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

PREPARED BY R.B.

CHECKED BY C.C.

HIGHWAY EASEMENT

41&209

Penz Farms Company

Grantor, 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 conveys and warrants 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:

NE¼SW¼

A part of the Southwest Quarter of Section 13, T107N - R12W, Viola Township, Olmsted County, Minnesota described as follows: All that part of said Southwest Quarter which lies Westerly and within 50 feet of the following described centerline: Commencing at the Northeast Corner of said Southwest Quarter; thence South along the East line of said Southwest Quarter for a distance of 300.00 feet to the Point of Beginning of centerline to be described; thence continue South along said West line for a distance of 400.00 feet and there terminating.

Containing 0.16 acres in addition to the existing right of way on County Road No. 107.

Also, a temporary construction easement, described as follows: All that part of said Southwest Quarter which lies Westerly and within 70 feet of the following described centerline; Commencing at the Northeast Corner of said Southwest Quarter; thence South along the East line of said Southwest Quarter for a distance of 430.00 feet to the point of beginning of centerline to be described; thence continue South along said East line for a distance of 90.00 feet and there terminating.

Containing 0.04 acres in addition to the above described right of way.

And the said grantor, for themselves, their heirs, executors and assigns, do convenant 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 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, 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 10th day of September, 1979

In presence of:

Witness Clifford Coffin

Witness

Calvin J. Penz, President
Penz Farms Company

STATE OF MINNESOTA
County of Winona } ss.

On this 10th day of September, 1979, before me personally appeared Calvin Penz, Pres. Penz Farms Co.
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.

J.O. Relph
Notary Public Winona County
My Commission Expires
Sept. 17, 1981



THIS INSTRUMENT WAS DRAFTED BY
D.P. Mattson
Court House
Rochester, MN 55901

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.

Sept. 10, 1979 D.P. Mattson
Olmsted County Attorney.
~~Assistant Attorney General.~~

41809

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

GRANTED
TRACED
PAID

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 10 day of September, 1979 at 4 o'clock P M., and that the same was duly recorded in Book I-4 of Misc on page 130

COUNTY RECORDER ~~Register of Deeds~~

By Deputy.

L. Highway Atty. Letter