Form No. 639A — Highway Easement. Poucher, Mpls.

661588

PREPARED BY ✓

CHECKED BY ✓

HIGHWAY EASEMENT

Melvin Duell, single; Paul Duell, single; Irwin Duell, single - fee
Arthur Wendt and wife, Agnes Wendt - contract buyers

Grantors, of Olmsted County, Minnesota, for and in consideration of

One dollar and other good & valuable considerations Dollars ($ 1.00)

receipt of which is hereby acknowledged.

hereby convey ____ and warrant ____ to the County of Olmsted grantee, for highway purposes, together with the unrestricted right to improve the same, free and clear of all incumbrances, the following described real estate in the County of Olmsted in the State of Minnesota:

All that part of the following described tract:
The Southeast Quarter (SE 1/4) of Section 35, T107N-R12W, less the following described parcel: Commencing at the southeast corner of said Section 35; thence westerly on the section line, 495.00 feet; thence North 352.0 feet; thence Easterly parallel with the south section line 495.0 feet to the east section line; thence Southerly on said east section line 352.0 feet to the point of beginning,
which lies within the right of way boundary of County State Aid Highway No. 9 delineated as in said tract of land as Parcel No. 2 of the plat designated as Olmsted County Highway Right of Way Plat No. 85 on file and of record in the office of the County Recorder in and for Olmsted County.

Said Parcel No. 2 containing 1.30 acres more or less in addition to the existing and presently used right of way of County State Aid Highway No. 9.

S½. SE

And the said grantors, for (~~himself~~ themselves), (~~his~~ their) heirs, executors and assigns, do ____ covenant never to cut, damage, destroy or remove any tree or shrub or other natural growth upon the hereinbefore described premises for the continuance of this easement, and does hereby grant and covey to the County all grasses, shrubs, trees and natural growth now existing on said lands or that may be hereafter planted or grown thereon.

And the said grantors, for (~~himself~~ themselves), (~~his~~ their) heirs, executors and assigns do ____ hereby release the County of Olmsted its successors and assigns, from all claims for any and all damages resulting to the lands through and across which the parcel of land hereby conveyed is located by reason of the location, grading, construction, maintenance, and use of a public highway over and upon and the removal of materials from the premises hereby conveyed and from the uses incident thereto, and the County of Olmsted shall have the right to use and remove all earth and other materials lying within the parcel of land hereby conveyed and the right to construct and maintain, upon the lands adjoining the parcel hereby coveyed, such portable snow fences during such months as weather conditions make necessary.

And the said grantors, for (~~himself~~ themselves), (~~his~~ their) heirs, executors and assigns, do ____ further convenant never to construct, erect, or maintain or allow or suffer any other person to construct, erect or maintain any sign or bill board or other advertising device upon the lands adjoining the parcel hereby conveyed closer than one hundred (100) feet from the said premises unless a permit therefor in writing shall have first been obtained from the County of Olmsted

Dated this 14th day of JUNE, 19 93.

In Presence of:

Witness

Witness

Arthur Wendt

Agnes Wendt

Paul Duell

Irwin Duell

Melvin Duell

STATE OF MINNESOTA

County of Olmsted

On this 14th day of June, 1993, before me personally Arthur Wendt, Agnes Wendt, Melvin Duell, Paul Duell and Irwin Duell

appeared to me known to be the person s described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Donald D. Narveson

DONALD D. NARVESON
NOTARY PUBLIC—MINNESOTA
OLMSTED COUNTY
MY COMMISSION EXPIRES 5-30-97

I hereby certify that the within easement will convey to the _____ for highway purposes a good title to the land therein described, free and clear of all incumbrances.

I further approve said easement as to form and execution.

9 Aug., 1993

Robert W. McPartlin
Asst. County Attorney. ~~Assistant Attorney General.~~

661588

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

TO

STATE OF MINNESOTA
County of Olmsted
Office of County Recorder.
I hereby certify that the within instrument was filed for record in this office on the 11 day of Aug., 1993 at 2:12 o'clock P M., and that the same was duly recorded in Book 115 of Misc on page 553

MARY CALLIER
County Recorder.
By Cathleen Lee Deputy.

Poucher, Mpls.

Dean N.