



Toolkits for the Quiet Majority

Easement Education & Action

Information tools for
restoring peace & quiet on your private property

While publicly funded snowmobile and ATV clubs are required to have written easements for all property crossed by their motorized routes, such easements often have not been obtained and/or do not exist. As one northern county land official stated recently, “Many of these trails were created through trespass.” In 2003 the Office of the Legislative Auditor found that written easement agreements are most often missing from the files of local government sponsors who disburse public funds to motorized clubs to cross private property. **The good news for Minnesota property owners is that they ultimately control access to their property and can readily close unwanted snowmobile and ATV routes on their land.** Simple directions for doing so below.

Fundamental Requirements for all Publicly Funded Motorized Routes on Private Property^{1, 2}

- A **written** easement agreement must exist
- An easement agreement must **identify all parties who share ownership of the land**, such as a husband and wife and must **contain the signatures of all parties**
- Easement **must be legally described sufficiently as to identify the easement’s location on your property**

How to close publicly funded snowmobile and ATV routes on your private property

1. **Determine if a written easement exists?** Commence a “title search” through the Office of the County Recorder in the county in which your land is located. A written easement, if ever obtained and recorded would appear as a deed on a legally described portion of your land. Without a written easement the trail is trespassing.
2. **Identify the local unit of government that sponsors the motorized route.** All snowmobile and ATV clubs use local units of government as fiscal agents. Call the DNR office in your region, describe your location and ask for the name of the local club and fiscal agent that sponsors the motorized route on your property.
3. a. **If no easement exists** send the fiscal agent a letter notifying them that you are closing the motorized route. Request that the fiscal agent sign & barricade the route and publish the closing in the media to prevent trespass
b. **If a written easement does exist**, it should describe your power to revoke the easement upon notification in writing and the period of time required before you can effectively terminate the easement. The DNR landowner permit sample requires property owners to provide written notification six months prior to termination. Send the local unit of government a letter establishing date on which you will close the route. Request that the fiscal agent sign & barricade the route and publish the closing in the media to prevent trespass. You may want to have your letter notarized. Be sure to make a copy of your letter before sending it. Send a copy to MRR.

Having trouble?

Contact MRR

218-740-3175

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¹ American Jurisprudence, Legal Forms, Second Edition, West Group, 1998

² Minnesota Trail Assistance Program Grant Agreement, Minnesota Snowmobile Trails Assistance Program Instruction Manual, 2001-2002, Minnesota Department of Natural Resources, 2001