

KENT E. NYBERG LAW OFFICE, LTD.

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March 10, 2025

Chad R. Felstul
Pemberton Law, P.L.L.P.
110 N. Mill Street
Fergus Falls, MN 56537
218.736.5493
c.felstul@pemlaw.com

VIA EMAIL ONLY

RE: Easement

Dear Mr. Felstul,

I have revised the agreement pursuant to most of your recommendations. I revised the obligation to repairing potential damage to the road to “as soon as practical, depending on the season” as repairs may not be viable at the present time due the conditions and seasons.

Grantees have an argument that there was an implied grant of easement as both Grantor’s and Grantees’ property was owned by US Steel. The Grantees’ property was transferred to Grantees’ predecessors in title when US Steel owned both parcels with the only access to Grantees’ property was over the existing road (bituminous driveway).

I very much doubt that US Steel didn’t intend to exclude access to the former superintendent’s home.

I am enclosing the following:

1. Survey Done for Minnesota Power and Light Showing their Easement.
2. Plat of City of Coleraine
3. Blowup of Plat
4. GIS Photo from Itasca County Showing Existing Road and Property Lines.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kent E. Nyberg', with a stylized, cursive script.

Kent E. Nyberg
Attorney at Law

Encls.

EXHIBIT 'A'

COLE AVENUE

BLOCK 3
PLAT OF
COLERAINE

MORRISON AVENUE

SOUTHERLY EXTENSION
OF THE EAST LINE
OF MORRISON AVENUE

INTERSECTION OF SOUTHERLY
EXTENSION OF THE EAST LINE OF
MORRISON AVENUE &
SOUTH LINE OF COLE AVENUE

POINT OF
BEGINNING

SOUTH LINE OF COLE AVENUE

10.00 FOOT WIDE
EASEMENT

EAST LINE OF 10.00
FOOT WIDE EASEMENT

SCHOOL DISTRICT NO. 316
Doc. No. 262595
Parcel No. 88-032-3201

BARLE TRACT
Doc. No. A000585787
(from recorded mortgage)
Parcel No. 88-032-3203

EDGE OF
BITUMINOUS

EDGE OF
BITUMINOUS

WESTERLY CORNER
COMMON TO BARLE & KANISH

BARLE TRACT
Doc. No. 500401 & 523753
(from recorded mortgage
& revised land desc.)
Parcel No. 88-032-3204

N 88°52'07" E

60.08
N 88°52'07" E
28.03
S 03°08'31" E

LEGEND

○ DENOTES EXISTING
CONSPICUOUS TREE

● DENOTES MONUMENT FOUND

○ DENOTES IRON MONUMENT
SET MARKED BY LICENSE
NO. 24466

■ DENOTES FOUND P.K. NAIL

× DENOTES CALCULATED
POSITION

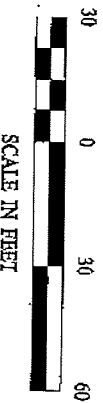
ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON THE EAST LINE OF MORRISON AVE.
FROM THE PLAT OF COLERAINE TO HAVE AN
ASSIGNED BEARING OF N 03°09'31" W.

EASEMENT LEGAL DESCRIPTION

A 10.00 foot wide easement in that part of
Government Lot 4, Section 32, Township 56
North, Range 24 West, Itasca County, Minnesota,
the east line of said easement is described as
follows:

COMMENCING at the intersection of the
southerly extension of the east line of Morrison
Avenue with the south line of Cole Avenue,
according to the plat of Coleraine, of record in the
office of the County Recorder, Itasca County,
Minnesota and assuming said east line and said
extension to bear North 03 degrees 09 minutes 31
seconds West from said point of intersection;
thence South 86 degrees 50 minutes 13 seconds
West, along said south line of Cole Avenue, a
distance of 46.00 feet to the point of beginning of
the line to be herein described; thence South 03
degrees 09 minutes 31 seconds East 187.56 feet
and said described east line there terminating.

The west line of said 10.00 foot wide easement
shall be prolonged or shortened to terminate on a
line bearing South 88 degrees 52 minutes 07
seconds West from the point of termination and on
said south line of Cole Avenue.



SCALE IN FEET

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Landecker & Associates, Inc.
Surveying - Planning - Consulting
Oneida, WI 54991
Phone 218-333-8847 Fax 218-333-2520

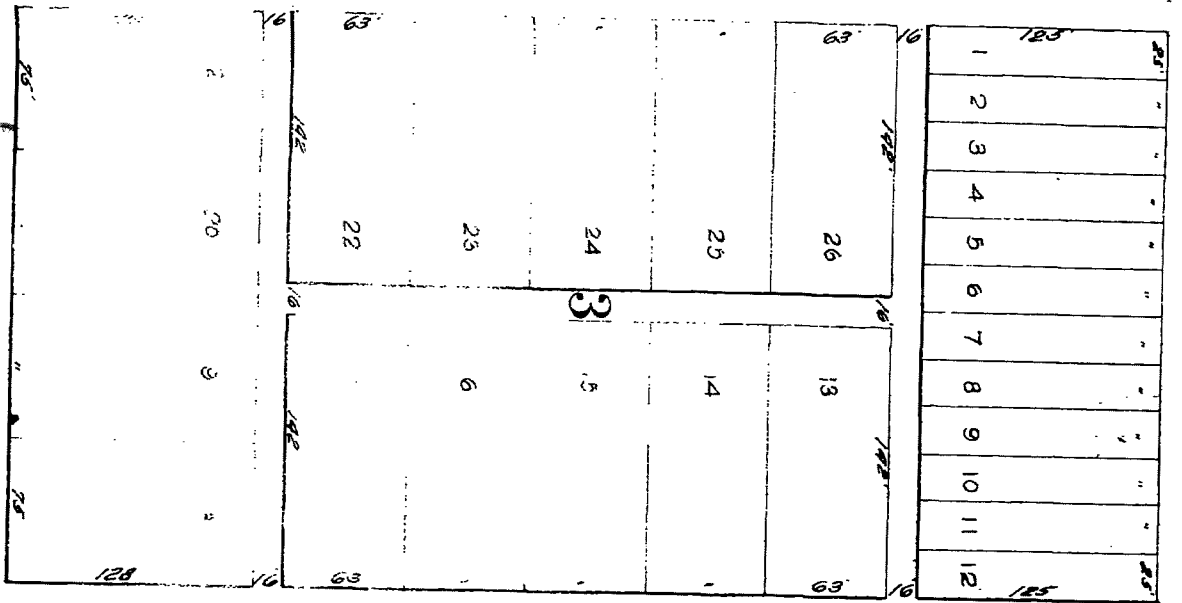
I HEREBY CERTIFY THAT THIS SURVEY, PLAN, SPECIFICATION,
OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL
ENGINEER OR LAND SURVEYOR UNDER THE LAWS OF THE
STATE OF MINNESOTA.
Joshua M. Falck
JOSHUA M. FALCK
DATE: 2006-4-16 LTD. NO. 45911

DATE	REVISIONS
	DESCRIPTION

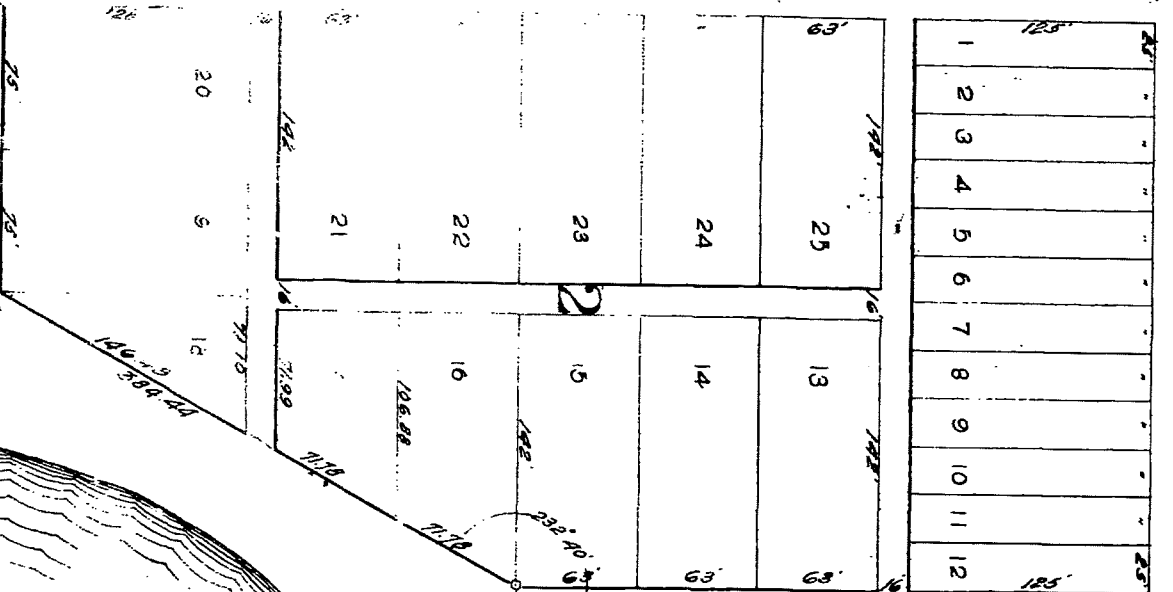
PROJECT NO.	DATE
063020	04/18/2006
FILE NAME	SCALE
C063020.dwg	HORIZ 1" = 30'
PLOT RECORD	VERT. NONE
BOOK 225 P. 77	

PROJECT MANAGER	CHECKED BY	DRAWN BY
LJB	JMF	BHJ
EXHIBIT 'A'		
10.00 FOOT WIDE EASEMENT - SCHOOL TRACT		
MN POWER		
ATTN: DEREK ROWE		

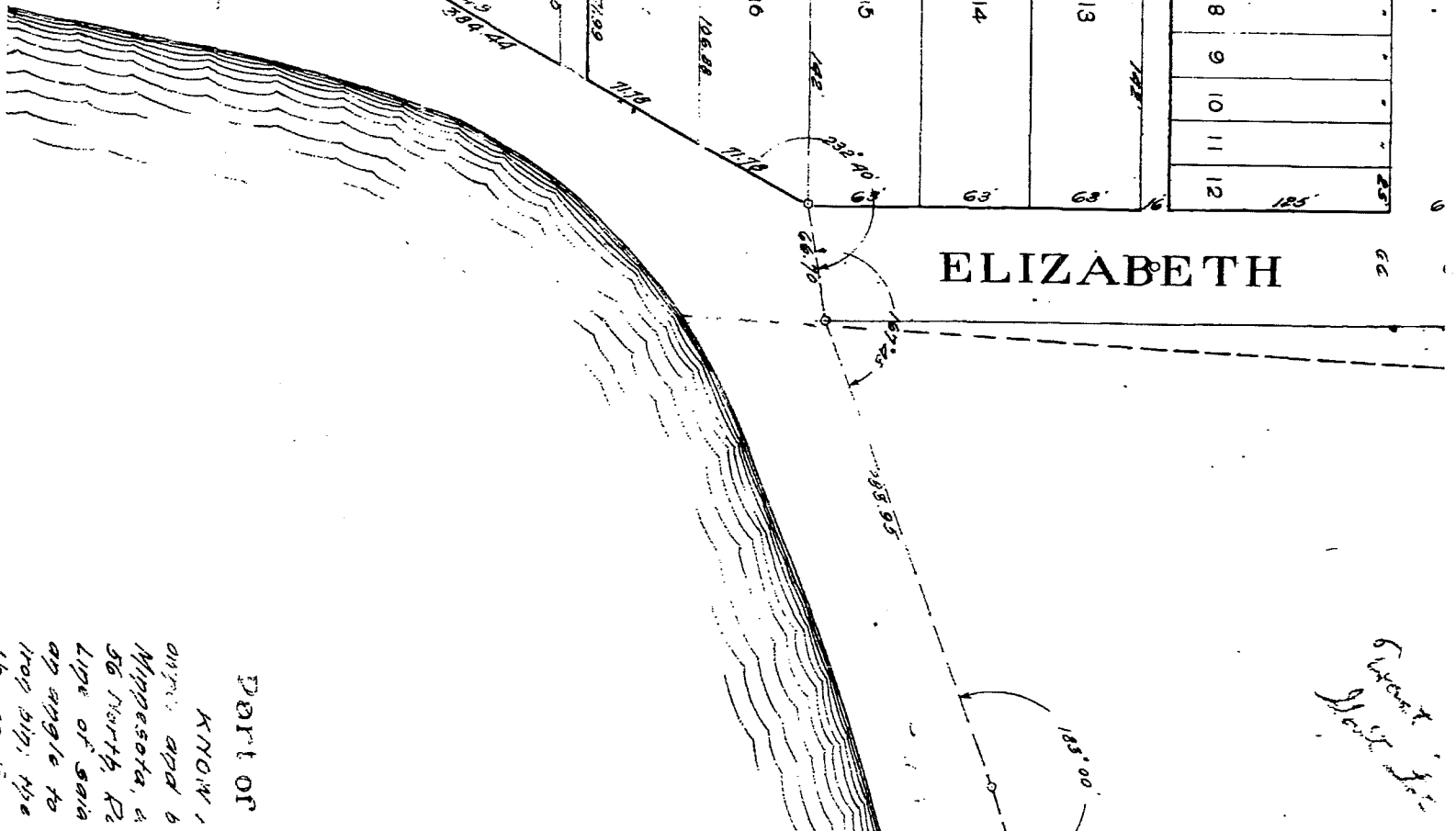
CLEMSEN



MORRISON



ELIZABETH



School district

Morrison

AVE. V.

Part of

KNOW,

and

Missouri,

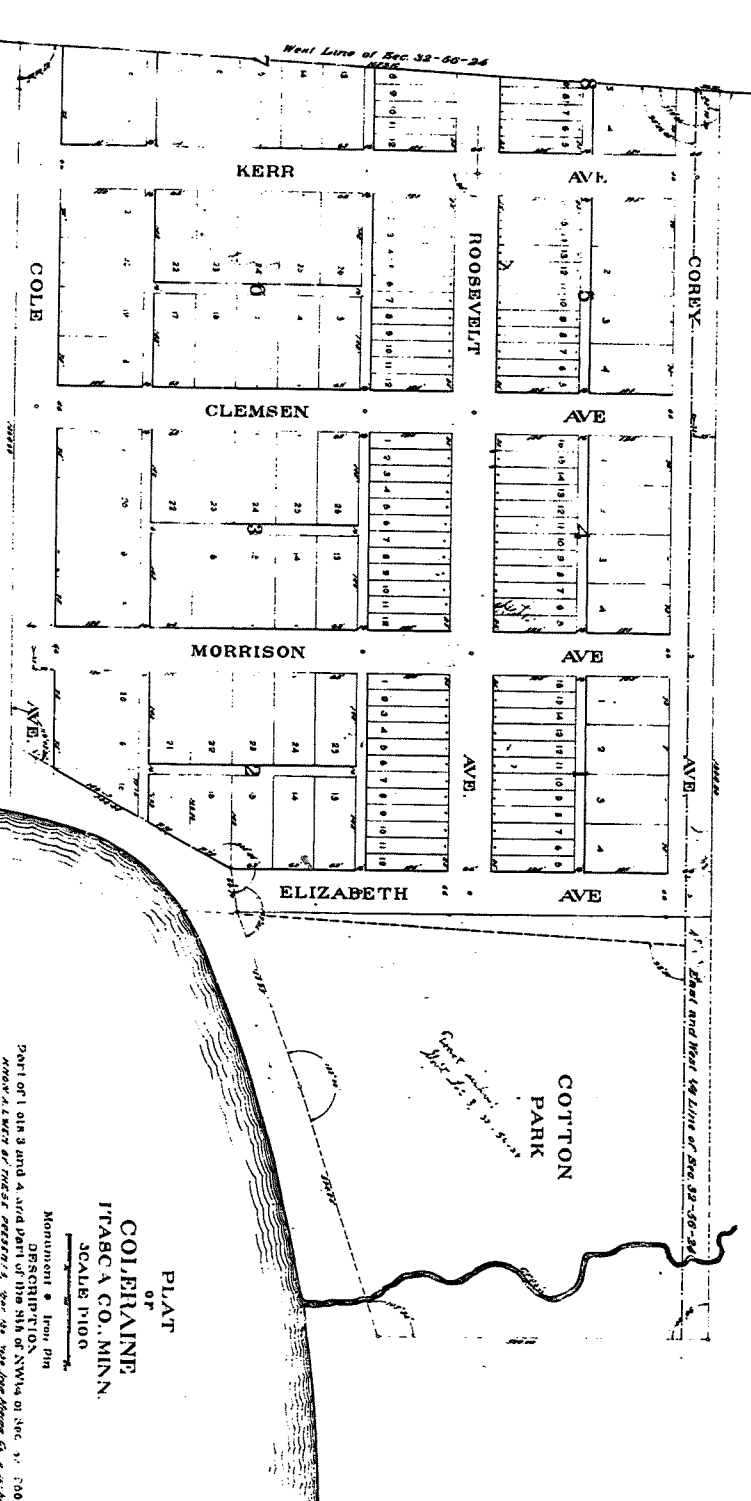
and

North,

the

of said

are to be



Trout Lake

6 x 100 feet
10 x 100 feet
10 x 100 feet

Map of Coleraine, Minn. showing the location of the Coleraine, Minn. Iron Mine. The map shows the mine located on the east side of the lake, near the intersection of the main road and the branch road. The mine is situated on a hill, and the surrounding area is mostly open land. The map also shows the location of the Coleraine, Minn. Iron Mine, which is situated on the east side of the lake, near the intersection of the main road and the branch road. The mine is situated on a hill, and the surrounding area is mostly open land.

PLAT OF COLERAINE FTABCA CO. MINN.
SCALE 1" = 100'
Monument • Iron Mine
Part of Lot 3 and 4 and part of the NW 1/4 of Sec. 32-60-24
The map shows the location of the Coleraine, Minn. Iron Mine, which is situated on the east side of the lake, near the intersection of the main road and the branch road. The mine is situated on a hill, and the surrounding area is mostly open land.

Itasca County GIS Web Map



2/17/2025, 1:45:21 PM

----- Tax Parcel

