

Dan Gaustad

From: Joel Fremstad <joel@fremstadlaw.com>
Sent: Monday, May 12, 2025 4:57 PM
To: Dan Gaustad
Cc: Leo Ness
Subject: RE: My email

Dan,

What you are proposing would violate the easements and is not agreeable to Newman.

Joel



fremstad | law

Joel Fremstad | Attorney | Office 701.478.7620 | Fax 701.478.7621
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From: Dan Gaustad <Dan@grandforkslaw.com>
Sent: Monday, May 12, 2025 8:11 AM
To: Joel Fremstad <joel@fremstadlaw.com>
Cc: Feland, Todd <tfeland@grandforksgov.com>; Storstad, Maureen <mstorstad@grandforksgov.com>; GLorenz@grandforksgov.com; RBrooks@grandforksgov.com; Kevin Ritterman <kritterman@dakotacommercial.com>
Subject: RE: My email

Good Morning Joel:

I am following up on my e-mail of Thursday (see below). Is there any response from Newman Signs relative to my inquiries.

Thanks!

Daniel L. Gaustad
Pearson Christensen, PLLP
24 North 4th Street
Grand Forks, ND 58203
Phone: (701) 775-0521
Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Dan Gaustad
Sent: Thursday, May 8, 2025 10:54 AM
To: joel@fremstadlaw.com
Cc: Feland, Todd <tfeland@grandforksgov.com>; Storstad, Maureen <mstorstad@grandforksgov.com>; GLorenz@grandforksgov.com; RBrooks@grandforksgov.com; Kevin Ritterman <kritterman@dakotacommercial.com>
Subject: RE: My email

Hi Joel:

I see you were cc'd on e-mail and assume you are representing Newman Signs, and therefore I am going to communicate with you given your representation. If you look at the e-mail below, my queries were whether any of the actions the City would take as to signs would be acceptable to Newman Signs even under the current versions of the easements: (1) to install a monument sign on the remaining part of Lots 2 and 3 that does not obstruct the Newman signs, (2) to allow for a static sign on the building located on the property to be purchased,

(3) to not have the easement then apply to the City's adjacent property- the Fire Station and (4) and as noted above to assure traffic safety signage would not be deemed a violation of the terms of easement document.

I look forward to hearing from you and working toward a resolution.

Thank you.

Daniel L. Gaustad
Pearson Christensen, PLLP
24 North 4th Street
Grand Forks, ND 58203
Phone: (701) 775-0521
Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Leo Ness <leoneess@newmansigns.com>
Sent: Thursday, May 8, 2025 10:47 AM
To: Dan Gaustad <Dan@grandforkslaw.com>
Cc: joel@fremstadlaw.com; Kari Ness <kariness@newmansigns.com>; Jim Englund <jime@newmansigns.com>
Subject: RE: My email

Hi Dan,

Thanks again for your e-mail this morning. Our position remains the same as I indicated in my previous e-mail. We are content with easements in place. Thank you.

Leo Ness

From: Dan Gaustad <Dan@grandforkslaw.com>
Sent: Thursday, May 8, 2025 8:16 AM
To: Leo Ness <leoness@newmansigns.com>; Jim Englund <jime@newmansigns.com>
Cc: Feland, Todd <tfeland@grandforksgov.com>; Storstad, Maureen <mstorstad@grandforksgov.com>;
GLorenz@grandforksgov.com; RBrooks@grandforksgov.com; Kevin Ritterman <kritterman@dakotacommercial.com>;
Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: FW: My email

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Good Morning Mr. Ness:

Can you advise me as to Newman Signs' position on the matters I raised in my e-mail of yesterday – as noted the issue surrounding the Newman Signs easements is holding up a real estate transaction.

Daniel L. Gaustad
Pearson Christensen, PLLP
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Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Dan Gaustad
Sent: Wednesday, May 7, 2025 8:02 AM
To: Leo Ness <leoness@newmansigns.com>; Jim Englund <jime@newmansigns.com>

Cc: Feland, Todd <TFeland@grandforksgov.com>; Storstad, Maureen <MStorstad@grandforksgov.com>; Lorenz, Gary <GLorenz@grandforksgov.com>; Brooks, Ryan <RBrooks@grandforksgov.com>; Kevin Ritterman <kritterman@dakotacommercial.com>; Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: RE: My email

Mr. Ness:

Thank you for the response.

To give you some background, the City has entered into a purchase agreement to purchase Lots 2 and 3 of Block 1, Shaw Resubdivision. Newman Signs was granted, by the seller's successor, two sign easements on these lots, which set out three separate easement areas – an 850 sq. ft area on Lot 2; a 540 sq. ft and an 880 sq. ft. area on Lot 3. I have attached the two easement documents. Thus, upon purchase of the lots, the City becomes the "Grantor" under easements and subject to the restrictions imposed on the "Grantor."

The issue the City is encountering and trying to resolve with the proposed amendment to the easement (which is attached) is due to the language in the current easements (highlighted) and the City becoming the owner of Lots 2 and 3 (and in turn subject to the restrictions imposed on the Grantor in the easement).

Here is the explanation:

1. The easements, as currently drafted, prevent any sign from being placed on premises that are described in the easement documents – being the three easement areas (1) the 850 sq. ft on Lot 2; (2) the 540 sq. ft area on Lot 3 and (3) the 880 sq. ft. area on Lot 3.

Explanation: This is not an issue for the City as I understand it would not place a sign within the 3 described easement areas, other than for the possibility of required road safety signage and devices. As to road safety signage/devices, there are, as you likely are aware, federal and state requirements that the City must comply with, for example the Manual of Uniform Traffic Control Devices. The City simply cannot agree to the terms of the easement, as currently drafted, that could result in non-compliance with the traffic safety laws.

Accordingly, the City, with the amendment to the easement document, addresses this matter – I trust Newman Signs would not preclude the City from complying with road safety requirements mandated by law, even under the currently existing easement document. If that is not the case, please advise as that would be important information to know for street repair and maintenance, and traffic safety purposes.

2. The easements, as currently drafted, prevents the Grantor (in in turn that would be the City if it acquires Lots 2 & 3), from installing any sign that is within 600 feet of any of three Newman Signs that are on the easement areas on any other property of the Grantor.

Explanation: Keep in mind, if the City acquires the Lots 2 & 3, it becomes the "Grantor" under the easement documents. Also keep in mind, Lots 2 & 3 are approximately 120-136' wide (east to west). Thus, as the easements are currently drafted, the City would be precluded from even putting a static sign on the building existing on Lots 2 & 3 (even though it is behind the three Newman signs). Further, the City currently owns the adjacent lot

to the east that has a Fire Station on it and given east-west distance of Lots 2 & 3, the sign this is currently on the outside of the Fire Station and any other sign placed on that separate lot, would be precluded under the easement documents as currently drafted. Further, as noted above, as drafted, the easements would even preclude road safety signs (i.e. road maintenance signage) from being installed.

Accordingly, the amendment was attempting to resolve these issues by simply permitting the City (1) to install a monument sign on the remaining part of Lots 2 and 3 that does not obstruct the Newman signs, (2) to allow for a static sign on the building located on the property to be purchased, (3) to not have the easement then apply to the City's adjacent property- the Fire Station) and (4) and as noted above to assure traffic safety signage would not be prevented under the terms of easement document (as noted above).

So, then the question becomes, which of these items are objectionable to Newman Signs – or put another way, would Newman Signs consent to the above noted items 1-4 as being exceptions to the current terms of the easement.

I look forward to hearing back from you with this explanation – as I noted this is the final issue to be resolved in order for the City to proceed with the purchase of the property.

Sincerely,

Daniel L. Gaustad
Pearson Christensen, PLLP
24 North 4th Street
Grand Forks, ND 58203
Phone: (701) 775-0521
Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Leo Ness <leoness@newmansigns.com>
Sent: Tuesday, May 6, 2025 4:19 PM
To: Dan Gaustad <Dan@grandforkslaw.com>; Jim Englund <jime@newmansigns.com>
Cc: Feland, Todd <TFeland@grandforksgov.com>; Storstad, Maureen <MStorstad@grandforksgov.com>; Lorenz, Gary <GLorenz@grandforksgov.com>; Brooks, Ryan <RBrooks@grandforksgov.com>; Kevin Ritterman <kritterman@dakotacommercial.com>; Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: RE: My email

Dan,

Thanks for sending your e-mail today. Upon a legal review from our attorney and a discussion with the ownership of Newman Signs, our position is that we are happy with the current terms contained in the easements agreed to by Mr. Lander and Mr. Newman in 2002. Let me know if you have any questions going forward. Thank you.

Leo Ness
Newman Outdoor

From: Dan Gaustad <Dan@grandforkslaw.com>
Sent: Tuesday, May 6, 2025 3:00 PM
To: Jim Englund <jime@newmansigns.com>
Cc: Feland, Todd <TFeland@grandforksgov.com>; Storstad, Maureen <MStorstad@grandforksgov.com>; Lorenz, Gary <GLorenz@grandforksgov.com>; Brooks, Ryan <RBrooks@grandforksgov.com>; Kevin Ritterman <kritterman@dakotacommercial.com>; Leo Ness <leoness@newmansigns.com>; Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: RE: My email

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Thanks Jim – and understood – but waiting for response to resolve matter so that the City can move forward with the transaction with seller.

Daniel L. Gaustad
Pearson Christensen, PLLP
24 North 4th Street
Grand Forks, ND 58203
Phone: (701) 775-0521
Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Jim Englund <jime@newmansigns.com>
Sent: Tuesday, May 6, 2025 2:55 PM
To: Dan Gaustad <Dan@grandforkslaw.com>
Cc: Feland, Todd <TFeland@grandforksgov.com>; Storstad, Maureen <MStorstad@grandforksgov.com>; Lorenz, Gary <GLorenz@grandforksgov.com>; Brooks, Ryan <RBrooks@grandforksgov.com>; Kevin Ritterman <kritterman@dakotacommercial.com>; Leo Ness <leoneess@newmansigns.com>; Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: RE: My email

As I relayed in my last email, I did give this to Newman's owners to look over. I am not comfortable with the changes and feel this should be the decision of Newman's owners. I did relay such to Ryan Brooks when we visited last week.

Jim Englund
Newman Signs | Operations Manager
P.O. Box 1728 | Jamestown, ND 58402
Phone 800.337.9770 Ext. 4272 | Fax 701.252.7325

From: Dan Gaustad <Dan@grandforkslaw.com>
Sent: Tuesday, May 6, 2025 2:38 PM
To: Jim Englund <jime@newmansigns.com>
Cc: Feland, Todd <TFeland@grandforksgov.com>; Storstad, Maureen <MStorstad@grandforksgov.com>; Lorenz, Gary <GLorenz@grandforksgov.com>; Brooks, Ryan <RBrooks@grandforksgov.com>; Kevin Ritterman <kritterman@dakotacommercial.com>; Leo Ness <leoneess@newmansigns.com>; Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: FW: My email

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Hi Jim: Can you give me update on this – I know you have spoken with Ryan Brooks at the City, but the City has not heard back yet on acceptability of the attached or if there is some change being proposed. As you know, this is a matter to be resolved for the City to close on the purchase of the property where the easements are located – in fact, this is the last matter for the closing to occur. It seems to me this is a matter that can be resolved. I can be available for a discussion to work through whatever issues remain. Thanks much and look forward to hearing from you.

Daniel L. Gaustad
Pearson Christensen, PLLP
24 North 4th Street
Grand Forks, ND 58203
Phone: (701) 775-0521
Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Jim Englund <jjime@newmansigns.com>
Sent: Tuesday, April 29, 2025 10:49 AM
To: Dan Gaustad <Dan@grandforkslaw.com>
Cc: Todd Feland <TFeland@grandforksgov.com>; Maureen Storstad <MStorstad@grandforksgov.com>; Gary Lorenz <GLorenz@grandforksgov.com>; Tiffani Broden <Tiffani@grandforkslaw.com>; Leo Ness <leoness@newmansigns.com>
Subject: RE: My email

I gave this to owners to look over. I am not comfortable with it and feel this should be their decision. I have now replied to all and added Leo Ness with Newman.

Jim Englund
Newman Signs | Operations Manager
P.O. Box 1728 | Jamestown, ND 58402
Phone 800.337.9770 Ext. 4272| Fax 701.252.7325

From: Dan Gaustad <Dan@grandforkslaw.com>
Sent: Tuesday, April 29, 2025 10:03 AM
To: Jim Englund <jjime@newmansigns.com>
Cc: Todd Feland <TFeland@grandforksgov.com>; Maureen Storstad <MStorstad@grandforksgov.com>; Gary Lorenz <GLorenz@grandforksgov.com>; Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: Fwd: My email

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Jim - can you give update on acceptability of the this draft. Thanks.
Sent from my iPhone

Begin forwarded message:

From: Dan Gaustad <Dan@grandforkslaw.com>
Date: April 23, 2025 at 5:54:00 PM CDT
To: Jim Englund <jjime@newmansigns.com>
Cc: Tiffani Broden <Tiffani@grandforkslaw.com>, "Brooks, Ryan" <RBrooks@grandforksgov.com>, "Lorenz, Gary" <GLorenz@grandforksgov.com>, Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: RE: My email

Hi Jim: See attached – the change you added was not acceptable in large part because it could have had the impact of traffic lights/street maintenance etc. signs being subject to the easement restrictions – the City simply cannot agree to that – even if they would happen obstruct the Newman signs. There were a couple of non-substantive changes (paragraph numbering error that existed and also to make clear the City becomes the “Grantor” and Newman is the Grantee. Let me know if these changes are acceptable. Thanks!

Daniel L. Gaustad
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Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Jim Englund <jime@newmansigns.com>
Sent: Friday, April 18, 2025 8:50 AM
To: Dan Gaustad <Dan@grandforkslaw.com>
Cc: Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: RE: My email

Could we do something like amended in red?

Jim Englund
Newman Signs | Operations Manager
P.O. Box 1728 | Jamestown, ND 58402
Phone 800.337.9770 Ext. 4272| Fax 701.252.7325

From: Dan Gaustad <Dan@grandforkslaw.com>
Sent: Thursday, April 17, 2025 11:49 AM
To: Jim Englund <jime@newmansigns.com>
Cc: Tiffani Broden <Tiffani@grandforkslaw.com>
Subject: RE: My email

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Hi Jim:

Per our discussions, I have attached a proposed easement amendment to amend some terms of the existing easements Newman Signs has on property the City of Grand Forks is purchasing. As I indicated, there are two easements – one for one easement area and the other for two easement areas. Other than the legal descriptions, the terms of the two easement documents parrot each other.

The attached amendment relates to the easement recorded as document number 591136 and if acceptable, then another amendment document would be created with the same terms for the easement recorded as document number 591140.

The amendment really is directed at the provision that I highlighted in the two easements as to placement of signs by the City.

I look forward to hearing back from you on this matter – this is the last item to clear in order to for the City to close on the purchase of the property.

Thanks!

Daniel L. Gaustad
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Facsimile: (701) 775-0524
E-mail: dan@grandforkslaw.com

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From: Jim Englund <jime@newmansigns.com>
Sent: Thursday, April 17, 2025 10:42 AM
To: Dan Gaustad <Dan@grandforkslaw.com>
Subject: My email

jime@newmansigns.com 701 320 2050

Jim Englund
Newman Signs | Operations Manager
P.O. Box 1728 | Jamestown, ND 58402
Phone 800.337.9770 Ext. 4272| Fax 701.252.7325