PREPARED BY cc

CHECKED BY

HIGHWAY EASEMENT

James J. Fogarty and wife, Cecelia J.

*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,

4 411 52

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:

w1/2-nw That part of the west half of the northwest quarter (W½ NW¼) of section 3, township 105 north, range 13 west, lying south and east of the south and east right-of-way line of Interstate Highway No. 90,

which lies within a distance of sixty (60.0) feet on the north and westerly side of the following described centerline of County State Aid Highway No. 16, and all that part of the above described tract, which lies southeasterly of said centerline.

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 550 feet and there terminating.

Containing 5.08 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 — James J. Fogarty

Witness Don Marston — Cecelia J. Fogarty

STATE OF MINNESOTA
County of Olmsted } ss.

On this 6 th day of July, 1976, before me personally appeared James J. and Cecelia J. Fogarty, husband and wife 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.

Delores L. Molenaar
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 29, 1982 D P Matter
County Attorney.

44152

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

to

ABSTRACT
GRANTOR
GRANTEE
TRACKED
PAID
CTFC. Yes

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 29 day of January, 1982 at 2 ½ o'clock P M., and that the same was duly recorded in Book M-4 of Misc on page 534

LOIS FINSTUEN
Register of Deeds
COUNTY RECORDER
By Kathleen T. Ware Deputy.

REGISTER RECORDER