



Beltrami County

Natural Resource Management

Policy: Easements and Access Across County Lands

Purpose

The procedure and requirements for private, government, commercial, and utility entities to cross tax-forfeited and Beltrami County-owned land. The following policy is based on the needs of Beltrami County and Minnesota Statutes.

Applicable Statute

M.S. 282.04, Subd. 4 and 4a

Types of Crossings

1. Private Individual Easement
2. Utility Easement
3. Local Government
4. Temporary for private individual, local, state, or federal agencies
5. Commercial/Subdivision/Plat Development

All Crossings

A request to cross tax-forfeited/Beltrami County-owned land will be considered to access private or agency lands beyond the tax-forfeited/Beltrami County-owned lands or to provide utilities a legal right-of-way easement across tax-forfeited/Beltrami County-owned lands. The following conditions will apply:

1. There are no reasonable alternatives to obtain access to the individual's property or utility crossing.
2. Road construction and maintenance of all crossing shall be done, to a standard acceptable to Beltrami County, to prevent significant adverse environmental or natural resource management impacts and to minimize the loss of public benefit.
3. Development of any new trail must adhere to any guidelines specified by Natural Resource Management Department staff.
4. Appropriate water flow structures are installed as required by Natural Resource Management Department staff.
5. Crossings or road location must be approved by the Natural Resource Management Department. Existing routes must be utilized where available.
6. All crossings must comply with all applicable federal, state, and local laws and ordinances.
7. The individual or agency seeking the crossing is responsible for obtaining all permits and permissions required for construction and maintenance.
8. All crossings shall remain open to the public unless a closure is approved by the Director of Natural Resource Management due to potential environmental damage.
9. The easements under this policy cannot be gated on tax-forfeited/Beltrami County-owned land without written approval by the Natural Resource Management Department. Such approval may be given only on new roads,



when it is in the public's best interest (e.g. when tax-forfeited/Beltrami County-owned land provides a safer gating location), or when Natural Resource Management staff has determined that the protection of the roadbed is necessary. Gates may be limited to certain times or seasons of the year.

10. A completed "Application: Easements and Access Across County Lands" form is submitted to the Director of Natural Resource Management along with the following items:
 - a. A legal survey/legal description of the proposed road.
 - b. A large-scale map showing the road location at accuracy acceptable to the Natural Resource Management Department.
 - c. For local government requests, a supporting resolution must be included with the application.
11. All fees must be paid in full and the easement recorded prior to any construction or maintenance activities.
12. Beltrami County will not be responsible for the following:
 - a. Any costs associated with road construction and maintenance.
 - b. Any costs associated with obtaining required permits for construction and maintenance.
 - c. Any legal survey/recordable legal description of the proposed road or any associated costs.
 - d. Any "approved" signing of road.
13. All crossings revert to the state-in-trust for the taxing districts/Beltrami County in the event of nonuse for the period of three (3) years.
14. All easements must be approved by the County Board and require Board Chair signature.
15. All easements/crossings may be cancelled prior to the expiration of its term by resolution of the County Board upon a ninety (90) day written notice addressed to the record owner of the easement at its last known address for any subsequent breach of the terms of this agreement or if at any time its continuance will conflict with the public use of the land. Or any part hereof, on which it is granted.
16. Beltrami County shall at all times have the right to enter upon said right-of-way for any purpose necessary to the performance of lawful powers and duties.
17. The Grantee must hold the County harmless from any and all liability for injury to or death of persons and loss or destruction of or damages to property in any manner arising from or out of the existence, condition, operations, or use of the roadway by the Grantee, its agents, guests, or invites.
18. The agreement shall inure to the benefit of and be binding upon the heirs and assigns of the parties hereto, if any.
19. Additional terms may be added by the Natural Resource Management Department as needed to protect the public's interest, subject to approval by the County Board.

Private Individual Easement

1. Each individual needing a permanent or temporary (<120 days) access must obtain an appropriate easement from Beltrami County.
2. An easement will not be issued on Natural Resource Management gated forest roads.
3. An easement to cross tax-forfeited/Beltrami County-owned lands shall be required when:



- a. Private road maintenance is done on tax-forfeited/Beltrami County-owned lands to provide suitable access to private land.
 - b. Private road construction is done on tax-forfeited/Beltrami County-owned lands to gain access to private land.
 - c. Guaranteed suitable access to private land is desired.
4. Comments regarding private easements may be solicited from township, city, MN DNR, or US Forest Service.
5. Construction and maintenance:
- a. Road construction and maintenance activities under such easement shall not exceed thirty-three (33) feet in width without written approval by the Director of Natural Resource Management.
6. Easement location and legal description:
- a. Easement legal description must cover the entire length of the roadway over all tax-forfeited/Beltrami County-owned lands crossed to gain access from an established public road (e.g. County or township road). Public water access roads, lease lot access roads, Natural Resource Management forest access roads, timber access roads, and similar roads shall not be considered “established public roads” under this policy.
7. Fees:
- a. A \$250.00 application fee to be applied to total easement costs. If the final easement is not approved, all but \$100.00 will be returned to the applicant.
 - b. Appraised land value of the easement right-of-way.
 - c. Appraised value of all timber resources within the easement right-of-way (including merchantable and non-merchantable values).
 - d. Recording fees.
8. Subsequent request to utilize previously established easement will be responsible for items in “Private Individual Easement”.
9. Additional Terms and Conditions:
- a. The Grantee, subject to approval of the Natural Resource Management Department, may install a sign with wording similar to that shown below at the beginning of the roadway easement. All costs for purchase, installation, and maintenance of this sign are the responsibility of the Grantee. If the sign becomes illegible, or in disrepair, the Department may require a new sign be installed.

Easement to Private Land

This road is maintained by a private landowner. This road is open to public vehicle traffic during good road conditions. The road user is liable for excessive road damage.

DO NOT BLOCK ROAD

Utility Easements

1. Each utility needing a permanent or temporary (<120 days) access must obtain an appropriate easement from Beltrami County.



2. A utility easement to cross tax-forfeited/Beltrami County-owned lands shall be required when:
 - a. Utility construction and maintenance is done on tax-forfeited/Beltrami County-owned lands.
 - b. Guaranteed suitable access across tax-forfeited/Beltrami County-owned lands is desired.
3. Construction and maintenance:
 - a. Utility easement construction and maintenance activities under such easement shall not exceed fifty (50) feet in width without written approval by the Director of Natural Resource Management.
 - b. Grantee must actively control noxious weeds within the easement corridor.
4. Easement location and legal description:
 - a. Easement legal description must cover the entire length over all tax-forfeited/Beltrami County-owned lands.
5. Fees:
 - a. A \$250.00 application fee to be applied to total easement costs. If the final easement is not approved, all but \$100.00 will be returned to the applicant.
 - b. Appraised land value of the easement right-of-way.
 - c. Appraised value of all timber resources within the easement right-of-way (including merchantable and non-merchantable values).
 - d. Recording fees.

Local Government

1. All such crossings shall be a maximum of sixty-six (66) feet in width.
2. Fees:
 - a. Appraised land value of the right-of-way.
 - b. Appraised value of all timber resources within the right-of-way (including merchantable and non-merchantable values).
 - c. Any applicable appraisal fees.
 - d. Recording fees.

Temporary for Private individual, local, state, or federal agencies

1. Temporary permission will not exceed 120 days.
2. Abandonment or closure of such trails will be specified in "Temporary Crossing Agreement", and must be completed within thirty (30) days of project completion.

Commercial/Subdivision/Plat Development

1. No easement shall be issued to a commercial operation, subdivision, or plat developer as it is not listed as an allowable easement under M.S. 282.04 Subd. 4 and 4a.



2016 Minnesota Statute 282.04

Subd. 4. Easements.

The county auditor, when and for such price and on such terms and for such period as the county board prescribes, may grant easements or permits on unsold tax-forfeited land for telephone and electric power lines either by underground cable or conduit or otherwise, sewer and water lines, highways, recreational trails, railroads, and pipe lines for gas, liquids, or solids in suspension. Any such easement or permit may be canceled by resolution of the county board after reasonable notice for any substantial breach of its terms or if at any time its continuance will conflict with public use of the land, or any part thereof, on which it is granted. Land affected by any such easement or permit may be sold or leased for mineral or other legal purpose, but sale or lease shall be subject to the easement or permit, and all rights granted by the easement or permit shall be excepted from the conveyance or lease of the land and be reserved, and may be canceled by the county board in the same manner and for the same reasons as it could have been canceled before sale and in that case the rights granted thereby shall vest in the state in trust as the land on which it was granted was held before sale or lease. Any easement or permit granted before passage of Laws 1951, chapter 203, may be governed thereby if the holder thereof and county board so agree. Reasonable notice as used in this subdivision, means a 90-day written notice addressed to the record owner of the easement at the last known address, and upon cancellation the county board may grant extensions of time to vacate the premises affected.

Subd. 4a. Private easements.

(a) A county board may convey a road easement across unsold tax-forfeited land to an individual or a private entity requesting an easement for access to private property owned by the individual or private entity if:

- (1) there are no reasonable alternatives to obtain access to the individual's or private entity's property; and
- (2) exercising the easement will not cause significant adverse environmental or natural resource management impacts.

(b) The county auditor shall require an individual or a private entity applying for an easement under paragraph (a) to pay the appraised value of the easement. The conveyance must provide that the easement reverts to the state in trust for the taxing district in the event of nonuse.

Beltrami County

Natural Resource Management

Instructions: Easements and Access Across County Lands

Beltrami County may grant permanent and temporary crossings to private individuals, utility entities, or local governments across tax-forfeited/Beltrami County-owned lands. Please refer to the Beltrami County Natural Resource Management policy regarding “Easements and Access Across County Lands” for detailed information. Easements are granted under Minnesota Statute 282.04, Subd. 4 and 4a.

Steps for Obtaining Easements and Access Across County Lands

1. **Contact Beltrami County Natural Resource Management.** Acquire application form and notify the Department of intent to obtain an easement (or conveyance of land for local governments).
2. **Complete the Application for Easements and Access Across County Lands.** The list below should assist the applicant in completing the application.

Application Requirements

Name and Address: Fill in the exact name(s) of the individual(s), agency or local government, to whom the crossing should be issued. Provide the mailing and physical address (if different), contact person, and phone number of the same.

1. **Crossing:** Check the appropriate box.
2. **Type:** Private individuals, utility companies, and local governments may request easements. The County **will not** issue an easement over tax-forfeited/Beltrami County-owned land to a commercial developer.
3. **Number and Describe:** Starting at number one, list each forty ($\frac{1}{4}$, $\frac{1}{4}$) or government lot. Each forty or lot crossed must be listed on a separate line. Separate permanent and temporary easement requests. There must be a starting and ending date for temporary easements, be sure to allow adequate time for temporary easements. Attach a separate large-scale map and legal description for **each** easement requested.
4. **Utility Requests:** List the type of utility. Utilities may not be placed in an area covered by a road easement on County administered lands without a utility easement to cross public lands. Utilities mean lines, cables, and conduits for telephone, fiber optic, or electric power, and pipelines for gases, liquids, or solids in suspension.
5. **Governmental Requests - Intended Public Use:** List public use (i.e. public road).
6. **Governmental Requests - Resolution:** Attach a copy of the supporting resolution from the local government. The application is not complete without the resolution.
7. **Temporary Requests:** Specify abandonment plans for temporary easements. Abandonment must occur within thirty (30) days of the project completion date.

Application Fee: The minimum fee for a private or utility easement is \$250.00. The fee will be applied to the total cost of the easement. If the required payment is not received with the application, no action will be taken on the application until the fee is submitted. If the final easement is not approved, all but \$100.00 will be refunded to the applicant.

Application Attachments

Mail or deliver the completed application, application fee, exact legal description and any other applicable attachments (i.e. legal survey, detailed drawing, appraisal, local government resolution, or detailed plans) to:

Beltrami County Natural Resource Management
701 Minnesota Ave NW, Suite 234
Bemidji, MN 56601-3178

Beltrami County

Natural Resource Management

Application: Easements and Access Across County Lands

Name of Applicant (<i>Print or Type</i>)	
Address (<i>Mailing and Physical, if different</i>)	
Contact Person	Telephone Number

The applicant herein applies pursuant to Minnesota Statute 282.04, Subd. 4 and 4a and other applicable statutes for Easements and Access Across County Land described below, in accordance with all maps, plans, specifications and other supporting data submitted with this applications and made a part hereof.

- Crossing:** Permanent Maintenance Temporary (<120 days)
- Type:** Private Utility Local Government
- Number consecutively and describe the full area requested** (separate permanent and temporary easements, if applicable):

No.	Forty (1/4, 1/4) or Government Lot	Section	Township	Range	Type of easement (Permanent or Temporary)	Total Acres	Start and End Dates (if Temporary)

* Important note: On 8½" x 11" paper, attach a separate map and legal description for **each** easement requested.

- Utility requests:** Please indicate type of utility: _____
- Governmental requests:** Please list intended public use: _____
- Governmental requests:** Please attach the supporting resolution.
- Temporary requests:** Please specify abandonment plans (must occur within 30 days after project completion):

Application fee:

- For private and utility easements, there is a \$250.00 application fee (fee will be applied to total easement cost).
- Make checks payable to the Beltrami County Treasurer.
- No action will be taken on the application until the fee is submitted.
- If the final easement is not approved, all but \$100.00 will be refunded to the applicant.