

THE HISTORY OF MINNESOTA TRUNK HIGHWAY #244

Steven Wolgamot, May 11, 2016

Walking trails around White Bear Lake have existed since time immemorial. The first official element of what became Mahtomedi Avenue and Dellwood Avenue, together Minnesota Trunk Highway 244, was the right of way of the St. Paul and Duluth Railroad. The railroad ran from Stillwater to White Bear Lake. Its course was what is now the Brown's Creek Trail from Stillwater into Grant. The right of way has been lost from the intersection with the Gateway Trail to the east Mahtomedi border. It is now the Briarwood trail in Mahtomedi, and in private hands west of Quail Street.

The St. Paul and Duluth was created with some of the \$5 million of state money put up to encourage railroad construction. It reached this area in 1872 and eventually became part of the Northern Pacific Railroad and then the Burlington Northern, suffering bankruptcies along the way. Eventually all or part of Highway 244 would be within the railroad right of way from Echo Street to Meadow Street.

The first important document was the plat of Dellwood, Minnesota. The plat, received by Washington County on September 27, 1882, included Linden Street. This street, a "4 rod" road, that is 66' wide, extended from what is now Meadow to past the entrance to Ordway Street. That street along with the others was duly and properly dedicated "to the public and for the public use forever." Other streets in Dellwood, generally much smaller, disappeared and changed over the years, but Linden Street survives.

In 1883, the plat of Mahtomedi Assembly was filed. Among its dedicated streets was what became Lakeside Avenue, 30' wide. Some Chautauqua land, south of Neptune Street was lost in a foreclosure by the St. Paul Permanent Loan Company, and subsequently replatted as East Shore. The Mahtomedi Assembly plat also dedicated the streets "to the public and for the public use forever."

Next platted was Grove Park, which extended from current Tamarack to Echo Street. The west, or lake side of Grove Park eventually became part of the village of Dellwood, while the east side of the road wound up in Mahtomedi. Grove Park's dedication was for a 60' wide easement for Lakeside Avenue. The road had a nasty squiggle near lots 6-8, which was later resolved. The northern part of the road was immediately adjacent to

the south side of the railroad right of way until passing close to part of White Bear Lake. At that point, Lakeside Avenue followed the shore along the north end of the east bay of the lake to the base of the peninsula and then turned north to rejoin the railroad, following what is now Peninsula Road. The railroad proceeded straight across the wetlands west of Echo Street.

The county apparently instituted platting requirements, because all subsequent plats included dedicated roadway for what became the county road of 60' width. These included Forest Heights, 1914; Lakeview, 1892; and East Shore, 1905. Among them, these encompass the route of the road from what is now Ash Street to Mahtomedi Assembly at Neptune.

By 1917, cars were in use and the nature of development had changed in Dellwood. Deeming the railroad too close to the lake, Dellwood sought to have it moved farther north within the 100' right of way. That this decision was accommodated is not so surprising when you understand that Dellwood pioneer, Jule Hannaford, was then the president of the Northern Pacific Railway. In the accommodation, the railroad sold a 35' wide road easement within the railroad right of way, extending from Peninsula Station – the intersection of Peninsula Road and Highway 244, to the east end of Linden. The road was constructed within this easement and across dedicated Linden Street, from Peninsula Station west to past Ordway Street. The route is the same as at present. The railroad was moved north, but still crossed the current road east of Meadow and proceeded west from there on the south side of platted Linden Street.

In 1925 it was decided to upgrade the road, by then under the control of Washington County and designated County State Aid Highway ("CSAH") 244. A plan for improvement of the road, from Highway 120 in the southwest to Highway 96 in the north was developed by Ramsey County, presumably because Washington County didn't employ a road engineer yet. As part of that plan, a new easement was executed, involving land from Wildwood Park Company, the developer of the peninsula, and the railroad. The railroad was moved north and a 60' easement granted, and recorded, for the road on the old rail bed, extending from the end of the Grove Park dedication to the beginning of the 1917 easement. It appears that the current road goes entirely across the wetland on what was the rail bed prior to 1925. This eliminated the jog in the route to follow what is now Peninsula Road, giving the road its current shape. The easement from Wildwood Park Company tapered, permitting maintenance of the 60' right of way as the road moved onto the former rail bed.

Three other easements are relevant here. Small easements from Lots 6,7, and 8 of Grove Park permitted straightening the road while maintaining the 60' right of way. As a result the current right of way in the area of these lots is somewhat more than 60' wide. All of this information is available in the Washington County Surveyor's office.

I have not yet obtained the project files for the 1925 expansion of the road. At some point the extension of the road, curving to the north, west of Ordway Street, and intersecting Highway 96 was added. This may have been around 1988. This land was purchased and the right of way in this section is 80' wide.

In 1949, in order to expand the state's trunk highway system, the legislature passed a law converting many roads around the state to trunk highways. This was the second phase of an extensive conversion project, driven presumably by the constant increase in the number of automobiles. The state had already established the rules for such conversions, in 1921. By 1949, the statute was numbered Minnesota Statute 160.06 (1949). It survives in the current statutory scheme as Minnesota Statute 161.18. The statute provides that upon conversion of a road to a state trunk highway, all "rights, title, easements and appurtenances thereto appertaining" are immediately vested with the state. In 1949, this meant the State Highway Department, now the Department of Transportation. All of the various plat dedications and purchased easements became the right of way of Highway 244.

Just in case there is confusion in terminology, the dedication of land in a plat for a roadway has been determined in Minnesota to be an easement. The owner at the time of platting retains right to the underlying land, but the rights of the government holding the easement are so extensive as to make this retained right valueless, at least until or unless the government abandons the road in its entirety.

No part of Highway 244's right of way between Ash Street and Highway 96, is dependent on "prescription" for its existence, with the possible exception of the 120 feet west of the west end of Linden in Dellwood. The existing roadway at that point is wide enough to permit safe passage. The land under that part of the road is owned by Dellwood, with no specific recorded easement that I have found. With that exception, the road rests on legal

recorded easements properly dedicated or purchased and transferred by law to the DOT. The width of the easement varies as follows:

Ash Street to Neptune	60'
Neptune to Tamarack	30'
Tamarack to Peninsula	60' and wider in places
Peninsula to Meadow	35'
Meadow to Ordway	66'
East of Ordway to 96	80'

Since public easements may not be taken by adverse possession, all of this right of way remains in place, providing ample room for needed improvements. Particularly between Meadow and Ordway, the most dangerous part of this road, the substantial easement width will permit the department to make much needed changes. This, by the way, is not just ancient history. Surveys conducted even recently still reflect the width of this roadway.

References:

Plat of Dellwood, Minnesota – Washington County Recorder
Plat of Mahtomedi Assembly – Washington County Recorder
Plat of Grove Park – Washington County Recorder
Plat of Lakeshore – Washington County Recorder
Plat of Forest Heights – Washington County Recorder
Plat of Town of East Shore – Washington County Recorder

1917 Easement – Deeds, Book 82, Page 398
1925 RR easement – Deeds, Book 109, page 43
1925 Wildwood easement – Deeds, Book 109, page 28
Road straightening easements – Book 109, pages 29, 34, 56

Copies of all references are in the possession of the author.