Form No. 639A — Highway Easement. Poucher, Mpls.

HIGHWAY EASEMENT

PREPARED BY _____

CHECKED BY _____

George F. Clark and wife, Esther L. Clark

Grantor(s), of Olmsted County, Minnesota, for and in consideration of

One dollar and other good & valuable considerations 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:

711245

COUNTY RECORDER OFFICE
Olmsted County Minn.
I hereby certify that the within instrument was filedin this office on,
SEP -7 1995
at 1 o'clock P M
by Cee Deputy

All that part of the South 70 acres of the West Half (W1/2) Southwest Quarter (SW1/4) and the West Half (W1/2) of the East Half (E1/2) of the Southwest Quarter (SW1/4) of Section 35, in T107N-R11W,

which lies within the right of way boundary of County State Aid Highway No. 9 delineated as in said tract of land as Parcel No. 1 of the plat designated as Olmsted County Highway Right of Way Plat No. 107 on file and of record in the office of the County Recorder in and for Olmsted County.

Containing 1.68 acres more or less in addition to the existing and presently used right of way of County State Aid Highway No. 9.

R. Nelson

Also a strip of land being 63 feet wide and lying parallel to and immediately adjacent to the above described right of way. Said strip beginning 834.8 feet east of the southwest corner of Section 35, T107N-R11W and running easterly 95 feet and there terminating. Containing 0.14 acre.

And the said grantor(s), for (himself ~~XXXXXXX~~ themselves), (his ~~XXXX~~ 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 covey to the County 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 (~~himself~~ themselves), (~~his~~ 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 coveyed, such portable snow fences during such months as weather conditions make necessary.

And the said grantor(s), for (~~himself~~ themselves), (~~his~~ 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 28th day of JUNE, 1995.

In Presence of:

George F. Clark

Esther L. Clark

Witness _____

Witness _____

STATE OF MINNESOTA

County of Olmsted

On this 28th day of June, 1995, before me personally

George F. Clark and Esther L. Clark

appeared 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.

Donald D. Narveson

DONALD D. NARVESON
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31 2000

I hereby certify that the within easement will convey to the _____ 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.

7 Sept., 1995

Robert W. McPeak
Asst. County Attorney. ~~Assistant Attorney General.~~

DEPARTMENT OF HIGHWAYS
(HIGHWAY EASEMENT)

TO

STATE OF MINNESOTA
County of _____
Office of County Recorder.
I hereby certify that the within instrument was filed for record in this office on the _____ day of _____, 19__ at _____ o'clock _____ M., and that the same was duly recorded in Book _____ of _____ on page _____.

County Recorder.

By _____ Deputy.

Poucher, Mpls.

CONSENT TO EASEMENT

WHEREAS, The State of Minnesota holds an easement for fish and stream habitat along Crow Spring in the South 70 acres of the W1/2 SW1/4 and the W1/2 E1/2 SW1/4 of Section 35, T107N-R11W, Olmsted County, Minnesota by virtue of that certain easement dated April 22, 1980, recorded April 28, 1980 in Book J-4, Page 459.

WHEREAS, The County of Olmsted, Minnesota was granted a Highway Easement over part of the above described tract (see attached copy), in Olmsted County by George F. and Easter L. Clark.

NOW THEREFORE, The State of Minnesota hereby consents to the aforesaid easement granted to the County of Olmsted; however, this consent shall in no way be interpreted as subordinating or diminishing its easement rights on, over or across the Highway Easement areas or relinquishing any rights the State of Minnesota may have. The County of Olmsted shall conform with MN/DNR Permit No. 95-5063 requirements for the construction of the culverts.

STATE OF MINNESOTA

Gerald P. Gruber

By Regional Realty Coordinator
DNR Region 3

By