No. 639A—Highway Easement—(Revised 1954). ROUCHLEAU MINNEAPOLIS

HIGHWAY EASEMENT

PREPARED BY _____

CHECKED BY _____

30472

Elbert Borst and wife, Margaret M.

Grantor....., *of* County of Olmsted....., *Minnesota, for and in consideration of*

Three hundred sixty-two - - - - - - - - - - - - - - - *Dollars* ($362.00.....)

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 tracts;

The south half of the south half ($S\frac{1}{2}S\frac{1}{2}$) of the southeast quarter ($SE\frac{1}{4}$) of Section thirty-five (Sec. 35) Township one hundred six north, range 13 west (T106N-R13W) lying south of Trunk Highway Number fifty-two (TH#52), and the northeast quarter ($NE\frac{1}{4}$) of Section two (Sec.2) township one hundred five north, range thirteen west (T105N-R13W), less Railroad right of way;

which lies within a distance of sixty (60.0) feet on the west side of the following described Centerline of County State Aid Highway Number nineteen (CSAH# 19);

Beginning at the southeast corner of said Section thirty-five (Sec.35) north along the east line thereof for four hundred eighteen and thirty-six hundredths (418.36) feet and there terminating; Beginning again at the northeast corner of said Section two (Sec. 2) south along the east line thereof for two thousand five hundred eighty and twenty-six hundredths (2580.26) feet and there terminating;

Containing one and eighty-one hundredths (1.81) acres more or less in addition to the existing highways;

Together with the right to construct and maintain so long as County State Aid Highway Number nineteen (CSAH # 19) shall be maintained in the above described location a backslope or embankment of approximately four to one (4:1) slope on the west side of the above described right of way as it runs over and across the above described tract. Said slope not to exceed a distance of twenty-five (25.0) feet from the right of way line and the use by the County shall be restricted to and for the purpose hereinbefore described.

And the said grantor....., for himself, his 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 convey to the County of Olmsted..... 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....., for himself, his 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 conveyed, such portable snow fences during such months as weather conditions make necessary.

And the said grantor....., for himself, his 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 1ST *day of* February, 19 68

In presence of:

Witness Ida Norman

Witness Thomas Kallevad

Margaret M. Borst

Elbert L. Borst

STATE OF MINNESOTA
County of Olmsted } ss.

On this 1st day of February, 19 68, before me personally appeared Margaret M. Borst and Elbert L. Borst husband and wife to me known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Tarsilla Mulhern

TARSILLA MULHERN
Notary Public
Stewartville, Olmsted County, Minn.
My Commission Expires March 27, 1975

I hereby certify that the within easement will convey to the County of Olmsted 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.

December 10, 1969

Ellen J. Louisman
County Attorney.
~~Assistant Attorney General.~~

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

X 3206772

to

RECORDED
GRANTOR
GRANTEE
UNRECORDED
PAID
CHG. None
ENT. STAFF
MISC. CAB

STATE OF MINNESOTA
County of Olmsted } ss.
Office of Register of Deeds.

I hereby certify that the within instrument was filed for record in this office on the 23 day of Dec., 1969 at 3½ o'clock P M., and that the same was duly recorded in Book 3 of Misc on page 576

Harry V. Evans
Register of Deeds.

By Carole M. Bahe
Deputy.

FISCHER MINNEAPOLIS