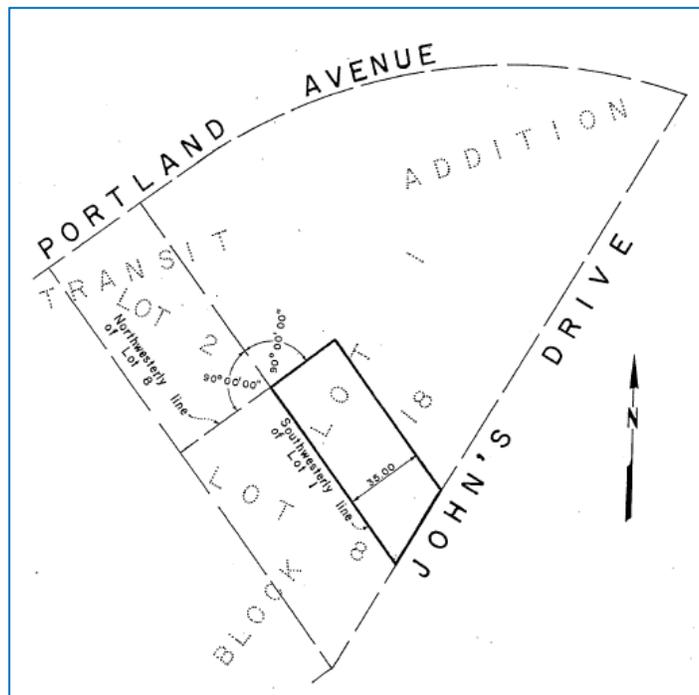
G. Linear



Description A

The most easterly 50.00 feet of Lot 2, Block 3, WHITE'S ADDITION, according to the recorded plat thereof.

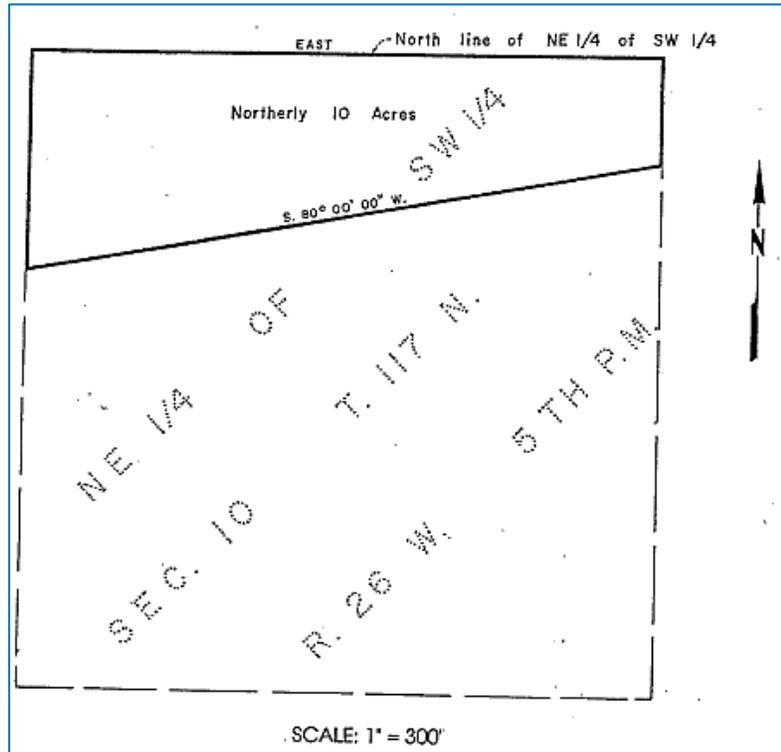
H. Linear



Description A

That part of the southwesterly 35.00 feet of Lot 1, Block 18, TRANSIT ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, Hennepin County, Minnesota, lying southeasterly of the northeasterly prolongation of the northwesterly line of Lot 8 in said Block 18.

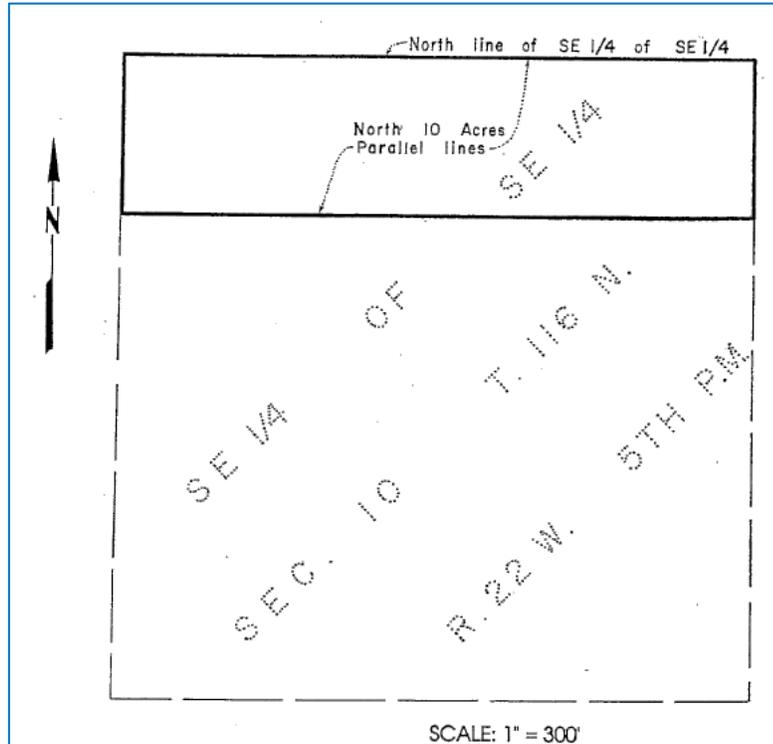
I. Area



Description A

The northerly 10 acres of the Northeast Quarter of the Southwest Quarter of Section 10, Township 117 North, Range 26 West of the 5th Principal Meridian. The southerly line of said 10 acres bears South 80 degrees 00 minutes 00 seconds West, assuming the north line of said Northeast Quarter of the Southwest Quarter bears East.

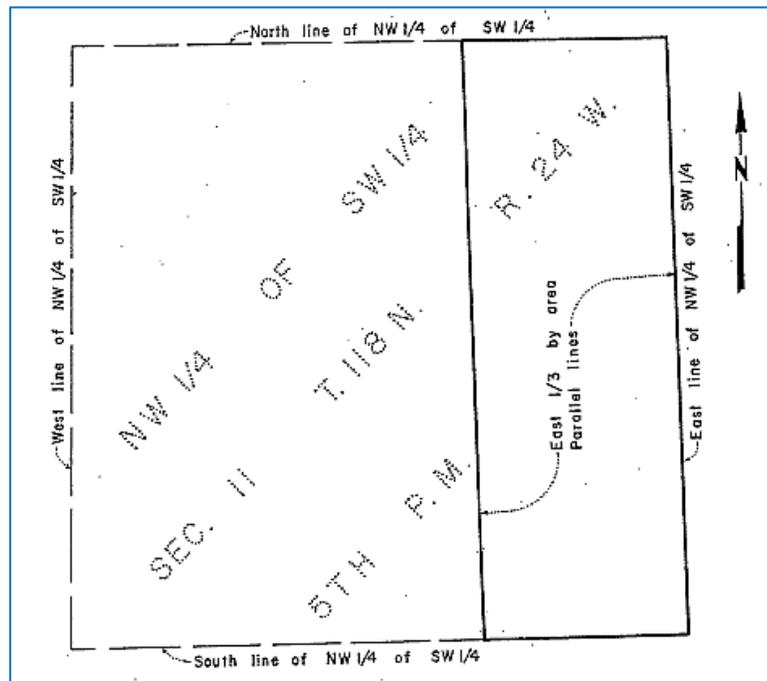
J. Area



Description A

The north 10 acres of the Southeast Quarter of the Southeast Quarter of Section 10, Township 116 North, Range 22 West of the 5th Principal Meridian. The south line of said 10 acres is parallel with the north line of said Southeast Quarter of the Southeast Quarter.

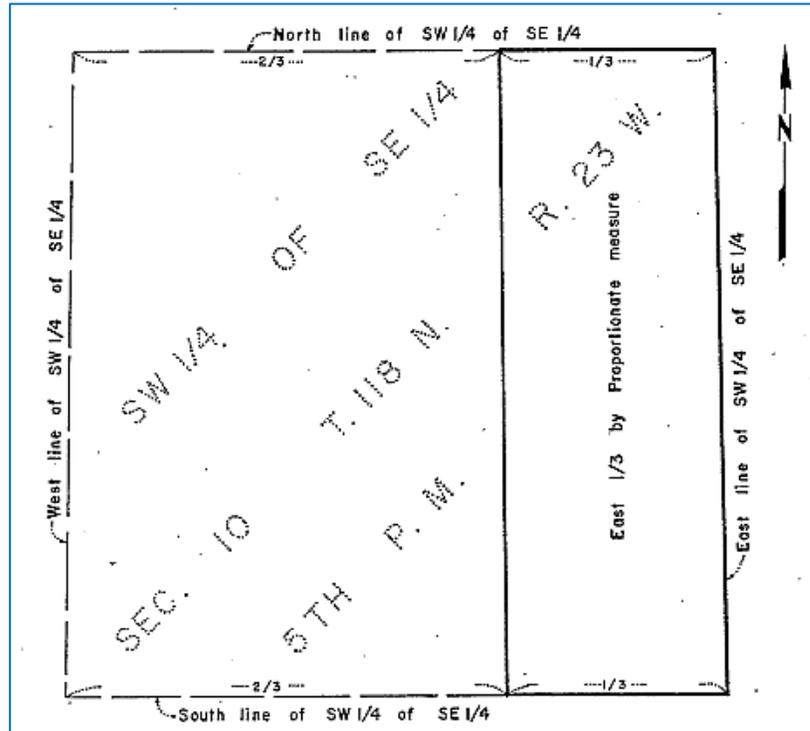
K. Proportion



Description A

The East 1/3 of the area of the Northwest Quarter of the Southwest Quarter of Section 11, Township 118 North, Range 24 West of the 5th Principal Meridian. The west line of said East 1/3 shall be parallel with the east line of said Northwest Quarter of the Southwest Quarter.

L. Proportion



Description A

The East 1/3 of the Southwest Quarter of the Southeast Quarter of Section 10, Township 118 North, Range 23 West of the 5th Principal Meridian, as determined by the proportionate width thereof.

Meaning of calls on the Deed

- **Westerly (easterly, northerly or southerly) of highway or road** – means extending westerly (easterly, northerly or southerly) from the center line and not from the right of way line of the highway (road).
- **Westerly (easterly, northerly or southerly) of right of way line of highway or road** – means extending westerly (easterly, northerly or southerly) from the right of way line.

- **To the highway or road** – means to the center line of the highway (road). If the distance of the line is given and a call is made to the road, ignore the distance, the line will stop at the center line of that road (the center line as described at the time of recording).
 - ‘...thence 75 degrees 25 minutes 30 seconds for 650.86 feet to Mill Street...’ (to the center line of Mill Street)

- **To the south (north, west or east) right of way line of highway or road** – means to the south (north, west or east) right of way line of that road or highway. If the distance of the line is given and a call is made to the road right of way, ignore the distance, the line will stop at the right of way line of that road or highway.
 - ‘...thence 85 degrees 10 minutes 02 seconds for 650.86 feet to the southerly right of way line of Mill Street...’
 - ‘...thence 85 degrees 10 minutes 02 seconds for 350 feet to the northerly right of way line of highway 95...’

- **To a point/monument** – means the line goes to that specified point/monument; ignore the direction and distance.
 - ‘...thence on an azimuth of 81 degrees 50 minutes 02 seconds for 450.86 feet to the southwest corner of Section 5, Township 29 North, Range 20 West...’
 - ‘...thence on an azimuth of 90 degrees 18 minutes 20 seconds for 350 feet to a point on the south line of Section 5, Township 29 North, Range 20 West, said County, distant 650 feet east of southwest corner of said Section 5...’

- **Along a plat boundary or a line** means just that. That line is not necessarily a straight line; it can contain a few calls. If a call is made ‘along plat boundary’ and distances and azimuths are given between B corners, compare them with those on the signed plat. If there is a discrepancy use the plat data.
 - ‘...to Right of Way Boundary Corner B28 as shown on Minnesota Department of Transportation Right of Way Plat No. 10-22 as the same is on file and of record in the office of the County Recorder in and for said County; thence on an azimuth of 269 degrees 19 minutes 54 seconds along the boundary of said plat for 40.00 feet to Right of Way Boundary Corner B65...’

See N ½ SEC 03, T 029 R 20 (Half Section map handout)

B.

MINNESOTA DEPARTMENT OF TRANSPORTATION

C.S. 82101 36 45 905 **PARCEL NO.** 59

COUNTY OF WASHINGTON **JOB NO.** _____

TITLE OPINION

I hereby certify to the State of Minnesota that I have examined the title to the real estate herein described as shown by the records in the office of the County Recorder, Registrar of Titles, County Auditor and County Treasurer, and as shown by said records the title to the following described tract:

That part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 30, Range 20, Washington County, Minnesota described as:

Commencing at the Northwest corner of the ~~Southeast corner of the~~ Southeast Quarter of the Southwest Quarter of said Section 33; thence on an assumed bearing of South 1° 13' 51" East along the East line of said Southwest Quarter of the Southwest Quarter a distance of 250.05 feet to an intersection with the South line of the North 250.00 feet of said Southwest Quarter of the Southwest Quarter, the point of beginning of the land to be described; thence South 89°51'53" West along the South line of the North 250.00 feet of said Southwest Quarter of the Southwest Quarter a distance of 820.24 feet to an intersection with the centerline of Greeley Street; thence South 3° 17'40" East along the centerline of said Greeley Street a distance of 409.12 feet to an intersection with the North line of the South Half of said Southwest Quarter of the Southwest Quarter; thence South 89°59'17" East along the North line of the South Half of said Southwest Quarter of the Southwest Quarter a distance of 805.55 feet to the Northeast corner of said South Half of the Southwest Quarter of the Southwest Quarter; thence North 1°13'51" West along the East line of said Southwest Quarter of the Southwest Quarter a distance of 410.64 feet to the point of beginning;

Which lies West of the following described line:

Commencing at a point on the East line of said Southwest Quarter of the Southwest Quarter a distance of 250.05 feet South of the Northeast corner thereof; thence Westerly along the South line of the North 250.00 feet of said Southwest Quarter of the Southwest Quarter a distance of 504.19 feet to the point of beginning of the line to be described; thence South 2°27'06" East a distance of 409.63 feet to an intersection with the North line of the South Half of said Southwest Quarter of the Southwest Quarter and said line there terminating.

SWSW of section 33, Township 30 North, Range 20 Washington County,

is at the date of this certificate in the following named persons: (if the title is registered, note the certificate number.)

REGISTERED LAND TORRENS CERTIFICATE NO. _____

<u>Name</u>	<u>Nature of Interest</u>	<u>Date of Document & Recording Date</u>	<u>Book and Page and/or Document No.</u>	<u>Name of Spouse or if Single, so state</u>
Lake Elmo Bank	Fee	D: February 18, 2005 R: February 22, 2005	A-3498723 ✓	

See S ½ SEC 33, T 030, R 20 (Half Section map handout)

Chapter 5

Who utilizes the Title Opinion?

By: Dawna Butcher
(Senior Land Surveyor, OLM)

Who utilizes the Title Opinion?

Platting and Description Unit – Beyond the Title Opinion:

The Platting and Description Units review the title opinion and the attached documents before writing narrative descriptions for non-platted projects and verify the information depicted on the Acquisition Plats. This review is typically done at the later stages of preparation to acquire land. However preliminary plat reviews are an option and has detected potential issues giving the district time to find a solution in advance of deadlines. Both Units review Acquisition Plats, but only the Description Unit reviews the title opinion for non-platted projects.

For projects that are not platted, narrative descriptions are written. The description included on the title opinion is used to describe the taking. Copies of the deeds to verify the description are desired. Occasionally the description on the title opinion is modified; this is frowned upon. Due to the nature of a legal description it is possible to create ambiguities and they miss pertinent data.

Title Opinion:

TITLE OPINION
I hereby certify to the State of Minnesota that I have examined the title to the real estate herein described as shown by the records in the office of the County Recorder, Registrar of Titles, County Auditor and County Treasurer, and as shown by said records the title to the following described tract:
The West Eighty Feet (W80') of Lots Thirteen (13) Fourteen (14), Block Six (6), Baudette.
_____ of Section _____, Township _____ north, range _____ west, _____ County, is at the date of this certificate in the following named persons: (if the title is registered, note the certificate Number)

Acquisition Description:

Tract A.	The west 80 feet of Lots 13 and 14, Block 6, Baudette, according to the plat thereof on file and of record in the office of the County Recorder in and for Lake of the Woods County, Minnesota;
-----------------	---

Common calls in the description that create issues:

- Call to the road
 - it is a call to the centerline as located and established on the date of the recorded instrument unless the right of way is specifically called for
- Except
 - The land is excluded/excepted out of the description
- Subject to
 - The land is included in the description but has an easement over it

Common discrepancies found in the title opinion

- “See Attached Exhibit A”
 - More than one Exhibit A in the supporting documents or the document wasn’t included.
- Duplicating the title
 - Having additional paragraphs covering the same location area. It is redundant and there could be discrepancies between the various descriptions.

In the Plat Manual there is a list of suggested information for the preparation of plats including:

- Parcel deeds from parcel files or final certificates from condemnation files. Recorded and unrecorded right of way easements for the local roads (County, Township, City)
- Copies of recorded and unrecorded public and private easements
- Copies of all adjoining recorded and unrecorded plats and maps
- Copies of all title opinions

The manual also requests that all affected recorded and unrecorded public and private easements be depicted on the plat with the width and document number, except public easements created by a subdivision plat. They can be easily located by the subdivision plat on which they were created. Examples of the documentation include:

- Recorded and unrecorded public and Private Easements
 - Pipeline, Utility, Driveways, Tile Lines, Sewer, Water, etc...
- Recorded and unrecorded Right of Way documents for roads
 - County, Township and City
- Recorded and unrecorded plats and maps
 - Auditor’s plats, Subdivision Plats, Railroad Lots, Registered Land Surveys
- Miscellaneous
 - Judicial ditches, Transfer of Custodial Control

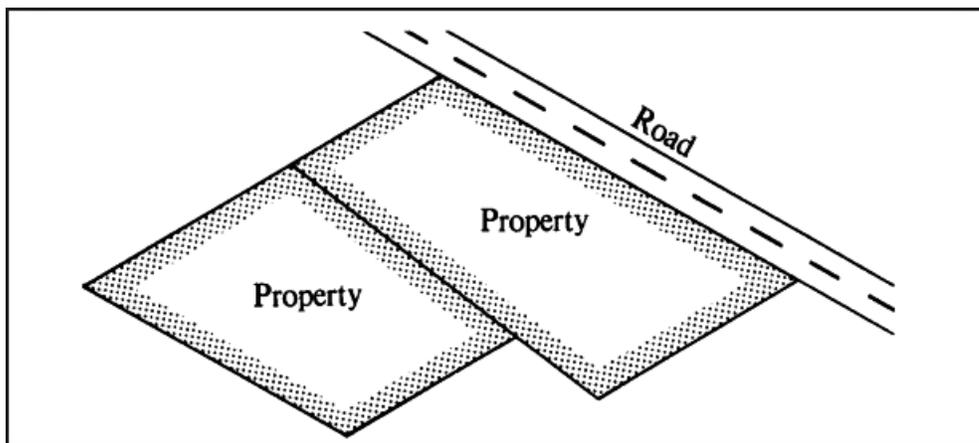
The curse of the hidden interests in the land

Vacations:

Vacated streets and alleys do not have to be stated in the title opinion description for the owner to have title over the vacated location. The ownership was accrued to the landowners at the time of the vacation.

Contiguous Property:

The title research may only include the parcels requested. An owner may own the adjoining tracts of land and a document verifying that ownership will be requested and the location should be reflected on the parcel sketch.



Clues that further research is needed:

- A subdivision plat overlaying an aerial photo indicates that there are buildings located on a plat street
 - Is the street vacated?
- An aerial photo shows a continuous cleared strip of land through the parcel.
 - Is there a pipeline or utility easement?
- The legal description calls for the right of way of the existing highway.
 - Which right of way line? Was it to a historic line or the current right of way?
- The aerial photos indicate a road or railroad crossing the parcel.
 - Is there an exception or subject to clause?
- Not asking for titles along stretches that do not require additional right of way
 - Are there subdivision plats? Any easements? What are the current road designations?

- The title opinion for the existing right of way indicates an easement or encumbrance
 - Review all the documents in the parcel file, occasionally stipulations were not included in the final certificate but are on the award letter. These rights are valid and may need to be extinguished.
- The Final Right of Way Map
 - Depicts an easement not included in the title package.
 - The easement may have been recorded prior to 1975. According to Minnesota State Statute 541.023, research is only required to go back 40 years. The first land sale was available upon statehood in 1858. That is 117 years of land transactions not covered in the record research.
 - Depicts a jog in the right of way.
 - Check the orders

Helpful tools:

- Google Earth
- Birds-Eye Bing maps
- MnDOT Videolog
- County GIS and land surveyors
- Final Right of Way Maps (Right of Way Mapping and Monitoring)
- Railroad Valuation maps (Right of Way Mapping and Monitoring)
- Existing Parcel files
- Commissioner's Orders
- Bureau of Land Management and their GLO records

