

177 Main Street
Winona, MN 55987

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May 2, 2024

Gwen Carman, Superintendent
Lewiston-Altura Public Schools ISD 857
100 County Road 25
Lewiston, Minnesota 55952

Dear Superintendent Carman;

This letter is in response to your question inquiring if there is a recorded access easement for parcel #16.000.0790.

Extensive research was conducted regarding your question. Reviewed were:

- Real estate recordings from 1866 to April 20, 2024, for parcel #16.000.0790.
 - A recorded access easement was not identified.
- Real estate recordings from 1866 to April 20, 2024, for adjoining parcels.
 - A recorded access easement was not identified.
- Plat Maps from 1867 and later years for presence of building(s) on the school district property.
 - When buildings are identified the expectation is there will be an access easement.
 - No buildings were identified.
- 2022 aerial imagery for indication of a physical access to the school district property.
 - No appearance of a physical access was identified.
 - It was noted the School District parcel, in 1866, was part of a 120-acre tract which on the north side did have an access to a public road, but since 60 acres of the northerly acres were transferred from the 120 acre parcel there is no language reserving an access easement to the 40 acre parcel which, today, is owned by the school district.

Again, a recorded access easement was not identified.

What may have been a trail on the west side of the school district parcel is indicated on aerial imagery. To connect the possible trail to a public road identified as Arches Road, two additional parcels may need to be crossed. These parcels are #16.000.0820 and #16.000.0780. I suggest you contact the neighboring parcel owners to inquire for an easement. If access cannot be acquired you may be able to petition the Town Board for a Cartway for access per MN Statute 164.08 Subd. 2 Mandatory Cartways. This should be discussed with an attorney.

I am enclosing copies of:

- Tax print screen for parcel #16.000.0790
- Deed to Fischer Book X Page 462
- Final Decree to Fisher Book 84 Page 122
- Deed to Fisher Book 34 Page 131
- Deed to School District Book 235 Page 493
- Warren Township Road Map
- Tax print screens for parcel #16.000.0780
- Tax print screen for parcel #16.000.0820
- Statute 164.08
- GIS print of parcel #16.000.0820 & 16.000.0780 showing possible trail

Sincerely,



Bob Bambenek
Winona County Recorder