

5332484

FLOWAGE AND CONSERVATION EASEMENT
AND WAIVER OF DAMAGES

THIS INDENTURE, made and entered into this 26th day of JANUARY, 1987, by and between Ralph Kickhafer, his heirs, assigns, successors (hereinafter collectively referred to as the Grantor and the City of Minnetrista, its successors and assigns, a municipal corporation under the laws of the State of Minnesota (hereinafter referred to as the Grantee).

WITNESSETH, Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, hereby covenants, grants, gifts, quit claims and conveys to Grantee the right to restrict and Grantor agrees to limit and preclude the use, improvement and development, under the conditions and covenant herein contained, the following described Land in the County of Hennepin and State of Minnesota:

EXHIBIT A

as follows:

1. Grantor hereby covenants and agrees:

A. No structures shall be constructed, erected, or placed upon, above, or beneath the Land including without limitation, fences, fireplaces, steps, docks, piers, hardcover or roads of any nature whatsoever, or any other structure or improvement inconsistent with the natural state of the Land.

B. No trees, shrubs or other vegetation shall be destroyed, cut or removed from the Land except as authorized by written consent of Grantee.

C. No earth, loam, peat, gravel, soil or any other natural material or substance shall be moved or removed from the Land and there shall be no dredging or excavation of any nature whatsoever or any change of the topography of the Land without the written consent of Grantee.

D. No soil, sand, gravel or other substance or material as landfill shall be placed, dumped or stored upon the Land and no waste, trash or garbage shall be placed, dumped or stored upon the Land.

TRANSFER ENTERED
DEPT. OF PROPERTY TAX & PUBLIC RECORDS

OCT 7 1987

HENNEPIN COUNTY MINN.
BY _____ DEPUTY

Flowage & Conservation Easement

E. No use shall be made of the Land, except uses, if any, which will not change or alter the natural condition of the Land, and no use which would tend to change the drainage, flood control, water conservation, erosion control, soil conservation, fish and wildlife habitat characteristics shall be made of the Land or the water situated thereon.

F. Grantee may enter upon the Land for the purposes of inspection and enforcement of the covenants contained herein and to cause to be removed from the Land without any liability any structures, uses, materials, substances, or unnatural matter inconsistent with the covenants contained herein and the natural state of the Land.

2. Grantor hereby grants, gifts, quit claims and conveys to Grantee, a perpetual flowage easement and right and privilege to trespass with water over and upon any or all of the Land.

3. Grantor herein does hereby remiss, release, acquit and forever discharge, forever, the Grantee and any and all of its officers and employees of and from any and all claims, demands or causes of action of any kind or nature whatsoever which may arise or accrue by virtue of any flowage or trespass with water within terms of these agreements.

In addition to any other remedy the Grantee may have, the covenants and restrictions contained herein may be enforced by injunction.

Grantor does not intend that the public should have any interest in the above land by virtue of this indenture or otherwise, except as hereinabove set forth.

All the provisions hereof shall run with the Land and shall extend to and bind the heirs, successors, representatives, grantees or assigns of the respective parties hereto:

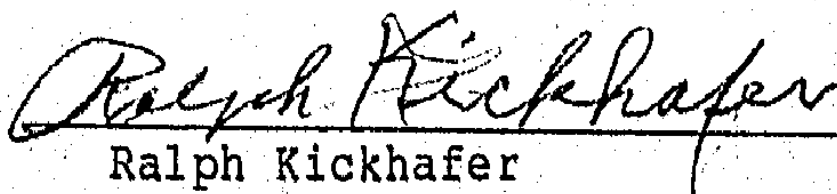

Ralph Kickhafer

EXHIBIT A

PARCEL A

Legal Description

The East 736 feet of the Northeast quarter of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian, AND that part of the East half of the Southeast quarter of the Southeast quarter of said Section 3 which lies North of the South 726 feet of said East half of the Southeast quarter of the Southeast quarter.

easement description

An easement over, under, and across the East 736 feet of the of the Northeast quarter of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian AND that part of the East half of the Southeast quarter of the Southeast quarter of said Section 3 which lies North of the South 726 feet of said East half of the Southeast quarter of the Southeast quarter, said easement being described as follows:

Beginning at the Northeast corner of said East 736 feet of the Northeast quarter of the Southeast quarter; thence South along the East line of said East 736 feet a distance of 920 feet; thence deflecting right 75 degrees a distance of 100 feet; thence deflecting right 30 degrees a distance of 300 feet; thence deflecting right 10 degrees a distance of 320 feet; thence deflecting right 60 degrees a distance of 250 feet; thence deflecting left 40 degrees a distance of 150 feet; thence deflecting right 45 degrees a distance of 60 feet; thence deflecting right 60 degrees a distance of 180 feet; thence deflecting left 55 degrees a distance of 160 feet; thence Northwesterly to the Northwest corner of said East 736 feet of the Northeast quarter of the Southeast quarter; thence Easterly along the North line of said North-east quarter of the Southeast quarter to the point of beginning.

PARCEL B

Legal Description

The East 600 feet of the South 726 feet of the East half of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian,

easement description

An easement over, under and across that part of the East 600 feet of the South 726 feet of the East half of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian, said easement being described as follows:

Beginning at the Southeast corner of said East 600 feet of the South 726 feet; thence Westery along the South line of said East 600 feet of the South 726 feet a distance of 140 feet; thence deflecting right 130 degrees to the East line of said East half of the Southeast quarter; thence South along said East line to the point of beginning.

ALSO an easement over, under, and across that part of the first above described property, said easement being 20.00 feet in width, the center-line of said easement being described as follows:

easement description (continued)

Commencing at the Southeast corner of said East half of the Southeast quarter; thence North along the East line of said East half of the Southeast quarter a distance of 305 feet to the point of beginning of the centerline being described; thence deflecting left 35 degrees a distance of 30 feet; thence deflecting left 65 degrees a distance of 90 feet; thence deflecting right 30 degrees a distance of 220 feet; thence deflecting right 35 degrees a distance of 280 feet; thence deflecting left 40 degrees a distance of 80 feet; thence deflecting left 45 degrees to the West line of said East 600 feet, and said centerline there ending.

PARCEL C

Legal description

The West 600 feet of the East 1200 feet of the South 726 feet of the East half of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian.

easement description

An easement over, under and across that part of the West 600 feet of the East 1200 feet of the East half of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian, said easement being 20.00 feet in width, the centerline of said easement being described as follows:

Commencing at the Southeast corner of said East half of the Southeast quarter; thence North along the East line of said East half of the Southeast quarter a distance of 305 feet; thence deflecting left 35 degrees a distance of 30 feet; thence deflecting left 65 degrees a distance of 90 feet; thence deflecting right 30 degrees a distance of 220 feet; thence deflecting right 35 degrees a distance of 280 feet; thence deflecting left 40 degrees a distance of 80 feet; thence deflecting left 45 degrees a distance of 90 feet; thence deflecting right 60 degrees a distance of 60 feet; thence Westerly to a point on the West line of said West 600 feet of the East 1200 feet of the South 726 feet of the East half of the Southeast quarter distant 565 feet North, as measured along said West line, from the Southwest corner of said West line, from the Southwest corner of said West 600 feet of the East 1200 feet of the South 726 feet; and said centerline there ending.

Together with an easement for drainage purposes over, under and across that part of said West 600 feet of the East 1200 feet of the South 726 feet described as follows:

Beginning at the Northwest corner of said West 600 feet of the East 1200 feet of the South 726 feet; thence East along the North line thereof a distance of 150 feet; thence deflecting right 90 degrees a distance of 70 feet; thence deflecting right 90 degrees a distance of 70 feet; thence Southwesterly to a point on the West line of said West 600 feet of the East 1200 feet of the South 726 feet distant 520 feet North, as measured along said West line, from the Southwest corner thereof; thence North along said West line to the point of beginning.

PARCEL DLegal Description

The East half of the Southwest quarter of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian; ALSO, the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section 3; ALSO the East half of the Southeast quarter of said Section 3 EXCEPT the East 1200 feet of the South 726 feet of said East half of the Southeast quarter; ALSO EXCEPT the East 736 feet of the Northeast quarter of the Southeast quarter of said Section 3, and ALSO EXCEPT that part of the East half of the Southeast quarter of the Southeast quarter of said Section 3 which lies North of the South 726 feet of said East half of the Southeast quarter of the Southeast quarter.

easement description

An easement over, under and across that part of the following described property:

The East half of the Southwest quarter of the Southeast quarter of Section 3, Township 117 North, Range 24 West of the 5th Principal Meridian; ALSO, the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section 3; ALSO the East half of the Southeast quarter of said Section 3 EXCEPT the East 1200 feet of the South 726 feet of said East half of the Southeast quarter; ALSO EXCEPT the East 736 feet of the Northeast quarter of the Southeast quarter of said Section 3; and ALSO EXCEPT that part of the East half of the Southeast quarter of the Southeast quarter of said Section 3 which lies North of the South 726 feet of said East half of the Southeast quarter of the Southeast quarter.

said easement being described as follows:

Beginning at the Northwest corner of said East 1200 feet of the South 726 feet of the East half of the Southeast quarter; thence East along the North line of said East 1200 feet of the South 726 feet of the East half of the Southeast quarter a distance of 150 feet; thence deflecting left 90 degrees a distance of 30 feet; thence deflecting left 90 degrees a distance of 170 feet; thence deflecting left 30 degrees a distance of 200 feet; thence deflecting right 30 degrees a distance of 350 feet; thence deflecting left 30 degrees a distance of 100 feet; thence deflecting right 30 degrees a distance of 280 feet; thence deflecting left 25 degrees a distance of 300 feet; thence deflecting left 20 degrees a distance of 170 feet; thence deflecting right 135 degrees a distance of 150 feet; thence Northwesterly to a point on the North line of said Southwest quarter of the Southwest quarter of the Southeast quarter distant 60 feet East, as measured along said North line, from the Northwest corner of said Southwest quarter of the Southwest quarter of the Southeast quarter; thence West along said North line to said Northwest corner; thence South along the West line of said Southwest quarter of the Southwest quarter of the Southeast quarter to the Southwest corner of said Southwest quarter of the Southwest quarter of the Southeast quarter; thence East along the South line of said Southwest quarter of the Southwest quarter of the Southeast quarter a distance of 470 feet; thence deflecting left 90 degrees a distance of 30 feet; thence deflecting left 85 degrees a

easement description (continued)

distance of 170 feet; thence deflecting right 55 degrees a distance of 150 feet; thence deflecting right 65 degrees a distance of 120 feet; thence deflecting right 45 degrees a distance of 50 feet; thence deflecting left 100 degrees a distance of 120 feet; thence deflecting right 90 degrees a distance of 290 feet; thence deflecting right 80 degrees a distance of 100 feet; thence deflecting left 45 degrees a distance of 100 feet; thence deflecting left 40 degrees a distance of 80 feet; thence deflecting right 45 degrees a distance of 300 feet; thence deflecting left 35 degrees a distance of 150 feet; thence Easterly to a point on the West line of the East 1200 feet of the South 726 feet of the East half of the Southeast quarter distant 520 feet North of, as measured along said West line, from the Southwest corner of said East 1200 feet of the South 726 feet of the East half of the Southeast quarter; thence North along said West line to the point of beginning.

ALSO, an easement over, under and across that part of the first above described property, said easement being described as follows:

Commencing at the Northwest corner of the East half of the Southwest quarter of the Southeast quarter; thence East along the North line of said East half of the Southwest quarter of the Southeast quarter a distance of 200 feet; thence deflecting right 82 degrees a distance of 90 feet to the point of beginning of the easement being described; thence continuing Southeasterly along an extension of the last described line a distance of 180 feet; thence deflecting left 45 degrees a distance of 140 feet; thence deflecting left 55 degrees a distance of 110 feet; thence deflecting left 45 degrees a distance of 140 feet; thence deflecting left 80 degrees a distance of 230 feet; thence Southwesterly to the point of beginning.

ALSO, an easement over, under and across that part of the first above described property, said easement being described as follows:

Commencing at the Northwest corner of said East half of the Southeast quarter; thence East along the North line of said East half of the Southeast quarter a distance of 310 feet to the point of beginning of the easement being described; thence deflecting right 50 degrees a distance of 110 feet; thence Northeasterly to the Northwest corner of the East 736 feet of said Northeast quarter of the Southeast quarter; thence West along the North line of said East half of the Northeast quarter of the Southeast quarter to the point of beginning.

ALSO, an easement over, under and across that part of the first above described property, said easement being described as follows:

Beginning at the Northeast corner of said East 736 feet of the Northeast quarter of the Southeast quarter; thence South along the East line of said East 736 feet a distance of 920 feet; thence deflecting right 75 degrees a distance of 100 feet; thence deflecting right 30 degrees a distance of 300 feet; thence deflecting right 10 degrees a distance of 320 feet; thence deflecting right 60 degrees a distance of 250 feet; thence deflecting left 40 degrees a distance of 150 feet; thence deflecting right 45 degrees a distance of 60 feet; thence deflecting right 60 degrees a distance of 180 feet; thence deflecting left 55 degrees a distance of 160 feet; thence Northwesterly to the Northwest corner of said East 736 feet of the Northeast quarter of the Southeast quarter; thence easterly along the North line of said East half of the northeast quarter of the Southeast quarter to the point of beginning.

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OFFICE OF COUNTY RECORDER
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FILED AND OR
RECORDED ON

1987 OCT -7 PM 4:24
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AS DOCUMENT #

R. Dan Carlson CO. RECORDER

BY *Qu* DEPUTY

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