3834 S4

PREPARED BY CC

CHECKED BY _____

HIGHWAY EASEMENT

Elbert Borst and wife, Margaret M.

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

One dollar and other good and valuable consideration *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 east half of the northwest quarter ($E\frac{1}{2}$ $NW\frac{1}{4}$) of section 2, township 105 north, range 13 west, lying south of the right-of-way of the Chicago Great Western Railway Company;

which lies within a distance of sixty (60.0) feet on each side of the following described centerline of County State Aid Highway No. 16;

together with all that part of the following described tract:

The south half of the south half of the southeast quarter ($S\frac{1}{2}$ $S\frac{1}{2}$ $SE\frac{1}{4}$) of section 35, township 106 north, range 13 west, less that part thereof conveyed to the State of Minnesota for highway purposes;

which lies within a distance of fifty (50.0) feet on the easterly side of the following described centerline of County State Aid Highway No. 16.

Assuming the bearing of the north-south quarter line of section 3, township 105 north, range 13 west, to be S1°55'37"E (a bearing based on the Minnesota Coordinate System, South Zone) and commencing at the north quarter corner of said section 3, thence S1°55'37"E for a distance of 27.92 feet to the point of beginning of said centerline; thence S89°35'46"E for 414.20 feet; thence deflect to the left on a 0°24' curve (delta angle 3°04'11") for 767.43 feet; thence N87°20'03"E on tangent to said curve for 1063.63 feet; thence deflect to the right on a 1°40' curve (delta angle 11°37'52") for 697.87 feet; thence S81°02'05"E on tangent to said curve for 1410.20 feet; thence deflect to the left on a 7°00' curve (delta angle 100°13'51") for 1431.87 feet; thence N1°15'56"W on tangent to said curve for 150.0 feet and there terminating.

Containing 0.72 acre, more or less, in addition to the existing highway.

And the said grantor S, ~~himself, his~~ for themselves, 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 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 S, ~~himself, his~~ for themselves, 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 conveyed, such portable snow fences during such months as weather conditions make necessary.

And the said grantor S, ~~himself, his~~ for themselves, 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 13th *day of* August, 19 76

In presence of:

Witness Clifford Coffin — Elbert L. Borst

Witness Dean Hanusa — Margaret M. Borst

STATE OF MINNESOTA
County of Olmsted } ss.

On this 13 th day of August, 19 76, before me personally appeared Elbert L. Borst and Margaret M. Borst, husband and wife to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Delores L. Malone
Notary Public Olmsted County, Minnesota
My commission expires April 28, 1977

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.

January 17, 1977.

D. P. Mathson
County Attorney.
Assistant Attorney General.

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

PROCESSED
GRANTOR
GRANTEE
TRACKED
PAID
CHG: None

to

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 20 day of January, 19 77 at 11 o'clock A. M., and that the same was duly recorded in Book 4 of Misc on page 409.

MARY H. EVANS
COUNTY RECORDER
Register of Deeds.
By Carole M. Bahe
Deputy.

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