

**DUNN TOWNSHIP  
OTTER TAIL COUNTY, MINNESOTA  
RESOLUTION NO. 2020-05**

**RESOLUTION ISSUING AN ORDER SETTING FORTH  
INITIAL DESCRIPTIONS AND SETTING A HEARING DATE**

**WHEREAS**, the Dunn Township (“Town”) board of supervisors (“Town Board”) received a petition, which is attached hereto as Exhibit A, (“Petition”) from Larry Henry and Gayle Henry (“Petitioners”) requesting the establishment of a cartway pursuant to Minnesota Statutes, section 164.08, subdivision 2 to provide access to Petitioners’ property (PID 17000270349003), which contains approximately 6.14 acres and is legally described as set forth in Exhibit B (“Property”);

**WHEREAS**, the Property has an access easement in favor of the Petitioners and legally described as set forth in Exhibit C (“Easement”);

**WHEREAS**, the Petitioners’ allege in the Petition that the Easement is not usable as the adjacent property owners’ home and garage encroach upon the Easement blocking ingress and egress and that the adjacent property owners’ claim that the Easement has been legally abandoned;

**WHEREAS**, the route for the cartway requested by the Petitioners, which is described in the Petition and is legally described as set forth in Exhibit D (“Requested Route”);

**WHEREAS**, the Requested Route crosses property owned by the following persons (collectively, the “Affected Owners”):

<b>Owner and Mailing Address</b>	<b>Property Location</b>	<b>PID</b>
Elaine and John F. Fawcett 520 19 <sup>th</sup> Avenue West West Fargo, ND 58078-4636	Part of Government Lot 3 and 4, Section 27, Township 137 North, Range 42 West	17000270349005
Michael Tiffany 47780 Henry Hill Lane Pelican Rapids, MN 56572-7125	47780 Henry Hill Lane Pelican Rapids, MN 56572-7125	17000270349007

**WHEREAS**, the Petitioners indicate the Property is landlocked because it does not abut a public road, and they do not have access to the Property greater than two rods in width;

**WHEREAS**, the petition appears to contain sufficient information to be considered complete under the statute;

**WHEREAS**, the Petitioners provided the Town the required financial security related to the Petition as required by a Town Board resolution adopted on December 10, 2019 pursuant to its authority under Minnesota Statutes, section 164.08, subdivision 2; and

**WHEREAS**, Minnesota Statutes, section 164.07, subdivision 2 requires the Town Board to make an order describing as nearly as practicable the cartway to be established, describing the several tracts of land through which the cartway passes, and fixing a time and place when and where the Town Board will meet and act upon the petition.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that:

1. The tracts of land through which the proposed cartway passes and the owners are as identified above as Affected Owners.
2. The Town Board will conduct a public hearing at 2 p.m. on APRIL 21, 2020 at the site of the proposed cartway, at the intersection of the Requested Route and Henry Hill Lane, to examine the Requested Route and to hear from the Petitioners, the Affected Owners, and any other interested parties as to any physical features they would like to point out as well as any proposed alternative routes. Then, immediately following the inspection, the Town Board will continue the hearing to the Dunn Town Hall located at 47979 East Lake Lizzie Road, Pelican Rapids, Minnesota to receive additional public comment, consider the proposed cartway, and to possibly act preliminarily on the petition.
3. The Petitioners shall be responsible for serving this Order on the Affected Owners, and on each person whose land would reasonably be expected to be affected by the establishment of the proposed cartway given the fact that the Town Board may select an alternative route, at least 10 days before the date of the hearing and must provide the Town Board an affidavit of service as proof of having provided the required notice. In this case, the additional owners to be notified include, but are not limited to, those owning property adjacent to the Petitioners' Property and those owning property adjacent to the Affected Owners' properties, and any other owners of property that could reasonably be crossed by a cartway to provide access to the Property. Failure to provide notice to the Affected Owners or others that may be affected if an alternative route is selected will delay the process until notice is provided and may require portions of the process to be repeated.
4. The Town Clerk is hereby authorized and directed to, at least 10 days prior to the date of the hearing, publish notice of the hearing once in the Town's official newspaper, and post this Order at the Town's posting places.

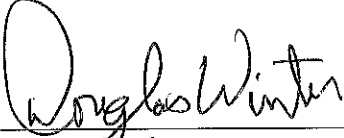
#### **NOTICE OF RIGHT TO APPEAL**

Those affected by this process have a right of appeal as provided in Minnesota Statutes, section 164.07, subdivision 7 to seek judicial review of this matter if the Town Board does establish the cartway.

Adopted this 9<sup>th</sup> day of March, 2020.

**BY THE TOWN BOARD**

  
\_\_\_\_\_  
Town Board Chairperson

Attest:   
\_\_\_\_\_  
Town Clerk

**EXHIBIT A**  
Cartway Petition

(attached hereto)

**PETITION FOR A CARTWAY  
TO ACCESS LANDLOCKED PROPERTY**

To: The Town Board of Dunn Township, Otter Tail County, Minnesota:

1. The undersigned are owners of a tract of land in Dunn Township, Otter Tail County, more particularly described as follows:

1(a). Henry

All that part of Government Lots 3 & 4, Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian, Dunn Township, Otter Tail County, Minnesota described as follows:

Commencing at the Northeast corner of said Section 27; thence on an assumed bearing of South 89 degrees 58 minutes 4 seconds west on and along the north line of said Section 27 a distance of 1323.30 feet to the Northeast corner of said Government Lot 4; thence South 0 degrees 07 minutes 0 seconds West on and along the east line of said Government Lot 4 a distance of 640.96 feet to the intersection of the easterly line of Lot 1 of the Plat of HENRY'S HILL SECOND SUBDIVISION, and to the point of beginning; thence South 0 degrees 07 minutes 03 seconds West and continuing on and along said east line of Government Lot 4, and continuing on and along the east line of Government Lot 3 a distance of 982.12 feet; thence South 63 degrees 47 minutes 34 seconds West a distance of 89.03 feet; thence North 23 degrees 24 minutes 05 seconds West a distance of 144.68 feet; thence South 86 degrees 27 minutes 34 seconds West a distance of 164.40 feet; thence North 0 degrees 59 minutes 36" East a distance of 449.91 feet to an existing iron monument; thence North 0 degrees 59 minutes 37 seconds East a distance of 334.48 feet to an existing iron monument on the southerly line of Lot 1 of HENRY'S HILL SECOND SUBDIVISION; thence South 86 degrees 58 minutes 15 seconds East on and along the southerly line of said Lot 1 a distance of 280.02 feet to an existing iron monument marking the southeasterly corner of said Lot 1 of HENRY'S HILL SECOND SUBDIVISION; thence North 4 degrees 30 minutes 45 seconds West on and along the easterly line of said Lot 1 a distance of 129.74 feet to the point of beginning.

The above described tract contains 5.53 acres more or less is partially wet lands, and has a nonexclusive access easement to a public road known as Henry Hill Ln. described as follows:

That part of Government Lot 4 of Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian in Otter Tail County, Minnesota, described as follows:

Commencing at a found iron monument which designates the most southerly corner of Lot 2 of HENRY'S HILL SECOND SUBDIVISION, said plat is on file and of record in the office of the Recorder in said County; thence North 54 degrees 45 minutes 51 seconds East 80.16 feet on an assumed bearing along the southeasterly line of said Lot 2 to a found iron monument; thence continuing North 54 degrees 45 minutes 51 seconds East 112.80 feet along the southeasterly line of said Lot 2 to a found iron monument, thence South 20 degrees 04 minutes 18 seconds East 297.35 feet to a point hereinafter referred to as Point A;

Beginning at the aforementioned Point A; thence North 79 degrees 46 minutes 20 seconds East 2.65 feet; thence North 58 degrees 28 minutes 45 seconds East 119.54 feet; thence North 63 degrees 59 minutes 17 seconds East 82.16 feet; thence South 88 degrees 17 minutes 22 seconds East 161.36 feet; thence South 00 degrees 59 minutes 36 seconds West 3.50 feet to an iron monument; thence continuing South 00 degrees 59 minutes 36 seconds West 21.50 feet; thence North 88 degrees 17 minutes 22 seconds West 155.50 feet; thence South 63 degrees 59 minutes 17 seconds West 74.79 feet; thence South 58 degrees 28 minutes 45 seconds West 123.04 feet; thence South 79 degrees 46 minutes 20 seconds West 3.01 feet; thence North 20 degrees 04 minutes 18 seconds West 25.37 feet to the point of beginning of said driveway easement.

AND ALSO

Beginning at the aforementioned Point A; thence South 20 degrees 04 minutes 18 seconds East 25.37 feet; thence South 79 degrees 46 minutes 20 seconds West 148.99 feet to the easterly line of a Public Road according to HENRY'S HILL, said plat is on file and of record in the office of the Recorder of said County; thence North 18 degrees 55 minutes 26 seconds West 25.29 feet along the easterly line of said Public Road; thence North 79 degrees 46 minutes 20 seconds East 148.47 feet to the point of beginning of said driveway easement.

2. Said tract of land is at least five acres in size and the only access is less than two rods wide.

3. The original easement described in the Henry legal descriptions is not usable as the Tiffanys' home and garage encroach upon the easement blocking ingress and egress. See, Attachment A.
4. Tiffanys also assert that the easement has been legally abandoned.
5. As the owners of the above described landlocked tract of land we hereby petition said town board to establish a cartway pursuant to Minn. Stat. § 164.08, Subd. 2 at a width of two (2) rods across the following described property:

5(a). Fawcett

Lot 6 and that part of Lot 7 described as follows:

That part of Lot 7, of Henry's Hill Subdivision of Government Lots 3 and 4, of Section 27, Township 137, Range 42, of Otter Tail County, Minnesota, described as follows: Beginning at the northeast corner of said Government Lot 7, thence south  $18^{\circ}55'26''$  East distance of 16.15 feet to a point; thence running south  $64^{\circ}15'34''$  West along a line parallel to the north line of said Lot 7, to the shoreline of Franklin Lake; thence North along the shoreline to the north line of said Lot 7, thence north  $64^{\circ}15'34''$  East to the northeast corner of said Lot 7, which was the point of beginning.

AND

That part of Government Lot 3 and that part of Government Lot 4 of Section 27, Township 137 North Range 42 West of the Fifth Principal Meridian in Otter Tail County, Minnesota, described as follows: Beginning at a found iron monument which designates the most southerly corner of Lot 2 of Henry's Hill Second Subdivision, said plat is on File and record in the office of the Recorder of said County; thence North  $54^{\circ}45'51''$  East 80.16 feet on an assumed bearing along the southeasterly line of said Lot 2 to an iron monument; thence continuing North  $54^{\circ}45'51''$  East 112.80 feet along the southeasterly line of said Lot 2 to a found iron monument; thence South  $20^{\circ}04'18''$  East 297.35 feet to a point hereinafter referred to as Point A; thence continuing South  $20^{\circ}04'18''$  East 279.94 feet; thence South  $81^{\circ}08'47''$  West 87.36 feet; thence North  $72^{\circ}50'44''$  West 62.36 feet to the easterly line of a public road according to Henry's Hill, said plat is on File and of record in the office of the Recorder of said County; thence North  $27^{\circ}26'26''$  West 107.80 feet along the easterly line

of said public road; thence North  $18^{\circ}55'26''$  West 176.70 feet containing along the easterly line of said public road; thence North  $14^{\circ}05'26''$  West 64.50 feet continuing along the easterly line of said public road; thence North  $40^{\circ}54'26''$  West 67.70 feet continuing along the easterly line of said public road to an iron monument; thence continuing North  $40^{\circ}54'26''$  West 65.37 feet along the easterly line of said public road to the point of beginning. The above described tract contains 80,190 square feet.

Subject to a 25.00 foot wide easement for driveway purposes over under and across that part of the above tract described as follows: Beginning at the afore mentioned Point A; thence South  $20^{\circ}04'18''$  East 25.37 feet; thence South  $79^{\circ}46'20''$  West 148.99 feet to the easterly line of said public road; thence North  $18^{\circ}55'26''$  West 25.29 feet along the easterly line of said public road; thence North  $79^{\circ}46'20''$  East 148.47 feet to the point of beginning of said driveway easement.

Together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: easements, rights of way and other encumbrances of record.

5(b). Tiffany

That part of Government Lot 3 and that part of Government Lot 4 of Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian in Otter Tail County, Minnesota described as follows:

Commencing at a found iron monument which designates the most southerly corner of Lot 2 of HENRY'S HILL SECOND SUBDIVISION, said plat is on file and of record in the office of the Recorder in said County; thence North 54 degrees 45 minutes 51 seconds East 80.16 feet on an assumed bearing along the southeasterly line of said Lot 2 to a found iron monument; thence continuing North 54 degrees 45 minutes 51 seconds East 112.80 feet along the southeasterly line of said Lot 2 to a found iron monument, said point is the point of beginning; thence South 20 degrees 04 minutes 18 seconds East 297.35 feet to a point hereinafter referred to as Point A; thence continuing South 20 degrees 04 minutes 18 seconds East 279.94 feet; thence South 81 degrees 08 minutes 47 seconds West 87.36 feet; thence South 72 degrees 50 minutes 44 seconds East 98.70 feet; thence South 17 degrees 37 minutes 11 seconds East 69.72 feet; thence North 86 degrees 27 minutes 34 seconds East 207.00 feet; thence North 00 degrees 59 minutes 36 seconds East 343.50 feet to an iron monument; thence continuing North 00 degrees 59 minutes 36 seconds East 106.41 feet to an iron monument; thence continuing North 00 degrees 59 minutes 36 seconds East 334.48 feet to an iron monument on the southerly line of Lot 1 of said HENRY'S HILL SECOND SUBDIVISION;



thence North 86 degrees 58 minutes 15 seconds West 51.40 feet along the southerly line of said Lot 1 to a found iron monument; thence continuing North 86 degrees 58 minutes 15 seconds West 173.10 feet along the southerly line of said Lot 1 to a found iron monument at the southwesterly corner of said Lot 1; thence South 54 degrees 45 minutes 51 seconds West 165.09 feet along the southeasterly line of said Lot 2 to a found iron monument; thence continuing South 54 degrees 45 minutes 51 seconds West 108.22 feet along the southeasterly line of said Lot 2 to the point of beginning,. The above described tract contains 6.00 acres.

Subject to an easement for driveway purposes over, under and across that part of the above tract described as follows:

Beginning at the aforementioned Point A; thence North 79 degrees 46 minutes 20 seconds East 2.65 feet; thence North 58 degrees 28 minutes 45 seconds East 119.54 feet; thence North 63 degrees 59 minutes 17 seconds East 82.16 feet; thence South 88 degrees 17 minutes 22 seconds East 161.36 feet; thence South 00 degrees 59 minutes 36 seconds West 3.50 feet to an iron monument; thence continuing South 00 degrees 59 minutes 36 seconds West 21.50 feet; thence North 88 degrees 17 minutes 22 seconds West 155.50 feet; thence South 63 degrees 59 minutes 17 seconds West 74.79 feet; thence South 58 degrees 28 minutes 45 seconds West 123.04 feet; thence South 79 degrees 46 minutes 20 seconds West 3.01 feet; thence North 20 degrees 04 minutes 18 seconds West 25.37 feet to the point of beginning of said driveway easement.

ALSO, HEREIN INCLUDED is an easement for driveway purposes over, under and across that part of said Government Lot 4 described as follows:

Beginning at the aforementioned Point A; thence South 20 degrees 04 minutes 18 seconds East 25.37 feet; thence South 79 degrees 46 minutes 20 seconds West of 148.99 feet to the easterly line of a Public Road according to HENRY'S HILL, said plat is on file and of record in the office of the Recorder of said County; thence North 18 degrees 55 minutes 26 seconds West 25.29 feet along the easterly line of said Public Road; thence North 79 degrees 46 minutes 20 seconds East 148.47 feet to the point of beginning of said driveway easement.

FURTHER SUBJECT TO the following exceptions: easements, restrictions, reservations and covenants of record.

6. The description for the proposed 33.00 foot cartway is as follows:

See, Attachment B.

7. The proposed cartway follows as much of the original easement, and the road contained within the easement, as possible. It deviates so as to avoid the encroaching buildings.
8. As part of the cartway, Petitioners seek to have a utility easement granted along the southerly 10 of the cartway for the purpose of allowing electric service to be established to the Petitioners' property.
9. The purpose of and necessity for this Petition is to seek the establishment of a legal access that is at least 33 feet wide to a tract of property that is landlocked. Other attempts to secure a permanent access to the property have been unsuccessful. In order to make use of the property and increase its value, we ask the town to establish a cartway connecting the tract of land to a public road.

WHEREFORE, your Petitioners respectfully request that the Township of Dunn approve the establishment of a cartway described and set forth herein.

Dated: 10-20-2019

Larry Henry  
Larry Henry, Petitioner

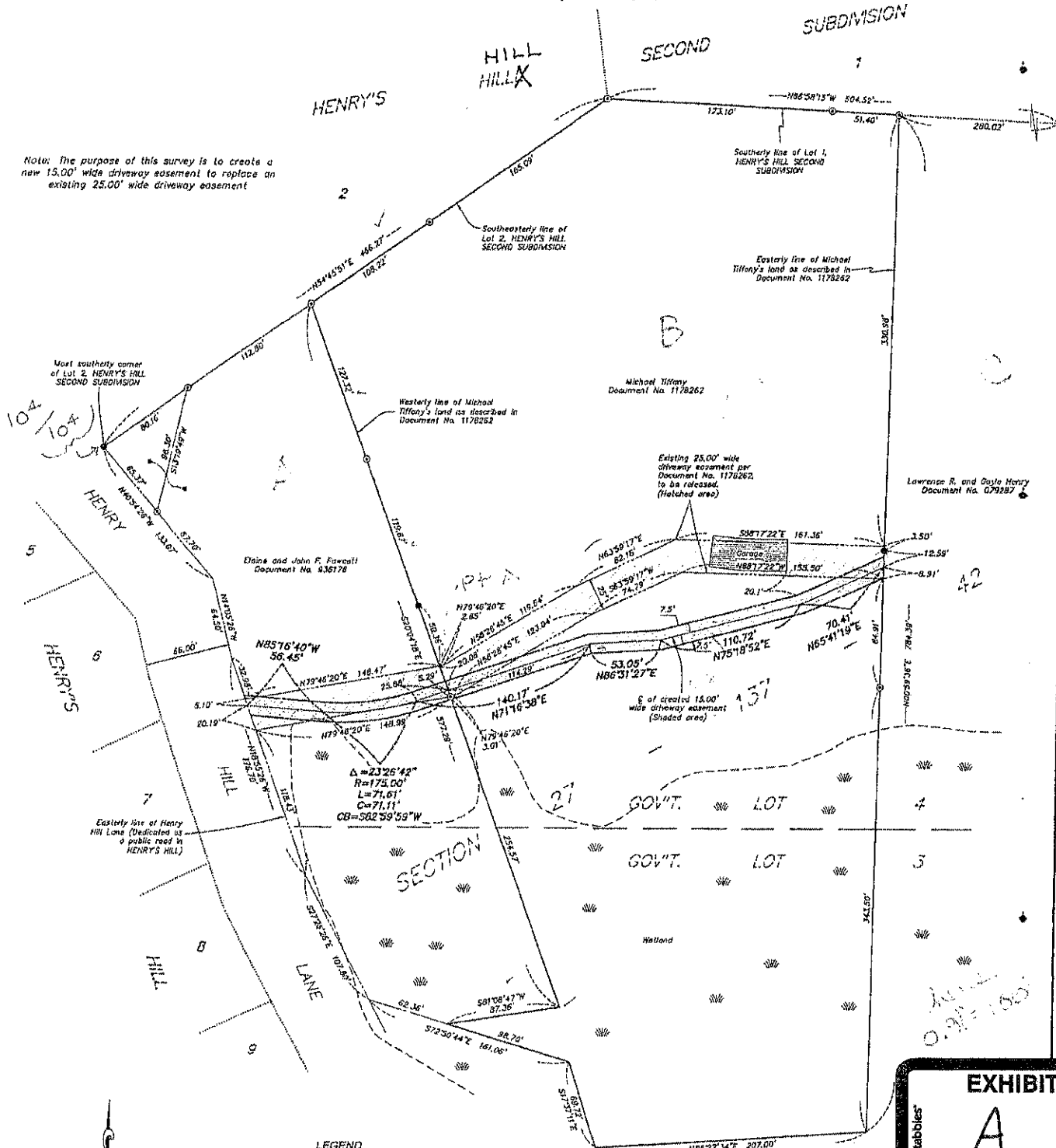
Dated: 10-20-2019

Gayle Henry  
Gayle Henry, Petitioner

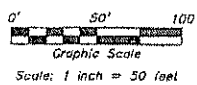
# CERTIFICATE OF SURVEY

IN GOVERNMENT LOT 4  
SECTION 27-137-42  
OTTER TAIL COUNTY, MINNESOTA

Note: The purpose of this survey is to create a new 15.00' wide driveway easement to replace an existing 25.00' wide driveway easement



- LEGEND**
- = Denotes iron monuments found.
  - = Denotes iron monuments set marked with Minnesota License No. 12004/46538/50320.
  - ⊙ = Denotes iron monuments previously found and verified.



Orientation of bearing system is assumed.

**EXHIBIT**

A

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

P. A. Smith  
 Paul Smith  
 Signature: *[Signature]*  
 Date: 11/14/2017 License # 13004

**MEADOWLAND SURVEYING, INC.**  
 1118 HWY 59 SOUTH, DETROIT LAKES, MN 56501  
 OFFICE: 218-847-4289 FAX: 218-848-1945  
 EMAIL: frontdesk@meadowlandsurveying.com  
 www.meadowlandsurveying.com

**CLIENT:**  
 MICHAEL TIFFANY  
 47780 HENRY HILL LN  
 PELICAN RAPIDS, MN 56372

COMP FILE:	27STUCKSTAD(C)
CRD FILE:	27STUCKSTAD(C)
DWG FILE:	27TIFFANY_CCS
COMP BY:	JJD
DRAWN BY:	JJD

**DRAWING NUMBER: T9167-15**

SURVEYOR'S RECORD - POTTER TAIL COUNTY, MN.

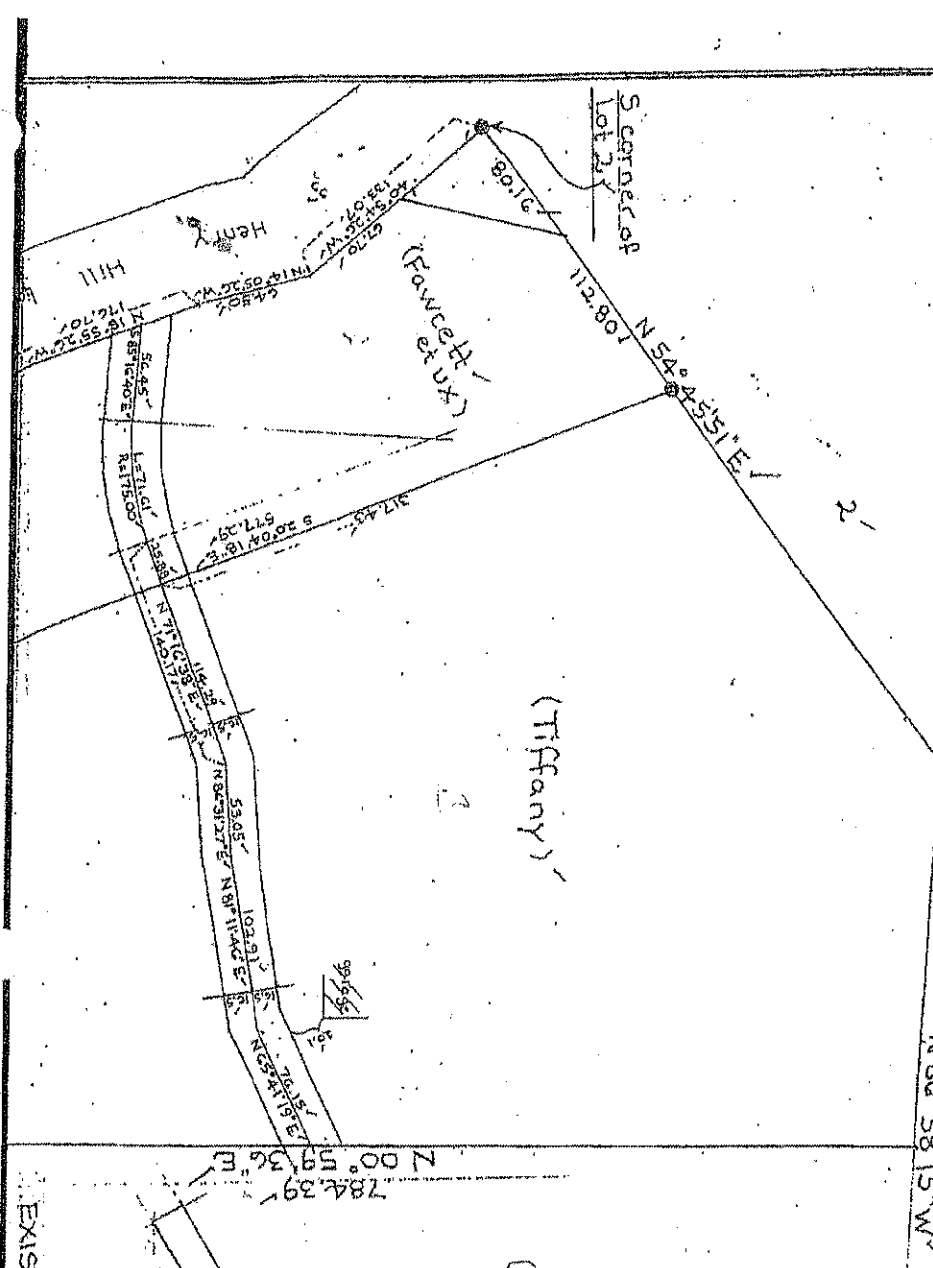
Survey No. \_\_\_\_\_

Section 27 Township 137 NORTH Range 42 WEST

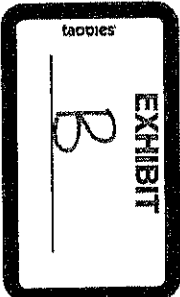
City of \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_

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The only authorized copies of this document bear an impression seal and are signed in blue ink.

HENRY S. HILL SECOND SUBDIVISION



Robert J Roberts



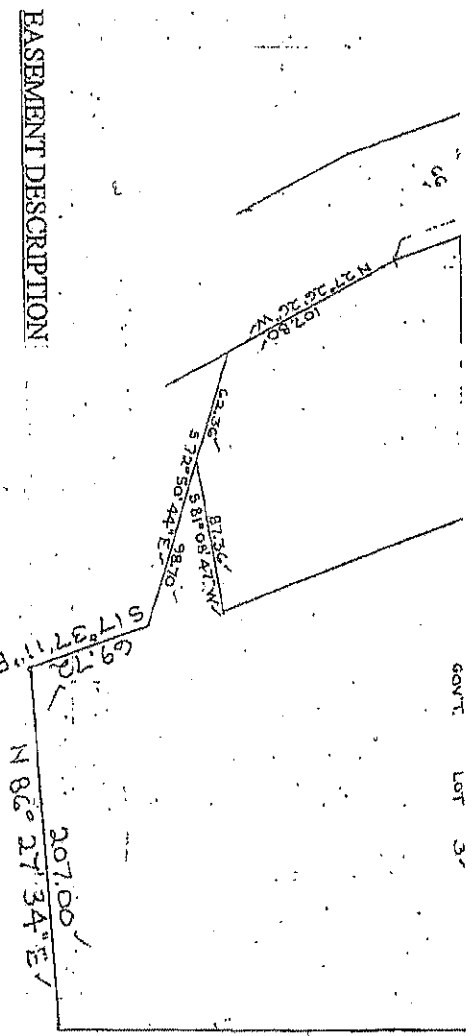
EXISTING MARKERS

DESCRIPTION FOR

Larry and Gayle Henry  
20019 - 12<sup>th</sup> Avenue South  
Hawley, MN 56549

September 17, 2019

CE 2M17-060



EASEMENT DESCRIPTION

A 33.00-foot wide easement for access and utilities purposes over, under, and across part of Government Lot 4 of fractional Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian, Otter Tail County, Minnesota. The center line of said 33.00-foot wide easement is more particularly described as follows:

From the South Corner (existing iron marker) of Lot 2 of HENRY'S HILL SECOND SUBDIVISION of a Part of said Section 27, the Official Plat of which is recorded in the Office of the Otter Tail County Recorder, bear North 54°45'51" East along the southeasterly line of said Lot 2 a distance of 192.96 feet to an existing iron marker located at the Northwest Corner of that certain tract of land described in Document No. 1 178 262, a copy of which is recorded also; thence bear South 20°04'18" East along a portion of the multi-part westerly line of the last-described deeded tract a distance of 317.43 feet to the Point of Beginning of the center line herein described;

thence South 71°16'38" West a distance of 25.88 feet to a Point of Tangency with the arc of a circular curve having a radius of 175.00 feet; thence westerly along said circular arc (concave to the north) a distance of 71.61 feet to a Point of Tangency with a line which bears North 85°16'40" West; thence North 85°16'40" West along the last-described tangent line a distance of 56.45 feet to a Point of Intersection with the easterly line of Henry Hill Lane, and there terminating. The side lines of said 33.00-foot wide easement shall be prolonged or shortened to terminate at the afore-described deeded tract's westerly line and at the easterly line of said Henry Hill Lane;

PLUS a 33.00-foot wide easement for access and utilities purposes over, under, and across part of Government Lot 4 of fractional Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian, Otter Tail County, Minnesota. The center line of said 33.00-foot wide easement is more particularly described as follows:

From the South Corner (existing iron marker) of Lot 2 of HENRY'S HILL SECOND SUBDIVISION of a Part of said Section 27, the Official Plat of which is recorded in the Office of the Otter Tail County Recorder, bear North 54°45'51" East along the southeasterly line of said Lot 2 a distance of 192.96 feet to an existing iron marker located at the Northwest Corner of that certain tract of land described in Document No. 1 178 262, a copy of which is recorded also; thence bear South 20°04'18" East along a portion of the multi-part westerly line of the last-described deeded tract a distance of 317.43 feet to the Point of Beginning of the center line herein described;

thence North 71°16'38" East a distance of 114.29 feet; thence North 86°31'27" East a distance of 53.05 feet; thence North 81°11'46" East a distance of 102.91 feet; thence North 65°41'19" East a distance of 76.15 feet to a Point of Intersection with the easterly line of the afore-described deeded tract, and there terminating. The side lines of said 33.00-foot wide easement shall be prolonged or shortened to terminate at the westerly and easterly lines of the afore-described deeded tract.

## **EXHIBIT B**

### Legal Description of Petitioners' Property

All that part of Government Lots 3 & 4, Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian, Dunn Township, Otter Tail County, Minnesota described as follows:

Commencing at the Northeast corner of said Section 27; thence on an assumed bearing of South 89 degrees 58 minutes 4 seconds west on and along the north line of said Section 27 a distance of 1323.30 feet to the Northeast corner of said Government Lot 4; thence South 0 degrees 07 minutes 0 seconds West on and along the east line of said Government Lot 4 a distance of 640.96 feet to the intersection of the easterly line of Lot 1 of the Plat of HENRY'S HILL SECOND SUBDIVISION, and to the point of beginning; thence South 0 degrees 07 minutes 03 seconds West and continuing on and along said east line of Government Lot 4, and continuing on and along the east line of Government Lot 3 a distance of 982.12 feet; thence South 63 degrees 47 minutes 34 seconds West a distance of 89.03 feet; thence North 23 degrees 24 minutes 05 seconds West a distance of 144.68 feet; thence South 86 degrees 27 minutes 34 seconds West a distance of 164.40 feet; thence North 0 degrees 59 minutes 36 seconds East a distance of 449.91 feet to an existing iron monument; thence North 0 degrees 59 minutes 37 seconds East a distance of 334.48 feet to an existing iron monument on the southerly line of Lot 1 of HENRY'S HILL SECOND SUBDIVISION; thence South 86 degrees 58 minutes 15 seconds East on and along the southerly line of said Lot 1 a distance of 280.02 feet to an existing iron monument marking the southeasterly corner of said Lot 1 of HENRY'S HILL SECOND SUBDIVISION; thence North 4 degrees 30 minutes 45 seconds West on and along the easterly line of said Lot 1 a distance of 129.74 feet to the point of beginning.

**EXHIBIT C**  
Legal Description of Easement

That part of Government Lot 4 of Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian in Otter Tail County, Minnesota, described as follows:

Commencing at a found iron monument which designates the most southerly corner of Lot 2 of HENRY'S HILL SECOND SUBDIVISION, said plat is on file and of record in the office of the Recorder in said County; thence North 54 degrees 45 minutes 51 seconds East 80.16 feet on an assumed bearing along the southeasterly line of said Lot 2 to a found iron monument; thence continuing North 54 degrees 45 minutes 51 seconds East 112.80 feet along the southeasterly line of said Lot 2 to a found iron monument, thence South 20 degrees 04 minutes 18 seconds East 297.35 feet to a point hereinafter referred to as Point A;

Beginning at the aforementioned Point A; thence North 79 degrees 46 minutes 20 seconds East 2.65 feet; thence North 58 degrees 28 minutes 45 seconds East 119.54 feet; thence North 63 degrees 59 minutes 17 seconds East 82.16 feet; thence South 88 degrees 17 minutes 22 seconds East 161.36 feet; thence South 00 degrees 59 minutes 36 seconds West 3.50 feet to an iron monument; thence continuing South 00 degrees 59 minutes 36 seconds West 21.50 feet; thence North 88 degrees 17 minutes 22 seconds West 155.50 feet; thence South 63 degrees 59 minutes 17 seconds West 74.79 feet; thence South 58 degrees 28 minutes 45 seconds West 123.04 feet; thence South 79 degrees 46 minutes 20 seconds West 3.01 feet; thence North 20 degrees 04 minutes 18 seconds West 25.37 feet to the point of beginning of said driveway easement.

AND ALSO

Beginning at the aforementioned Point A; thence South 20 degrees 04 minutes 18 seconds East 25.37 feet; thence South 79 degrees 46 minutes 20 seconds West 148.99 feet to the easterly line of a Public Road according to HENRY'S HILL, said plat is on file and of record in the office of the Recorder of said County; thence North 18 degrees 55 minutes 26 seconds West 25.29 feet along the easterly line of said Public Road; thence North 79 degrees 46 minutes 20 seconds East 148.47 feet to the point of beginning of said driveway easement.



**EXHIBIT D**  
Legal Description of Requested Route

A 33-foot-wide cartway over, under and across part of Government Lot 4 of fractional Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian, Otter Tail County, Minnesota. The center line of said 33.00-foot-wide cartway is more particularly described as follows:

From the South Corner (existing iron marker) of Lot 2 of HENRY'S HILL SECOND SUBDIVISION of a Part of said Section 27, the Official Plat of which is recorded in the Office of the Otter Tail County Recorder, bear North  $54^{\circ}45'51''$  East along the southeasterly line of said Lot 2 a distance of 192.96 feet to an existing iron marker located at the Northwest Corner of that certain tract of land described in Document No. 1 178 262, a copy of which is recorded also; thence bear South  $20^{\circ}04'18''$  East along a portion of the multi-part westerly line of the last-described deeded tract a distance of 317.43 feet to the Point of Beginning of the center line herein described;

thence South  $71^{\circ}16'38''$  West a distance of 25.88 feet to a Point of Tangency with the arc of a circular curve having a radius of 175.00 feet; thence westerly along said circular arc (concave to the north) a distance of 71.61 feet to a Point of Tangency with a line which bears North  $85^{\circ}16'40''$  West; thence North  $85^{\circ}16'40''$  West along the last-described tangent line a distance of 56.45 feet to a Point of Intersection with the easterly line of Henry Hill Lane, and there terminating. The side lines of said 33.00-foot wide easement shall be prolonged or shortened to terminate at the afore-described deeded tract's westerly line and at the easterly line of said Henry Hill Lane;

PLUS 33-foot-wide cartway over, under and across part of Government Lot 4 of fractional Section 27, Township 137 North, Range 42 West of the Fifth Principal Meridian, Otter Tail County, Minnesota. The center line of said 33.00-foot-wide cartway is more particularly described as follows:

From the South Corner (existing iron marker) of Lot 2 of HENRY'S HILL SECOND SUBDIVISION of a Part of said Section 27, the Official Plat of which is recorded in the Office of the Otter Tail County Recorder, bear North  $54^{\circ}45'51''$  East along the southeasterly line of said Lot 2 a distance of 192.96 feet to an existing iron marker located at the Northwest Corner of that certain tract of land described in Document No. 1 178 262, a copy of which is recorded also; thence bear South  $20^{\circ}04'18''$  East along a portion of the multi-part westerly line of the last-described deeded tract a distance of 317.43 feet to the Point of Beginning of the center line herein described;

thence North  $71^{\circ}16'38''$  East a distance of 114.29 feet; thence North  $86^{\circ}31'27''$  East a distance of 53.05 feet; thence North  $81^{\circ}11'46''$  East a distance of 102.91 feet; thence North  $65^{\circ}41'19''$  East a distance of 76.15 feet to a Point of Intersection with the easterly line of the afore-described deed tract, and there terminating. The side lines of said 33.00-foot wide easement shall be prolonged or shortened to terminate at the westerly and easterly lines of the afore-described deeded tract.