HIGHWAY EASEMENT

PREPARED BY CB

CHECKED BY _____

Claire J. Fogarty, a widower

*Grantor*s, *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 of the northeast quarter (E½ NW¼ NE¼) of section 3, township 105 north, range 13 west;

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

Assuming the bearing of the east-west quarter line of section 4, township 105 north, range 13 west, to be S89°03'23"W (a bearing based on the Minnesota Coordinate System, South Zone) and beginning at the west quarter corner of section 3, T105N, R13W; thence N88°56'24"E for a distance of 490.99 feet; thence deflect to the left on a 7°00' curve (delta angle 90°41'17") for 1295.54 feet; thence N1°44'53"W on tangent to said curve for 947.75 feet; thence deflect to the right on a 7°12' curve (delta angle 92°09'07") for 1279.89 feet; thence S89°35'46"E on tangent to said curve for 496.95 feet to a point in the east line of the NW¼ of said section 3 which is S1°55'37"E and 27.92 feet from the NE corner of said NW¼; thence continue 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 200.0 feet and there terminating.

Containing 1.05 acres, more or less, in addition to the existing highway.

And the said grantor*s*, 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*, 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*, 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 6th *day of* July, *19*76

In presence of:

Witness Clifford Coffin

Witness Ellen Hanson

C. Claire J. Fogarty

STATE OF MINNESOTA
County of Olmsted } ss.

On this 6 th day of July, 1976, before me personally appeared

Claire J. Fogarty, a widower

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Deborah L. Molenes
Notary Public Olmsted County, Minnesota
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,

O. P. Matter
County Attorney.
Assistant Attorney General.

383466

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

PROOFED
GRANTEE
GRANTEE
TRACINGED
PAID
CHGS 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, 1977 at 11 o'clock A. M., and that the same was duly recorded in Book C 4 of Misc on page 411

HARRY H. EVANS
COUNTY RECORDER
Register of Deeds.
By Sarah M. Bahr
Deputy.

RECORDER'S MEMORANDUM