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

HIGHWAY EASEMENT

PREPARED BY _____

CHECKED BY _____

Leonard C. Biers, life estate
Leonard C. Biers Revocable Trust, Leonard C. Biers, trustee
Kenneth Biers, trustee

Grantor s, 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 West Half (W1/2) of the Southeast Quarter (SE1/4) and the East Half (E1/2) of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, in T107N-R11W,

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. 107 and as Parcel No. 1 of the plat designated as Olmsted County Highway Right of Way Plat No. 108 on file and of record in the office of the County Recorder in and for Olmsted County.

Containing 1.79 acres more or less in addition to the existing and presently used right of way of County State Aid Highway No. 9.

Trustees represent that the Leonard C. Biers Revocable Trust has not been revoked or amended since it was established and that the Trustees have full authority to grant this easement. Leonard C. Biers hereby intends, as life tenant and settlor of the Trust, to subject all his interests in the property to this grant of easement.

And the said grantor s, 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 grantor s, 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 covoyed, such portable snow fences during such months as weather conditions make necessary.

And the said grantor s, 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 20TH day of April, 19 95

In Presence of:

Witness

Leonard C Biers
Life Estate

Witness

Kenneth Biers, trustee

Leonard C Biers, trustee

708743

COUNTY RECORDERS OFFICE
Olmsted County, Minn.
I hereby certify that the within instrument was filed in this office on:
JUL 31 1995
at 2 o'clock PM.
6-12
JMB
D. Nauseon

STATE OF MINNESOTA

County of Olmsted

On this 20th day of April, 1995, before me personally

Leonard C. Biers and Kenneth Biers

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
My Commission Expires Jan. 31, 2000

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.

28 July, 1995

Robert W. Von Peterson
Asst County Attorney. ~~Assistant Attorney General.~~

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

TO

STATE OF MINNESOTA
County of _____
Office of County Recorder.
I hereby certify that the within instrument was filed for record in this office on the _____ day of _____, 19__ at _____ o'clock _____ M., and that the same was duly recorded in Book _____ of _____ on page _____

_____ County Recorder.

By _____ Deputy.

Poucher, Mpls.