NA-00567-02
(BL-199)
Rev. 3/81

DEPARTMENT OF NATURAL RESOURCES

RIGHT-OF-WAY EASEMENT

133-23-313

THIS INDENTURE, Made this 1st day of October, 19 86, between the State of Minnesota, by and through its Commissioner of Natural Resources, hereinafter called the Grantor, and

Olmsted County

hereinafter called the Grantee.

WITNESSETH, Whereas the Grantee has applied to the Grantor for the grant of an easement and right-of-way for road or trail purposes over certain lands owned by the State of Minnesota, situated in the County of Olmsted and administered by the Department of Natural Resources.

NOW, THEREFORE, Grantor pursuant to the authority of Laws of 1985, Ch. 225, and in consideration of the sum of Two hundred thirty-five thousand five hundred seventy DOLLARS ($ 235,570.00), to it in hand paid by said Grantee, the receipt whereof is hereby acknowledged, which amount constitutes full payment for the rights and interests herein conveyed including payment for any improvements, timber and forest growth that will be destroyed on the easement area, does hereby grant and convey unto the Grantee, from and after the 1st day of October, 19 86 ; an easement and right of way for road or trail purposes, over and across the following described lands in the County of Olmsted, State of Minnesota, described as follows:

See attached "Exhibit A" - pages 1 - 4 ...

Subject to:

1. Outstanding rights and interests, if any.
2. Grantee shall construct and maintain said right-of-way at its own expense.
3. The right-of-way hereby conveyed shall be open to the general public.
4. Grantee shall abide by all statutes, rules and regulations regarding the disposal of materials by burning.

NOTE: Plat should be on (8¼" x 11"), showing any existing road or trail situated thereon.

5. Grantor shall at all times have the right to enter upon said right-of-way for any purpose necessary to the performance of lawful powers and duties.

6. Grantee shall, during construction, maintenance and operation, protect and preserve soil and vegetation cover and scenic and aesthetic values on the right-of-way and outside of construction limits.

7. Grantee shall have the right to close said right-of-way during any emergency, with the approval of the Grantor.

8. Grantor shall not be liable to the Grantee or any person for any injuries or damages to person or property arising from construction, operation or maintenance of said right-of-way.

9. Grantee shall provide for the prevention and control of soil erosion within the right-of-way, as required by the Grantor, that might be affected by construction, operation, or maintenance of the road or trail and shall plant and maintain vegetation of suitable species on all earth cut or fill slopes feasible for revegetation on or other area where ground cover is destroyed, provided that it be mutually determined by the Commissioner of Natural Resources and an authorized representative of the Grantee prior to completion of construction, that such steps are necessary and the Grantee shall maintain all terracing, water bars, lead-off ditches, culverts where necessary, and other preventive works that may be required to accomplish such agreed objectives.

10. Grantee shall establish no borrow, sand, or gravel pits, stone quarry or permanent storage areas, sites for road operations and maintenance facilities, camps, supply depots or disposal area within right-of-way, except with the prior written approval of the Grantor.

11. Grantee may maintain the right-of-way clearing by means of chemicals upon approval in writing by the Grantor.

12. Grantor hereby reserves for its own use, all the iron, coal, gold and other valuable minerals, and all water power, and all oils and gases, upon all lands covered by this easement, and the right to enter upon same for the purposes of exploration and mining same. After thirty years from the date of execution of this agreement, the Grantor, its lesses, or assignees may mine any or all of the lands covered by this easement, and construct all necessary roads, buildings and improvements relating to mining, without payment of any damages to the Grantee.

13. The easement grants no greater rights than existed prior to this grant, except as specifically granted herein.

The easement and right-of-way herein conveyed may be terminated either by mutual agreement of the parties hereto, or by the grantor upon thirty days written notice to the Grantee if Grantee fails to comply with applicable laws or the terms of this easement; otherwise to remain in effect as long as used for the purposes granted, provided, however, if the easement and right-of-way or any part thereof shall be abandoned or shall cease to be used by the Grantee for a period of ten years ~~one year~~, the rights and privileges hereby granted shall cease and terminate and the land traversed by the abandoned or unused segment shall be freed from this easement and right-of-way. In the event of such agreement to terminate or abandon, the Grantee, by authorized representative, shall furnish to the Grantor, a statement in recordable form evidencing termination.

"Exhibit A"

6-3-1986

A parcel of land in the Southeast Quarter and the south one-half of the Northeast Quarter of Section 31, Township 107 North, Range 13 West, Olmsted County Minnesota described as follows:

Beginning at the Southeast corner of the Southeast Quarter; thence North 00 degrees 43 minutes 30 seconds West (for the purpose of this description the east line of the Southeast Quarter is assumed to be North 00 degrees 43 minutes 30 seconds West) along the East line of said Quarter for a distance of 848.56 feet; thence North 31 degrees 33 minutes 48 seconds West for a distance of 394.73 feet; thence Northerly 1000.11 feet along a nontangential curve, concave southwesterly, a central angle of 07 degrees 24 minutes 14 seconds, a radius of 7,739.44 feet, and the chord of said curve bears North 18 degrees 57 minutes 13 seconds West for a distance of 999.41 feet; thence North 22 degrees 39 minutes 20 seconds West for a distance of 545.41 feet to the north line of the Southeast Quarter; thence continuing North 22 degrees 39 minutes 20 seconds West for a distance of 1411.85 feet to the north line of the south one-half of the Northeast Quarter; thence South 89 degrees 35 minutes 55 seconds West along the north line of the south one-half of the Northeast Quarter for a distance of 216.10 feet; thence South 22 degrees 39 minutes 20 seconds East for a distance of 1412.11 feet to the north line of the Southeast Quarter; thence continuing South 22 degrees 39 minutes 20 seconds East for a distance of 626.99 feet; thence Southerly 1349.73 feet along a tangential curve, concave southwesterly, a central angle of 10 degrees 15 minutes 26 seconds, a radius of 7,539.44 feet, and the chord of said curve bears South 17 degrees 31 minutes 37 seconds East for a distance of 1347.93 feet; thence South 06 degrees 05 E 25E minutes 53 seconds East, not tangent to curve, for a distance of 539.30 feet; thence South 39 degrees 31 minutes 07 seconds West for a distance of 153.23 feet; thence South 84 degrees 04 minutes 49 seconds West for a distance of 552.74 feet; thence South 00 degrees 07 minutes 33 seconds East for a distance of 63.77 feet to the south line of the Southeast Quarter; thence North 89 degrees 34 minutes 27 seconds East along the south line of the Southeast Quarter for a distance of 910.58 feet to the southeast corner of the Southeast Quarter to the point of beginning.
Less the Chicago and Northwestern Railroad right-of-way in the south one-half of the Northeast Quarter. Said parcel is subject to all existing roadway easements.
Containing 22.21 acres more or less.

And also;

A parcel of land in the Southwest Quarter of the Southwest Quarter of Section 32, Township 107 North, Range 13 West, Olmsted County Minnesota, described as follows:

Beginning at the southwest corner of the Southwest Quarter ; thence North 00 degrees 43 minutes 30 seconds West (for the purpose of this description the west line of the Southwest Quarter is assumed to be North 00 degrees 43 minutes 30 seconds West) along the west line of said Quarter Quarter for a distance of 848.56 feet; thence Southeasterly 654.77 feet along a nontangential curve, concave southwesterly , a central angle of 04 degrees 46 minutes 24 seconds, a radius of 7,859.44 feet, and the chord of said curve bears South 10 degrees 06 minutes 08 seconds East for a distance of 654.58 feet; thence South 47 degrees 06 minutes 34 seconds East for a distance of 127.00 feet; thence South 86 degrees 49 minutes 24 seconds East for a distance of 174.20 feet; thence North 88 degrees 46 minutes 17 seconds East for a distance of 941.35 feet to the east line of the Southwest Quarter of the Southwest Quarter; thence South 00 degrees 38 minutes 36 seconds East for a distance of 100.00 feet along the east line of the Southwest Quarter of the Southwest Quarter to the Southeast corner of the Southwest Quarter of the Southwest Quarter; thence South 88 degrees 46 minutes 17 seconds West along the south line of said Quarter Quarter for a distance of 1313.61 feet to the southwest corner of the Southwest Quarter of the Southwest Quarter and the point of beginning. Said parcel is subject to all existing roadway easements.
Containing 4.27 acres more or less.

Total tract contains 26.48 acres more or less.

And also,

A parcel of land in the Northwest Quarter of Section 5, Township 106 North, Range 13 West, Olmsted County Minnesota, described as follows:

Beginning at the northwest corner of the Northwest Quarter; thence North 88 degrees 46 minutes 17 seconds East (for the purpose of this description the north line of the Northwest Quarter is assumed to be North 88 degrees 46 minutes 17 seconds East) along the north line of the Northwest Quarter for a distance of 1313.61 feet; thence South 01 degrees 13 minutes 43 seconds East for a distance of 100.00 feet; thence South 87 degrees 06 minutes 46 seconds West for a distance of 941.55 feet; thence South 86 degrees 31 minutes 53 seconds West for a distance of 233.94 feet; thence South 52 degrees 23 minutes 06 seconds West for a distance of 117.75 feet; thence South 00 degrees 06 minutes 36 seconds West for a distance of 304.96 feet; thence South 01 degrees 51 minutes 26 seconds East for a distance of 180.21 feet; thence South 01 degrees 11 minutes 25 seconds East for a distance of 1,870.77 feet more or less to the south line of the Northwest Quarter; thence westerly along the south line of said Quarter to the Southwest corner of the Northwest Quarter for a distance of 46.00 feet; thence North 01 degrees 02 minutes 19 seconds West along the West line of the Northwest Quarter for a distance of 2561.96 feet to the Northwest corner of the Northwest Quarter and the point of beginning.

W½ NW

And also:

The west 46 feet of the Southwest Quarter of Section 5 lying north of the north right-of-way line of Trunk Highway No. 14. Said parcel is subject to all existing roadway easements.

NWSW

And also;

A parcel of land in the Northeast Quarter in Section 6, Township 106 North, Range 13 West, Olmsted County Minnesota, described as follows:

Beginning at the northeast corner of the Northeast Quarter of Section 6; thence South 89 degrees 34 minutes 27 seconds West (for the purposes of this description the north line of the Northeast Quarter is assumed to be South 89 degrees 34 minutes 27 seconds West) along the north line of said Quarter a distance of 910.58 feet; thence South 00 degrees 07 minutes 33 seconds East for a distance of 86.23 feet; thence South 85 degrees 58 minutes 28 seconds East for a distance of 621.63 feet; thence South 48 degrees 17 minutes 20 seconds East for a distance of 133.16 feet; thence South 08 degrees 23 minutes 21 seconds East for a distance of 251.13 feet; thence South 02 degrees 01 minutes 48 seconds East for a distance of 220.95 feet; thence South 01 degrees 11 minutes 25 seconds East for a distance of 690.71 feet to the north line of the south 1180 feet of the Northeast Quarter; thence North 88 degrees 47 minutes 30 seconds East for a distance of 157.13 feet to the east line of the Northeast Quarter; thence North 01 degrees 02 minutes 19 seconds West along the east line of the Northeast Quarter for a distance of 1381.96 feet to the northeast corner of the Northeast Quarter and the point of beginning. Said parcel is subject to all existing roadway easements.

E½ NE

Containing 14.0 acres more or less.

A part of the Southeast Quarter of Section 31, Township 107 North, Range 13 West, Olmsted County, Minnesota described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 31; thence North 00 degrees 43 minutes 16 seconds West (for the purpose of this description the west line of the Southeast Quarter of Section 31 is assumed to be North 00 degrees 43 minutes 16 seconds West) along the west line of said Southeast Quarter for a distance of 1703.22 feet to the POINT OF BEGINNING of the parcel to be described; thence continue North 00 degrees 43 minutes 16 seconds West along said west line for a distance of 561.52 feet to the south right-of way line of the Chicago and Northwestern Railroad; thence North 75 degrees 01 minutes 33 seconds East along said south right-of-way line for a distance of 1207.41 feet; thence South 14 degrees 58 minutes 27 seconds East for a distance of 57.83 feet; thence southeasterly 241.15 feet along a nontangential curve, concave southwesterly, a central angle of 24 degrees 16 minutes 11 seconds, a radius of 569.30 feet and the chord of said curve bears South 66 degrees 47 minutes 25 seconds East; thence South 54 degrees 39 minutes 20 seconds East for a distance of 229.37 feet; thence southeasterly 269.73 feet along a tangential curve, concave northerly, a central angle of 48 degrees 00 minutes 00 seconds and a radius of 321.97 feet; thence North 77 degrees 20 minutes 40 seconds East for a distance of 17.88 feet to the westerly right-of-way line of a 200 foot wide right-of-way described as East Circle Drive; thence South 22 degrees 39 minutes 20 seconds East along said westerly right-of-way line for a distance of 121.85 feet; thence South 77 degrees 20 minutes 40 seconds West for a distance of 39.04 feet; thence northwesterly 370.26 feet along a tangential curve, concave northerly, a central angle of 48 degrees 00 minutes 00 seconds and a radius of 441.97 feet; thence North 54 degrees 39 minutes 20 seconds West for a distance of 229.37 feet; thence westerly 394.59 feet along a tangential curve, concave southerly, a central angle of 50 degrees 19 minutes 07 seconds and a radius of 449.30 feet; thence South 75 degrees 01 minutes 33 seconds West for a distance of 685.90 feet; thence southwesterly 425.66 feet along a tangential curve, concave southeasterly, a central angle of 75 degrees 44 minutes 49 seconds and a radius of 321.97 feet; thence South 04 degrees 08 minutes 14 seconds West NOT tangent to the last described curve for a distance of 200.72 feet to a point in the east right-of-way line of Silver Creek Road; thence South 89 degrees 16 minutes 44 seconds West for a distance of 33.00 feet to the POINT OF BEGINNING.

NWSE SWSE

Containing 6.360 acres including the 33 feet of right-of-way of Silver Creek Road.
Containing 5.931 acres excluding the 33 feet of right-of-way of Silver Creek Road.

TWO TEMPORARY CONSTRUCTION EASEMENTS

A part of the Northeast Quarter and the Southeast Quarter of Section 31, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at the intersection of the south right-of-way line of the Chicago and Northwestern Railroad and the west line of the Southeast Quarter of said Section 31; thence North 75 degrees 01 minute 33 seconds East (for the purposes of this description the west line of the Southeast Quarter is assumed to be North 00 degrees 43 minutes 16 seconds West) along said south right-of-way line of the Chicago and Northwestern Railroad for a distance of 1727.30 feet to a point in the westerly right-of-way line of the 200 feet wide right-of-way described as East Circle Drive and the POINT OF BEGINNING of a temporary construction easement; thence South 22 degrees 39 minutes 20 seconds East along said right-of-way line for a distance of 140.00 feet; thence South 67 degrees 20 minutes 40 seconds West for a distance of 120.00 feet; thence North 22 degrees 39 minutes 20 seconds West for a distance of 156.18 feet to said south right-of-way line of the railroad; thence North 75 degrees 01 minute 33 seconds East along said right-of-way line for a distance of 121.09 feet to the POINT OF BEGINNING. NESE

Containing 0.408 acres.

And Also:

Commencing at the last above described POINT OF BEGINNING; thence North 75 degrees 01 minute 33 seconds East for a distance of 201.81 feet to a point in the south right-of-way line of the Chicago and Northwestern Railroad and the east right-of-way line of the 200 foot wide right-of-way line described as East Circle Drive and the POINT OF BEGINNING of a temporary construction easement; thence South 22 degrees 39 minutes 20 seconds East along said east right-of-way line for a distance of 210.00 feet; thence North 67 degrees 20 minutes 40 seconds East for a distance of 150.00 feet; thence North 22 degrees 39 minutes 20 seconds West for a distance of 189.77 feet to the south right-of-way line of the railroad; thence South 75 degrees 01 minute 33 seconds West along said right-of-way line for a distance of 151.36 feet to the POINT OF BEGINNING. SENE

Containing 0.688 acres.

STATE OF MINNESOTA

Commissioner of Natural Resources

By _____

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

On this 1st day of October, 19 86, before me, a Notary Public within and for said county and state, personally appeared Eugene R. Gere, Assistant Commissioner

who signed the foregoing instrument and acknowledged that he signed the same as his free act and deed for the uses and purposes therein set forth.

Carol M. Schaefer
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires August 8, 1990

Carol M. Schaefer

Notary Public, Ramsey County MN.

My Commission expires August 8, 1990

APPROVED AS TO FORM AND EXECUTION

By _____
Special Assistant Attorney General

Date 10-2-86

This instrument has been drafted by the Bureau of Land, Department of Natural Resources 500 Lafayette Road, St. Paul, MN 55146

D

RIGHT-OF-WAY EASEMENT

No. 513775

ABSTRACT
GRANTOR
GRANTEE
TRACKED
PAID
CHG

10.00

The State of Minnesota

To

Office of ~~Register of Deeds~~

County of Olmsted, Minnesota. I hereby certify that the within Right-Of-Way Easement was filed in this office for records on the 10th day of Oct, A.D. 1986, At 10½ o'clock A.M; and was duly recorded in Book W-4 of ~~Deeds~~ Misc, Page 492.

LOIS FINSTUEN
COUNTY RECORDER

~~Register of Deeds~~

By Nancy Johnson
Deputy

Stu Attn

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