

STATE OF MINNESOTA  
COUNTY OF GOODHUE

DISTRICT COURT  
FIRST JUDICIAL DISTRICT

Gregg H. Johnson, William Flies, Linda Flies,  
and Chateau Frontenac Homes, Association,

Plaintiffs,

v.

Township of Florence and State of Minnesota,

Defendants.

Case Type: Other Civil  
Case No.: 25-CV-14-1835

**ANSWER OF  
TOWNSHIP OF FLORENCE TO  
PLAINTIFFS' AMENDED COMPLAINT**

Defendant Township of Florence, for its Answer to the Amended Complaint of Plaintiffs,  
states as follows:

1. Florence Township denies each and every allegation made in the Amended Complaint except as expressly admitted herein.
2. Admits paragraph 1.
3. Admits paragraph 2.
4. In answer to paragraph 3, admits that the Supreme Court found in its Decision at *Schaller v. Town of Florence*, 259 NW 530, 533 (1939) (the "Schaller Decision") that the area which Plaintiffs here seek to register has been statutorily dedicated to the Public.
5. In response to paragraph 4, admits that Minn. Stat. §541.023 was first passed in 1943.
6. In answer to paragraph 5, admits that the landing which Plaintiffs seek to register is located on the shores of Lake Pepin on the Mississippi River, a navigable body of water. Also admits that the land is the same land upon which the Court ruled in the *Schaller* case. Denies the remainder of the allegations.

7. Admits that paragraph 6 recites the legal description of the land which Plaintiffs are seeking to have registered, which they refer to as the "SUBJECT LAND".
8. Admits paragraph 7.
9. In response to paragraph 8 and paragraph 14, the future use of this public land is under consideration by the Florence Parks Commission, but in any event, will continue to be used for the purpose for which it was dedicated to the public, as confirmed in the Schaller Decision.
10. In response to paragraph 9, admit that the SUBJECT LAND is on the Mississippi River, which is a navigable body of water. To the extent that the remainder of the paragraph alleges that Plaintiffs have ownership of the SUBJECT LAND, and the rights attendant to that, deny that portion of the paragraph.
11. In response to paragraph 10, admits the Plaintiffs and their predecessors have used the SUBJECT LAND, but denies paragraph 10 to the extent that it is meant that the use was to the exclusion of other members of the public, and further that states Florence Township's interest in the property was dedicated to it by the plat of Westerveldt, as confirmed by the Schaller Decision, and that further recording of that interest was unnecessary to preserve that interest. Denies that Florence Township has abandoned its interest in the SUBJECT LAND. Further incorporates by reference the explanation of that interest set forth in the report of the Examiner of Titles, attached as Exhibit A.
12. Denies paragraph 11.
13. Denies paragraph 12.
14. In response to paragraph 13, states that the Township of Florence uses, and intends to continue to use, the property for public purposes as it was dedicated to be used, which it

contends includes use as a public park or as a parking lot, if the Township should so choose.

15. Denies paragraph 15.

16. Denies paragraph 16.

**AFFIRMATIVE DEFENSES**

17. Defendant Township of Florence's has applied for registration of property that overlaps the property Plaintiffs claim in Goodhue County Court File No. 25-CV-14-2100. Thus, these actions may need to be consolidated, as necessary for the fair and proper resolution of the question of title to the SUBJECT LAND.

18. Plaintiffs lack a sufficient claim of title to invoke the Marketable Title Act to create title in their name to the SUBJECT LAND.

19. Plaintiffs have failed to state a claim upon which relief can be granted.

20. Plaintiffs' claims may be barred by laches, waiver, estoppel, and the statute of limitations, the merits of which defenses investigation continues.

21. Plaintiffs' claims are barred by res judicata and collateral estoppel.

22. Plaintiffs may not claim adverse possession upon property dedicated to the public, pursuant to Minn. Stat. §541.01 and case law interpreting it.

NOW THEREFORE, Defendant Township of Florence prays for an Order of the Court as follows:

1. Denying Plaintiffs' request for relief as stated in its Amended Complaint.
2. Affirming the decision of the Minnesota Supreme Court in the Schaller Decision that the SUBJECT LAND is owned by Florence Township, having been statutorily dedicated to it.

3. Denying Plaintiffs' request for Declaratory Judgment to impose the limitations stated upon the use the Township of Florence may make of the SUBJECT LAND.
4. Establish that the SUBJECT LAND is owned in fee by the Township of Florence.
5. For such other and further relief as the Court finds fair and equitable, including the Township of Florence's costs, disbursements, and, to the extent allowed by Minnesota law, attorney fees.

**ACKNOWLEDGMENT:** Pursuant to Minn. Stat. § 549.211, subd. 1, the undersigned hereby acknowledges that sanctions may be imposed against the attorneys, law firms or parties responsible for violations of Minn. Stat. § 549.211, subd. 2.

STROBEL & HANSON, P.A.

Dated: 11-6, 2014



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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF GOODHUE

FIRST JUDICIAL DISTRICT

Court file no.: 25-CV-13-292

Filed

Feb 03 2014

Yvonne Black  
Court Administrator Deputy

In the Matter of the Application of

William P. Flies and Linda Berg-Flies, husband and wife,  
and Chateau Frontenac Ltd., a Minnesota corporation

REPORT OF THE  
EXAMINER OF TITLES

To Register the Title of Certain Land.

TO THE HONORABLE JUDGES OF THE DISTRICT COURT OF GOODHUE COUNTY, MN:

Pursuant to Minnesota Statutes 508.13, the above-entitled file was referred to the Goodhue County Examiner of Titles to examine into the title of the Applicants in and to the land described in the Application herein, the nature of such title, and by what right the occupation of such land is held, and also whether or not any judgments against Applicants or those through whom Applicants claim title, exist, which may be a lien upon the land described in the Application to register title, and to search all public records, and fully investigate all facts pertaining to the title which have been brought to my notice, and to make a Report thereon, including an opinion upon the title, I, **Gary Fridell, Goodhue County Examiner of Titles**, after also having said land inspected and having examined the records indicated on all the abstracts filed herein, do now Report as follows:

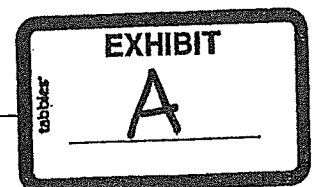
In making said Report, I have examined an Abstract of Title No. 20164 compiled by the Goodhue County Abstract Company. Abstract of Title No. 20164 contains entries 1 through 110 and was last certified to by the Goodhue County Abstract Company on October 22, 2013, at 7:00 a.m. I have also consulted with Applicants' attorney regarding Applicants' adverse possession claim and researched her memorandum thereon.

The land to which Applicants apply to register the title to is described in Exhibit A and Exhibit B, copies of which are hereto attached and made a part of this Report.

At the time of the filing of the Application herein, Applicants, William P. Flies and Linda Berg-Flies of 28822 Lake Avenue Way, Frontenac, MN 55026, were the record owners in fee simple of land in Goodhue County, Minnesota, described as: *Lot 1 in Block 13 of the Town of Frontenac, according to the plat thereof on file and of record in the office of the County Recorder for Goodhue County, Minnesota, EXCEPT the northwesterly 100 feet thereof.*

At the time of the filing of the Application herein, Applicant, Chateau Frontenac Ltd. of 28822 Lake Avenue Way, Frontenac, MN 55026, was the record owner in fee simple of: **APPLICANT DOES NOT OWN ANY LAND IDENTIFIED AND DESCRIBED IN THIS APPLICATION TO REGISTER THE TITLE OF CERTAIN LAND.**

At the time of the filing of the Application herein, the land to which this Application to Register Title is applicable, described in the Application as Parcel A and Parcel B (see Application Exhibit A and B and the survey sketch for William Flies by Johnson & Scofield Inc. Surveying and Engineering, drawing number S-5225A, dated August 13, 2013 as revised, which Exhibits and survey sketch are hereto attached and made part of this Report), was owned by Florence Township in fee simple title,



except the land owned by William P. Flies and Linda Berg-Flies, to-wit, *Lot 1 in Block 13 of the Town of Frontenac, according to the plat thereof on file and of record in the office of the County Recorder for Goodhue County, Minnesota, EXCEPT the northwesterly 100 feet thereof.* The ownership by Florence Township of most of Parcels A and B comes from the dedication language of the Plat of Westervelt, now Frontenac. The owners of the land now known as Frontenac stated in the Plat of Westervelt dedication, we *"do hereby dedicate to Public use the Streets and Alleys as laid out, also the Three Parks, the Valhalla, the Delta, the Wakondiota. We also dedicate to public use the Lake Shore between Blocks 9 & 13 to be used as a Steamboat Landing, reserving to ourselves all rights of wharfage and all rights and privileges of Ferry either within the above limits or elsewhere, either at the ends of the streets or within the boundaries of Lots which run to the water."*

Applicants William P. Flies and Linda Berg-Flies are 18 years of age or older and are married to each other. Applicant William P. Flies was divorced on October 24, 1978 in Dakota County, Minnesota. No other Applicant has been divorced. Applicant Chateau Frontenac Ltd. is a Minnesota corporation and does not have a marital status.

At paragraphs G., and H. of the Application, Applicants identify Florence Township, Israel Garrard aka Isreal Garrard, Kate Wood Garrard, Evert Westervelt, and Julia Westervelt as having a potential interest in the land to be registered. At paragraph I. of the Application, Applicants claim title to and ownership of most of Parcels A and B by adverse possession. I recommend as defendants Florence Township, Israel Garrard aka Isreal Garrard, Kate Wood Garrard, Evert Westervelt, and Julia A. Westervelt.

#### PARCELS A and B, EXCEPTING LOT 1 OF BLOCK 13

My Report following shall refer only to Parcels A and B, excluding the part of Parcel A in Lot 1 of Block 13 of the Town of Frontenac owned in fee by William P. Flies and Linda Berg-Flies.

In 1857 Israel Garrard and Evert Westervelt platted the Town of Westervelt (now known as Frontenac). See Abstract entry 8, showing the Plat of Town of Westervelt, dated September 30, 1857, recorded September 30, 1857 in Book 1 of Plats, page 10, in the office of the Goodhue County Recorder. Kate Wood Garrard was the wife of Israel Garrard and Julia A. Westervelt was the wife of Evert Westervelt. The land Applicants seek to register the title to, that is, Parcel A and Parcel B, excepting the land owned in fee simple by William P. Flies and Linda Berg-Flies, is shown by Abstract of Title No. 20164 to be last owned by Isreal Garrard aka Israel Garrard and Evert Westervelt (see Abstract entries 5 and 8) and dedicated by them to the public by the Plat of Westervelt (see Abstract entry 8). By dedication language on the Plat of Town of Westervelt, Messers Garrard and Westervelt dedicated part of Parcel A and Parcel B to the public, *"Know all men by these presents that we Evert Westervelt of Goodhue County, Minnesota Territory and Israel Garrard of Cincinnati, Ohio the equal joint owners of the land upon which this Town is located do hereby dedicate to Public use the Streets and Alleys as laid out, also the three Parks, the Valhalla, the Delta, the Wakondiota. We also dedicate to public use the Lake Shore between Blocks 7 & 13 to be used as a Steamboat Landing, reserving to ourselves all rights of wharfage and all rights and privileges of Ferry either within the above limits or elsewhere, either at the ends of the streets or within the boundaries of Lots which run to the water. In witness whereof we do this day file this map for record in the recorders office of Goodhue County and to the above grant and dedication to Public use we do set our hands and seals this 30<sup>th</sup> day of September 1857. Evert Westervelt Israel Garrard"*. See the Plat of Westervelt. The public body to which the "dedication to the public use" is granted is the Town of Florence.

A review of the Plat of Westervelt shows that all of the land which is applied to be registered, excepting Lot 1 in Block 13 of the Town of Frontenac, is land dedicated to the public use as a street or

alley or lake shore. This is not just the opinion of your Examiner of Titles. The Minnesota Supreme Court in a 1935, in an opinion by Justice Julius J. Olson, considered the ownership of the very same land that is involved in this Application to Register the Title to Certain Land. The land sought to be registered, excepting land in Lot 1 of Block 13 of the Plat of Westervelt, is part of the land the Supreme Court describes as Frontenac Point in the case of Schaller v. Town of Florence, 193 Minn. 604 (1935), 259 N.W. 259. The Minnesota Supreme Court determined that the land sought to be registered, excepting Lot 1 of Block 13, was indeed land dedicated to the public. "It seems obvious to us that what the donors intended was to convey to the public for its use all of Lake avenue, including as well all the property fronting upon the lake at Frontenac Point. ... Everything points to a general donation or grant to public use of all the areas not surveyed into lots and blocks.", Schaller v. Town of Florence, 193 Minn. 604 (1935), 259 N.W. 529, 532.

Parcels A and B, excepting the land in Lot 1 of Block 13, are on the Lake shore between Blocks 9 & 13. Parcels A and B, excepting part of Lot 1 of Block 13, are then public land now under the fee title and jurisdiction of the Town of Florence.

Because Parcels A and B, excepting part of Lot 1 of Block 13, are owned by the public body, the Town of Florence, there is no taking by adverse possession. Minnesota law does not allow adverse possession of land owned by government. "Simply put, the rule is that one cannot acquire adverse title against the sovereign under our statutory scheme.", Fischer v. City of Sauk Rapids, 325 NW 2d 816, 819 (1982). There are very good reasons of public policy that dictate that public land should not and cannot be taken for private purposes. "Whether this very desirably located area, solemnly dedicated to public use, should be restored to private ownership and thus, perhaps for all time to come, lost to the public and made an appendage to private enterprise for individual profit or enjoyment, or both, is a matter that should receive our most careful consideration. The present trend of public opinion is directed toward restoring to the public access to our lakes, our parks, and our forests for recreational and other purposes. That is why the final test is whether the public interests will or will not be best served by discontinuing the way.", Schaller v. Town of Florence, 193 Minn. 604 (1935), 259 N.W. 529, 563.

Applicant, Chateau Frontenac Ltd., has previously acknowledged the ownership by the Town of Florence of "the Lake Shore between Blocks 9 & 13". In the fall of 2007, Chateau Frontenac Ltd. agreed with Florence Township to exchange land belonging to Chateau Frontenac Ltd. with land belonging to Florence Township. The Florence Township land involved in the exchange was part of "the Lake Shore between Blocks 9 and 13". Parcel B and part of Parcel A is "Lake Shore between Blocks 9 & 13" owned by the Town of Florence. Since Applicant, Chateau Frontenac Ltd., has previously recognized the ownership of Florence Township in some of "the Lake Shore between Blocks 9 & 13", it must logically and necessarily recognize the ownership of Florence Township of all "the Lake Shore between Blocks 9 & 13", including land in Parcels A and B that are "Lake Shore between Blocks 9 & 13".

Finally, the Town of Florence has long owned and used part of "the Lake Shore between Blocks 9 & 13" just south of Parcels A and B for a public beach and public boat launch.

For these reasons, your Examiner of Titles recommends that the Application of Applicants, William P. Flies and Linda Berg-Flies and Chateau Frontenac, Ltd., as to Parcels A and B, excepting part of Parcel A in Lot 1 of Block 13 of the Town of Frontenac be DENIED.

PARCEL A and PARCEL B

The title of Applicants to the land described above is subject to encumbrances, easements, liens, restrictions, reservations of record, to-wit:

1. The State of Minnesota has proprietary and sovereign rights in all that portion of the land lying below the ordinary high watermark of Lake Pepin. I recommend as defendant the State of Minnesota.
2. Fee simple ownership of Parcel A and Parcel B, excepting part of Lot 1 of Block 13 of the Plat of Westervelt is vested in the Town of Florence. I recommend as defendant Florence Township aka Town of Florence.

The estimated market value of the land owned by Applicants William P. Flies and Linda Berg-Flies, that is, Lot 1 of Block 13 of the Town of Frontenac, according to the plat thereof on file and of record in the office of the County Recorder for Goodhue County, Minnesota, EXCEPT the northwesterly 100 feet thereof, exclusive of improvements, according to the last official assessment, is \$131,800.00. The rest of the land Applicants seek to register the title to has no Goodhue County tax parcel number nor a valuation therefore.

The land owned by Applicants William P. Flies and Linda Berg-Flies, to wit, *Lot 1 in Block 13 of the Town of Frontenac, according to the plat thereof on file and of record in the office of the County Recorder for Goodhue County, Minnesota, EXCEPT the northwesterly 100 feet thereof*, is occupied by Applicants William P. Flies and Linda Berg-Flies. The remainder of the land Applicants seek to register the title to is occupied by the Town of Florence.

Applicants desire to fix and establish the boundary lines of the land. Applicants identify owners of adjoining land as Chateau Frontenac Homes Association, Inc. of 28822 Lake Avenue Way, Frontenac, MN 5026; Gregg Johnson of 706 8<sup>th</sup> Avenue N.W., #4, Austin, Minnesota 55912; John C. Junek and Kathleen A. Junck of 11240 Alamada Court, Inver Grove Heights, Minnesota 55077; and Florence Township, c/o Mike Blair, Supervisor, 31778 Maple Court, Lake City, Minnesota 55041. I recommend Chateau Frontenac Homes Association, Inc., Gregg Johnson, John C. Junek, Kathleen A. Junck, and Florence Township be named as defendants herein.

The parties defendant in this title registration cause of action shall be:

Town of Florence aka Florence Township  
State of Minnesota  
Chateau Frontenac Homes Association, Inc.  
Gregg Johnson  
John C. Junek  
Kathleen A. Junek  
Israel Garrard aka Isreal Garrard  
Kate Wood Garrard  
Evert Westervelt  
Julia A. Westervelt

"All persons or parties claiming any right, title, estate, lien, or interest in the real estate described in the Application or amendments thereto.



All material allegations contained in said Application are substantially true as herein stated, except as hereinabove found. Applicants are NOT ENTITLED to the relief prayed for in the Application EXCEPTING Applicants, William P. Flies and Linda Berg-Flies, husband and wife, are ENTITLED to register the title to land described as *Lot 1 in Block 13 of the Town of Frontenac, according to the plat thereof on file and of record in the office of the County Recorder for Goodhue County, Minnesota, EXCEPT the northwesterly 100 feet thereof.*

Applicant is advised that in preparing its final Order and Decree, Applicant must include a paragraph in said final Order and Decree identifying the fee owner of the property to be registered and the fee owner's residence, including but not limited to, street address, city, county, and state (see M.S. 508.35).

Dated: January 28, 2014



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**Gary Fridell**  
**Goodhue County Examiner of Titles**  
**503 Summit Avenue**  
**Red Wing, MN 55066**  
**telephone: 651 388-5934**  
**cell: 651 301-5413**  
**email: fridell@hotmail.com**

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EXHIBIT A

Parcel A

That part of the unspecified area, that is not part of any platted Block, lying northeasterly and northerly of Block 1 and southerly of Block 13, and that part of Lot 1 of said Block 13, all in the plat formerly known as WESTERVELT, now known as FRONTENAC, according to the recorded plat thereof, on file in the Goodhue County Recorders office, described as follows:

Commencing at the most westerly corner of Outlot A of CHATEAU FRONTENAC HOMES, according to the recorded plat thereof, on file in the Goodhue County Registrar of Titles Office; thence North 75 degrees 48 minutes 44 seconds West, assumed bearing, along the northerly line of Block 4 of said CHATEAU FRONTENAC HOMES, a distance of 278.57 feet to the northwesterly corner of said Block 4; thence northwesterly, a distance of 240.19 feet along a non-tangential curve concave to the southwest, having a radius of 858.48 feet, a central angle of 16 degrees 01 minutes 49 seconds and the chord of said curve bears North 38 degrees 26 minutes 23 seconds West to the point of beginning of the land to be described; thence northwesterly, a distance of 138.57 feet, continuing on the last described curve, concave to the southwest, having a radius of 858.48 feet, a central angle of 9 degrees 14 minutes 55 seconds and a chord bearing of North 51 degrees 04 minutes 45 seconds West; thence North 55 degrees 42 minutes 12 seconds West, tangent with the last described curve, a distance of 65.23 feet; thence northwesterly, a distance of 76.14 feet along a tangential curve concave to the northeast, having a radius of 500.00 feet and a central angle of 08 degrees 43 minutes 32 seconds to the southerly line of said Lot 1 of Block 13; thence North 84 degrees 47 minutes 26 seconds West, along said southerly line, a distance of 32.81 feet to the southwest corner of said Lot 1; thence North 28 degrees 49 minutes 52 seconds West, along the southwest line of said Lot 1, a distance of 19.71 feet to the most southerly corner of the northwesterly 100.00 feet of said Lot 1; thence North 61 degrees 06 minutes 51 seconds East, along the southeasterly line of the northwesterly 100.00 feet of said Lot 1, Block 13, a distance of 650 feet, more or less, to the shoreline of Lake Pepin; thence southerly, along said shoreline, a distance of 392 feet, more or less, to the intersection with the southerly line of said Lot 1; thence North 84 degrees 47 minutes 26 seconds West, along the southerly line of said Lot 1, a distance of 95 feet, more or less, to the intersection with a line bearing North 61 degrees 06 minutes 51 seconds East from the point of beginning; thence South 61 degrees 06 minutes 51 seconds West, a distance of 268.42 feet to the point of beginning.

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EXHIBIT B

Parcel B

That part of the unspecified area, that is not part of any platted Block, lying northeasterly and northerly of Block 1 and southerly of Block 13 all in the plat formerly known as WESTERVELT, now known as FRONTENAC, according to the recorded plat thereof, on file in the Goodhue County Recorders office, described as follows:

Beginning at the most westerly corner of Outlot A of CHATEAU FRONTENAC HOMES, according to the recorded plat thereof, on file in the Goodhue County Registrar of Titles Office; thence North 75 degrees 48 minutes 44 seconds West, assumed bearing, along the northerly line of Block 4 of said CHATEAU FRONTENAC HOMES, a distance of 278.57 feet to the northwesterly corner of said Block 4; thence northwesterly, a distance of 240.19 feet along a non-tangential curve concave to the southwest, having a radius of 858.48 feet, a central angle of 16 degrees 01 minutes 49 seconds and the chord of said curve bears North 38 degrees 26 minutes 23 seconds West; thence North 61 degrees 06 minutes 51 seconds East, a distance of 268.42 feet, to the southerly line of Lot 1 of said Block 13; thence South 84 degrees 47 minutes 26 seconds East, along said southerly line, a distance of 95 feet, more or less, to the shoreline of Lake Pepin; thence southerly and southeasterly, along said shoreline, a distance of 330 feet, more or less, to the intersection with a line bearing North 35 degrees 01 minute 12 seconds East from the point of beginning; thence South 35 degrees 01 minute 12 seconds West, a distance of 112 feet, more or less, to the point of beginning.

PARCEL A

PROPOSED PROPERTY DESCRIPTION FOR LAND TITLE REGISTRATION

That part of the unspecified area, that is not part of any platted Block, lying northeasterly and northerly of Block 1 and southerly of Block 13, and that part of Lot 1 of said Block 13, all in the plat formerly known as WESTERVELT, now known as FRONTENAC, according to the recorded plat thereof, on file in the Goodhue County Recorders office, described as follows:

Commencing at the most westerly corner of Outlot A of CHATEAU FRONTENAC HOMES, according to the recorded plat thereof, on file in the Goodhue County Registrar of Titles Office; thence North 75 degrees 48 minutes 44 seconds West, assumed bearing, along the northerly line of Block 4 of said CHATEAU FRONTENAC HOMES, a distance of 278.57 feet to the northwesterly corner of said Block 4; thence northwesterly, a distance of 240.19 feet along a non-tangential curve concave to the southwest, having a radius of 858.48 feet, a central angle of 16 degrees 01 minutes 49 seconds and the chord of said curve bears North 38 degrees 26 minutes 23 seconds West to the point of beginning of the land to be described; thence northwesterly, a distance of 138.57 feet, continuing on the last described curve, concave to the southwest, having a radius of 858.48 feet, a central angle of 9 degrees 14 minutes 55 seconds and a chord bearing of North 51 degrees 04 minutes 45 seconds West; thence North 55 degrees 42 minutes 12 seconds West, tangent with the last described curve, a distance of 65.23 feet; thence northwesterly, a distance of 76.14 feet along a tangential curve concave to the northeast, having a radius of 500.00 feet and a central angle of 08 degrees 43 minutes 32 seconds to the southerly line of said Lot 1 of Block 13; thence North 84 degrees 47 minutes 26 seconds West, along said southerly line, a distance of 32.81 feet to the southwest corner of said Lot 1; thence North 28 degrees 49 minutes 52 seconds West, along the southwest line of said Lot 1, a distance of 19.71 feet to the most southerly corner of the northwesterly 100.00 feet of said Lot 1; thence North 61 degrees 06 minutes 51 seconds East, along the southeasterly line of the northwesterly 100.00 feet of said Lot 1, Block 13, a distance of 650 feet, more or less, to the shoreline of Lake Pepin; thence southerly, along said shoreline, a distance of 392 feet, more or less, to the intersection with the southerly line of said Lot 1; thence North 84 degrees 47 minutes 26 seconds West, along the southerly line of said Lot 1, a distance of 95 feet, more or less, to the intersection with a line bearing North 61 degrees 06 minutes 51 seconds East from the point of beginning; thence South 61 degrees 06 minutes 51 seconds West, a distance of 268.42 feet to the point of beginning. Containing 3.5 acres, more or less.

PARCEL B

PROPOSED PROPERTY DESCRIPTION FOR LAND TITLE REGISTRATION

That part of the unspecified area, that is not part of any platted Block, lying northeasterly and northerly of Block 1 and southerly of Block 13 all in the plat formerly known as WESTERVELT, now known as FRONTENAC, according to the recorded plat thereof, on file in the Goodhue County Recorders office, described as follows:

Beginning at the most westerly corner of Outlot A of CHATEAU FRONTENAC HOMES, according to the recorded plat thereof, on file in the Goodhue County Registrar of Titles Office; thence North 75 degrees 48 minutes 44 seconds West, assumed bearing, along the northerly line of Block 4 of said CHATEAU FRONTENAC HOMES, a distance of 278.57 feet to the northwesterly corner of said Block 4; thence northwesterly, a distance of 240.19 feet along a non-tangential curve concave to the southwest, having a radius of 858.48 feet, a central angle of 16 degrees 01 minutes 49 seconds and the chord of said curve bears North 38 degrees 26 minutes 23 seconds West; thence North 61 degrees 06 minutes 51 seconds East, a distance of 268.42 feet, to the southerly line of Lot 1 of said Block 13; thence South 84 degrees 47 minutes 26 seconds East, along said southerly line, a distance of 95 feet, more or less, to the shoreline of Lake Pepin; thence southerly and southeasterly, along said shoreline, a distance of 330 feet, more or less, to the intersection with a line bearing North 35 degrees 01 minute 12 seconds East from the point of beginning; thence South 35 degrees 01 minute 12 seconds West, a distance of 112 feet, more or less, to the point of beginning. Containing 2.4 acres, more or less.

PLATS\CHATEAU FRONTENAC HOMES SHORELAND PUD\COUBHV\FILES 830.DWG

SKETCH FOR:

**WILLIAM FLIES**



**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**

1203 MAIN STREET, RED WING, MN 55068  
(651) 388-1558

DATED: AUGUST 13, 2013  
REVISED DATE: AUGUST 30, 2013  
REVISED DATE: SEPTEMBER 4, 2013

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 2 OF 2 SHEETS	13-399	S-5225A	

