

CORRECTIVE SEWER EASEMENT

THIS CORRECTIVE SEWER EASEMENT AGREEMENT (“Agreement”) is made this _____ day of _____, 2016 by and between the **City of Saint Paul**, a municipal corporation under the laws of the State of Minnesota (“Grantor”), and the **Metropolitan Council**, a public corporation and political subdivision of the State of Minnesota (“Grantee”), hereinafter collectively referred to as the “Parties.”

- A. Grantor is the owner of the fee title to real property situated in Ramsey County, Minnesota legally described as follows:

See legal description attached hereto as Exhibit A (the “City Property”).

- B. Pursuant to that certain easement dated June 13, 1975, attached as **Exhibit B** (the “1975 Easement”), and that certain easement dated April 12, 1977, recorded on September 23, 1977 as Document Number 1978903 by the Ramsey County Recorder, attached hereto as **Exhibit C** (the “1977 Easement”), hereinafter collectively referred to as the “Original Easement Agreements,” Grantor granted to the Metropolitan Waste Control Commission, an agency of and predecessor in interest to Grantee, perpetual easements for sanitary sewer purposes.
- C. The Original Easement Agreements incorrectly described certain portions of the property intended to be affected by the easements granted therein; specifically, the parcels identified in Exhibit A of the 1975 Easement as “Easement 2” and “Easement 3,” and the parcels identified in Exhibit A of the 1977 Easement as “1CR1” and “1BR,” collectively referred to as the “Existing Easement Areas.”
- D. Grantor and Grantee wish to terminate certain portions of the Original Easement Agreements as they relate to the Existing Easement Areas.
- E. Grantor and Grantee wish to replace those portions of the Original Easement Agreements and to provide for the conveyance of a new easement as hereafter set forth.

NOW THEREFORE, in consideration of the facts stated above and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor and Grantee, the Parties agree as follows:

1. Recitals Incorporated. The facts stated above are hereby incorporated into this Agreement and made a part hereof by this reference.

2. Termination of Certain Portions of the Original Easement Agreements. The Original Easement Agreements are hereby terminated as to the Existing Easement Areas identified in Paragraph C above. Grantee hereby disclaims any right, title or interest in or to any or all of the Existing Easement Areas that Grantee may have obtained by virtue of the Original Easement Agreements.

3. Grant of Perpetual Sanitary Sewer Easement. Grantor hereby grants to Grantee a perpetual, non-exclusive easement over, under and across the property legally described in **Exhibit D** attached hereto (the “Corrective Easement Area”), for the location, installation, construction, repair, replacement, maintenance, use and operation of a sewer interceptor, temporary meter and other related improvements with the exception of any above ground permanent buildings or structures (the “Sanitary Sewer Easement”). Said easement includes the right of ingress and egress over and across the City Property by Grantee and its agents, employees, permittees and contractors for the use of the Corrective Easement Area to exercise the rights and privileges herein granted. Any use of the Corrective Easement Area, as described above, that would require additional use of City Property adjacent to but outside of the Corrective Easement Area, will require Grantee to obtain temporary construction easements from Grantor.

The Sanitary Sewer Easement further includes the right of Grantee to cut, trim or remove from the Corrective Easement Area any trees, shrubs, undergrowth or other vegetation as in Grantee’s judgment unreasonably interferes with the use of the Corrective Easement Area by Grantee, but not without proper advance notice to Grantor and provided that Grantee shall take all reasonable precautions to prevent any damage to the City Property.

Subsequent to the execution of the Sanitary Sewer Easement, Grantor, its heirs, successors and assigns, will not erect, construct, or create any building, improvement, obstruction, perpendicular utility crossing, or structure of any kind, either above or below the surface of the Corrective Easement Area or plant any trees, or stockpile construction debris or construction equipment, or change the grade thereof of the Corrective Easement Area without the express written consent of Grantee.

4. Restoration. Grantee will ensure that following any activity by Grantee within the Corrective Easement Area and any future temporary construction easement area(s) that may be required to service the sewer facilities, said easement areas will be restored as far as practicable to their previous condition.

5. Covenant of Ownership. Grantor covenants that it is the lawful owner and is in lawful possession of the City Property and has lawful right and authority to convey and grant the Sanitary Sewer Easement described herein.

6. Notices and Demands. All notices, requests, demands, consents, and other communications required or permitted under this Temporary easement shall be in writing and shall be deemed to have been duly and properly given three (3) business days after the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed to the intended recipient as follows:

Grantor: City of Saint Paul
Office of Financial Services – Real Estate Section
25 W. 4th Street, Rm. 1000
Saint Paul, MN 55012

Grantee: Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805
Attn: Real Estate Office

7. The provisions and conditions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their successors and assigns, and shall constitute a covenant running with the land.

[signature pages attached]

EXHIBIT A

PARCEL A:

The Northeast Quarter of the Southwest Quarter of Section 21, township 29, Range 22 in Ramsey County Minnesota

AND

Lots Three and four, Block 1, Phalen Shores, Located in Ramsey County, Minnesota

AND

All of Blocks One through 27, Phalen Park, located in Ramsey County, Minnesota

AND

PARCEL B:

That part of the westerly of the railroad right-of-way, government Lot 2 in Section 22, Township 29, Range 22,

AND

Except the North part of the railway right-of-way,

AND

Except the water works right-of-way,

AND

Except Phalen Heights Park

AND

Except streets,

The following; Government Lot 5 and the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 21, Township 29, Range 22.

AND

PARCEL C:

All that part of Government Lot 6, Section 21, Township 29, Range 22 described as follows: Commencing at the intersection of the North line of Maryland Street with the East line of said Section 21; thence South 0 degrees 11 minutes East along said Easterly line of said Section 21 854.05 feet, thence South 47 degrees 17 minutes West 232.4 feet, thence South 60 degrees 41 minutes West 492 feet, thence South 89 degrees 43 minutes West 300 feet, thence North 62 degrees 59 minutes West 72.7 feet to the intersection of the Easterly line of Water Works Right

of Way 181.57 feet, thence South 21 Degrees 02 Minutes East 371.13 feet to the North line of Maryland Street, thence East along said North line of Maryland Street 71.49 feet to the place of Beginning, excepting that portion lying between the Easterly line of said Section 21, and the Northern Pacific Railroad Right of Way.

AND

PARCEL D:

All that part of the Northeast quarter of the Northeast quarter of Section 28, Township 29, Range 22 described as follows: Commencing at a point on the South line of Maryland Street, at an intersection of the Westerly line of the Northern Pacific Rail Road then Southerly along said Westerly line of said Right of Way 957.20 feet, thence West parallel to the South line of Maryland Street 352.8 feet to the Easterly line of the Right of Way on the St. Paul Water Works, thence Northerly along the Easterly line of the said Right of Way of the St. Paul Water Works, 1,011.19 feet to the South line of Maryland Street, thence East along the South line of Maryland Street 672.53 feet to the place of beginning.

EXHIBIT B

EASEMENT

THIS INSTRUMENT, Made this 13th day of June,
1975, by and between THE CITY OF SAINT PAUL, a municipal corporation
organized and existing under the laws of the State of Minnesota,
party of the first part, and the METROPOLITAN WASTE CONTROL COMMIS-
SION, a duly constituted agency of the Metropolitan Council, party
of the second part;

WITNESSETH; That the said party of the first part, in consid-
eration of One Dollar and other good and valuable consideration, to
it in hand paid by the said party of the second part, the receipt
whereof is hereby acknowledged, does hereby Grant, Bargain, Sell,
Convey and Warranty to said party of the second part the permanent
non-exclusive easements for sanitary sewer purposes, including but
not limited to the right to construct, reconstruct, maintain, oper-
ate and repair underground sewer mains, pipes and appurtenances, and
the right of ingress and egress for such purposes, situate in Ramsey
County, Minnesota, described on Exhibit A attached hereto and made a
part hereof.


IN TESTIMONY WHEREOF, The said party of the first part has
caused these presents to be duly executed as of the day and year
first above written.

(Corporate Seal)

THE CITY OF SAINT PAUL

By


Mayor


Director, Department of Finance
and Management Services


City Clerk

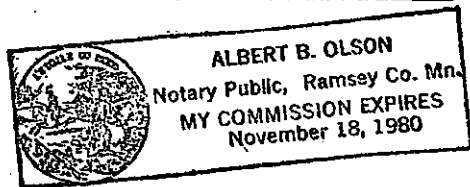
STATE OF MINNESOTA }
COUNTY OF RAMSEY } ss.

The foregoing instrument was acknowledged before me this 13th day of June, 1975, by Lawrence D. Cohen, Mayor, Roger A. Mattson, Director of the Department of Finance and Management Services, and Mrs. Rose Mix, City Clerk, of the City of Saint Paul, a municipal corporation, on behalf of said City.

Albert B. Olson

Notary Public, Ramsey County, Minn.
My commission expires _____

THIS INSTRUMENT WAS DRAFTED BY
City of St. Paul
OFFICE OF CITY ATTORNEY
647 City Hall
SAINT PAUL, MINNESOTA



FORM APPROVED:

[Signature]
Asst. City Attorney

EXHIBIT A

Easement 1

A 20 foot permanent easement for sanitary sewer purposes over, under, and across vacated Lots 15 and 16, Block 3, and vacated Lots 8 through 14 and 22, Block 4, KIEFFER PARK, according to the plat thereof on file in the Office of the Register of Deeds, in and for Ramsey County, Minnesota, located in the Northwest Quarter of the Northwest Quarter (NW1/4 of NW1/4) of Section 27, Township 29 North, Range 22 West, Ramsey County, Minnesota. The centerline of said easement is described as follows:

Commencing at the northwest corner of said Section 27; thence south along the west line of said Section 27 a distance of 809.21 feet; thence southeasterly, deflecting to the left 67 degrees 23 minutes 55 seconds, a distance of 87.23 feet; thence southerly, deflecting to the right 46 degrees 40 minutes 00 seconds, a distance of 5.56 feet to the easterly right of way line of the Burlington Northern, Inc. railroad right of way and the point of beginning of the centerline to be described; thence continuing southerly, on the prolongation of the last described line, 107.64 feet; thence southeasterly, deflecting to the left 29 degrees 16 minutes 20 seconds, a distance of 351.89 feet and said centerline there terminating.

Together with a temporary construction easement over, under, and across that part of the Northwest Quarter of the Northwest Quarter (NW1/4 of NW1/4) of said Section 27, lying 20 feet on each side of the above-described centerline, and

Together with a temporary construction easement over, under, and across that part of said vacated Lots 15 and 16, lying southwesterly of a line drawn 50 feet easterly of and parallel to the above-described centerline.

Said temporary easements expire on December 31, 1975.

Easement 2

A 20 foot permanent easement for sanitary sewer purposes over, under, and across that part of the north 957.20 feet of the Northeast Quarter of Section 28, Township 29 North, Range 22 West, Ramsey County, Minnesota, lying east of

St. Paul Water Board right of way. The center line of said easement is described as follows:

Commencing at the northeast corner of said Section 28; thence west along the north line of said Section 28 a distance of 529.14 feet to the point of beginning of the centerline to be described; thence southerly, deflecting to the left 98 degrees 17 minutes 00 seconds, a distance of 578.50 feet; thence southeasterly, deflecting to the left 41 degrees 33 minutes 55 seconds, a distance of 355.00 feet; thence easterly, deflecting to the left 39 degrees 48 minutes 40 seconds, a distance of 155.10 feet more or less to the westerly right of way line of the Burlington Northern, Inc. railroad and said centerline there terminating.

Together with a temporary construction easement over, under and across that part of the Northeast Quarter of said Section 28, lying 50 feet on each side of the above-described centerline.

Said temporary easement expires December 31, 1976.

Easement 3

A 20 foot permanent easement for sanitary sewer purposes over, under, and across a part of Section 21, Township 29 North, Range 22 West, Ramsey County, Minnesota. The centerline of said easement is described as follows:

Commencing at the southeast corner of said Section 21; thence west along the south line of said Section 21 a distance of 529.14 feet; thence northerly, deflecting to the right 81 degrees 43 minutes 00 seconds, a distance of 33.35 feet to the point of beginning of the centerline to be described; thence northwesterly, deflecting to the left 18 degrees 07 minutes 50 seconds, a distance of 618.32 feet; thence northwesterly a distance of 488.95 feet along a nontangential curve, concave to the northeast having a radius of 675 feet, and central angle of 41 degrees 30 minutes 13 seconds, the chord of said curve deflects 31 degrees 57 minutes 22 seconds, to the left from the last described line; thence northwesterly tangent to said curve 252.81 feet; thence northwesterly a distance of 386.04 feet along a tangential curve, concave to the southwest having a radius of 3819.72 feet and central

angle of 05 degrees 47 minutes 26 seconds; thence northwesterly tangent to said curve 156.71 feet; thence westerly a distance of 730.35 feet along a tangential curve, concave to the south having a radius of 879.25 feet and a central angle of 47 degrees 35 minutes 35 seconds; thence westerly tangent to said curve 265.92 feet; thence westerly a distance of 278.47 feet along a tangential curve, concave to the north having a radius of 300.00 feet and a central angle of 53 degrees 11 minutes 00 seconds; thence northwesterly tangent to said curve 134.38 feet; thence northerly a distance of 149.05 feet along a tangential curve, concave to the east having a radius of 300.00 feet and a central angle of 28 degrees 28 minutes 00 seconds; thence northerly tangent to said curve 136.41 feet; thence northwesterly a distance of 780.74 feet along a tangential curve, concave to the southwest having a radius of 735.00 feet and a central angle of 60 degrees 51 minutes 40 seconds; thence northwesterly tangent to said curve 588.25 feet; thence northerly, deflecting to the right 21 degrees 17 minutes 55 seconds, a distance of 331.77 feet; thence northwesterly, deflecting to the left 22 degrees 07 minutes 37 seconds, a distance of 473.95 feet; thence northerly, deflecting to the right 44 degrees 24 minutes 45 seconds a distance of 249.70 feet; thence northeasterly, deflecting to the right 47 degrees 42 minutes 11 seconds, a distance of 394.37 feet; thence northerly deflecting to the left 20 degrees 09 minutes 01 seconds a distance of 564.12 feet; thence northwesterly, deflecting to the left, 32 degrees 14 minutes 44 seconds a distance of 574.36 feet; thence northerly, deflecting to the right 13 degrees 23 minutes 55 seconds a distance of 295.38 feet to a point on the north line of said Section 21 distant 148.15 feet east of the northwest corner thereof and said centerline there terminating.

Also a temporary construction easement over, under, and across said Section 21, lying 50 feet on each side of the above described centerline.

Said temporary easement expires December 31, 1976.

EXHIBIT C

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1978903

SEP 23 1 52 PM '77

EASEMENT

THIS INSTRUMENT, Made this 12 day of April, 1977, by and between the CITY OF SAINT PAUL, a municipal corporation organized and existing under the laws of the State of Minnesota, party of the first part, and the METROPOLITAN WASTE CONTROL COMMISSION, a duly constituted agency of the Metropolitan Council created and organized pursuant to Minnesota Laws 1969, Chapter 449, party of the second part;

WITNESSETH, That the said party of the first part, in consideration of the sum of One Dollar to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto the said party of the second part, its successors and assigns, perpetual permanent and temporary construction easements for sanitary sewer purposes, including but not limited to the right to construct, reconstruct, maintain, operate and repair underground sewer mains, pipes and appurtenances, and the right of ingress and egress for such purposes, situate in Ramsey County, Minnesota, described in Exhibits A, Parcels 1A, 1BR, 1CR1, and 1DR, said exhibits attached hereto and made a part hereof. And the said party of the first part, for itself and its successors, does covenant with the said party of the second part, its successors and assigns, that it is well seized in fee of the lands and premises aforesaid, and has good right to sell and convey the same in manner and form aforesaid. And the above-bargained and granted easements, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, hereinbefore mentioned, the said party of the first part will warrant and defend.

NOTED BY AUDITOR

SEPT. 20 1977
LOU MCKENNA

Auditor, Ramsey County, Minnesota

By [Signature]

Page 1 of 8

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9845 \$00.00 NO SALE A

IN TESTIMONY WHEREOF, the said first party has caused these presents to be executed in its corporate name by its mayor and Director of Finance & Management Services, and its City Clerk and its corporate seal to be hereunto affixed the day and year first above written.



CITY OF SAINT PAUL
By George Latimer
Its Mayor
By Rose Mix
Its City Clerk
By Bernard Carlson 4-12-77
Its Director of Finance & Management Services

1978903
FORM APPROVED
[Signature]
Attorney

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss.

The foregoing instrument was acknowledged this 12 day of April, 1977, by George Latimer, Rose Mix, and Bernard Carlson, the Mayor, City Clerk and Director of Finance of the CITY OF SAINT PAUL, a municipal corporation, on behalf of the corporation, by authority of the City Council and that said George Latimer, Rose Mix, and Bernard Carlson acknowledged same to be the free act and deed of said corporation.

This instrument was drafted by Richard Meyers, 1758 Venus Ave., St. Paul, Minnesota, 55112

Joanne Rettner
JOANNE RETTNER
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
March 29, 1979

STATE DEED TAX DUE \$ Exempt

EXHIBIT A

DESCRIPTION OF EASEMENT: 1a

1978903
A 20 foot permanent easement for sanitary sewer purposes over, under, and across vacated Lots 15 and 16, Block 3 and vacated Lots 8 through 14 and 22, Block 4 KIEFFER PARK, according to the plat on file in the Office of the Register of Deeds, all in the Northwest Quarter of the Northwest Quarter of Section 27, Township 29 North, Range 22 West, Ramsey County, Minnesota. The centerline of said easement is described as follows:

Commencing at the northwest corner of said Section 27; thence south along the west line of said Section 27 a distance of 809.21 feet; thence southeasterly, deflecting to the left 67 degrees 23 minutes 55 seconds, a distance of 87.23 feet; thence southerly, deflecting to the right 46 degrees 40 minutes 00 seconds, a distance of 5.56 feet to the easterly right of way line of the Burlington Northern, Inc. railroad right of way and the point of beginning of the line to be described; thence continuing southerly, on the prolongation of the last described line, 107.64 feet; thence southeasterly, deflecting to the left 29 degrees 16 minutes 20 seconds, a distance of 351.89 feet and said centerline there terminating.

Also a temporary construction easement over, under, and across that part of the above described tract lying 20 feet on each side of the above described centerline.

Together with a temporary construction easement over, under, and across that part of said vacated Lots 15 and 16 lying 50 feet easterly of the above described centerline.

Said temporary easement expires December 31, 1976.

EXHIBIT A

DESCRIPTION OF EASEMENT: 1 BR

1978903

A 20 foot permanent easement for sanitary sewer purposes over, under, and across that part of the north 957.20 feet of the North-east Quarter of Section 28, Township 29 North, Range 22 West, Ramsey County, Minnesota, lying east of the St. Paul Water Board right of way. The centerline of said easement is described as follows:

Commencing at the northeast corner of said Section 28; thence west along the north line of said Section 28 a distance of 644.76 feet to the point of beginning of the line to be described; thence southerly, deflecting to the left 94 degrees 30 minutes 30 seconds, a distance of 40.69 feet; thence southerly, deflecting to the left 15 degrees 38 minutes 00 seconds, a distance of 569.65 feet; thence southeasterly, deflecting to the left 29 degrees 43 minutes 00 seconds, a distance of 355.00 feet; thence easterly, deflecting to the left 39 degrees 48 minutes 40 seconds, a distance of 155.10 feet more or less to the westerly right of way line of the Burlington Northern, Inc. railroad and said centerline there terminating.

Also a temporary construction easement over, under and across that part of the above described tract lying 50 feet on each side of the above described centerline.

Said temporary easement expires December 31, 1976.

EXHIBIT A

DESCRIPTION OF EASEMENT: 1 CRI

A 20 foot permanent easement for sanitary sewer purposes over, under, and across a part of Section 21, Township 29 North, Range 22 West, Ramsey County, Minnesota. The centerline of said easement is described as follows:

Commencing at the southeast corner of said Section 21; thence west along the south line of said Section 21 a distance of 644.76 feet; thence northerly, deflecting to the right 85 degrees 29 minutes 30 seconds, a distance of 75.23 feet to the point of beginning of the centerline to be described; thence northwesterly, deflecting to the left 11 degrees 05 minutes 00 seconds, a distance of 453.88 feet; thence northwesterly, deflecting to the left 10 degrees 49 minutes 55 seconds, a distance of 82.08 feet; thence northwesterly a distance of 459.04 feet along a non-tangential curve, concave to the northeast having a radius of 636.89 feet, a central angle of 41 degrees 17 minutes 46 seconds, and the chord of said curve deflects 32 degrees 34 minutes 10 seconds to the left from the last described line; thence northwesterly tangent to said curve 267.25 feet; thence northwesterly a distance of 386.04 feet along a tangential curve, concave to the southwest having a radius of 3819.72 feet and central angle of 05 degrees 47 minutes 26 seconds; thence northwesterly tangent to said curve 156.71 feet; thence westerly a distance of 347.65 feet along a tangential curve, concave to the south having a radius of 879.25 feet and a central angle of 22 degrees 39 minutes 16 seconds; thence westerly, deflecting to the left 17 degrees 34 minutes 59 seconds from the tangent of the last described curve, a distance of 682.64 feet; thence northwesterly a distance of 239.99 feet along a tangential curve, concave to the northeast having a radius of 300.00 feet and a central angle of 45 degrees 50 minutes 05 seconds; thence northerly tangent to said curve 207.09 feet; thence northerly, deflecting to the right 20 degrees 36 minutes 15 seconds, a distance of 539.72 feet; thence northwesterly, deflecting to the left 42 degrees 49 minutes 15 seconds, a distance of 744.72 feet; thence westerly, deflecting to the left 10 degrees 12 minutes 00 seconds, a distance of 277.29 feet; thence northwesterly, deflecting to the right 21 degrees 17 minutes 55 seconds,

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a distance of 331.77 feet; thence westerly, deflecting to the left 22 degrees 07 minutes 37 seconds, a distance of 473.95 feet; thence northwesterly, deflecting to the right 44 degrees 24 minutes 45 seconds a distance of 249.70 feet; thence northeasterly, deflecting to the right 47 degrees 42 minutes 11 seconds, a distance of 394.37 feet; thence northerly deflecting to the left 20 degrees 09 minutes 01 seconds a distance of 564.12 feet; thence northwesterly, deflecting to the left, 32 degrees 14 minutes 44 seconds a distance of 574.36 feet; thence northerly, deflecting to the right 13 degrees 23 minutes 55 seconds a distance of 295.38 feet to a point on the north line of said Section 21 distant 148.15 feet east of the northwest corner thereof and said centerline there terminating.

Also a temporary construction easement over, under, and across said Section 21 lying 50 feet on each side of the above described centerline.

Said temporary easement expires December 31, 1976.

EXHIBIT A

DESCRIPTION OF EASEMENT: L.D.R

1978903

A 20 foot permanent easement for sanitary sewer purposes over, under, and across that part of Government Lot 3, Section 16, Township 29 North, Range 22 West, Ramsey County, Minnesota lying easterly of Trunk Highway 61. The centerline of said easement is described as follows:

Commencing at the southwest corner of said Section 16; thence east along the south line of said Section 16 a distance of 148.15 feet to the point of beginning of the centerline to be described; thence northwesterly, deflecting to the left 107 degrees 57 minutes 28 seconds, a distance of 178.98 feet; thence northerly, deflecting to the right 18 degrees 05 minutes 00 seconds, a distance of 329.80 feet; thence northerly, deflecting to the right 06 degrees 02 minutes 45 seconds, a distance of 306.68 feet; thence northeasterly a distance of 286.92 feet along a tangential curve concave to the southeast having a radius of 650 feet and a central angle of 25 degrees 17 minutes 30 seconds; thence northeasterly tangent to said curve 123.72 feet; thence northeasterly, deflecting to the right 01 degrees 50 minutes 45 seconds, a distance of 106.37 feet; thence northeasterly a distance of 100 feet along a tangential curve, concave to the southeast having a radius of 650 feet and said centerline there terminating.

Also a temporary construction easement over, under, and across said Government Lot 3 lying 50 feet on each side of the above described centerline.

Said temporary easement expires December 31, 1976.

EXHIBIT A

DESCRIPTION OF EASEMENT: 1 E

1978903

A 20 foot permanent easement for sanitary sewer purposes over, under, and across that part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 29 North, Range 22 West, Ramsey County, Minnesota southerly of Parkway Drive lying 250 feet north-easterly of and adjacent to a line described as commencing at the northwest corner of said Southwest Quarter; thence east along the north line of said Southwest Quarter 795.10 feet; thence southeasterly, deflecting to the right 61 degrees 49 minutes 00 seconds, a distance of 350.88 feet; thence southerly, deflecting to the right 14 degrees 40 minutes 00 seconds, a distance of 290.30 feet to the point of beginning of the line to be described; thence southeasterly, deflecting to the left 25 degrees 20 minutes 00 seconds, a distance of 1000 feet and there terminating. The centerline of said easement is described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence east along the north line of said Southwest Quarter 969.65 feet; thence southerly, deflecting to the right 91 degrees 19 minutes 37 seconds, a distance of 461.77 feet; thence southerly, deflecting to the left 32 degrees 08 minutes 35 seconds, a distance of 191.03 feet to the south line of Parkway Drive and the point of beginning of the line to be described; thence continuing southerly, on the prolongation of the last described line, 51.05 feet; thence south-westerly, deflecting to the right 64 degrees 02 minutes 20 seconds, a distance of 219.88 feet and said centerline there terminating.

Also a temporary construction easement over, under and across that part of the above described tract lying 50 feet on each side of the above described centerline.

Said temporary easement expires December 31, 1976.

1978903

St. Paul

City

Metropolitans

STATE OF MINNESOTA) ss
 County of Ramsey)
 Office of the County Recorder

This is to certify that the within instrument was filed for record in this office at St. Paul on the 23 day of Sept A.D. 19 77 at 12:20 o'clock P.M. and that the same was recorded in Ramsey County Records as Doc. No. 19 78 903.

By _____ Deputy
 ROBERT T. GIBBONS
 County Recorder

Richard Meyers
 1758 Venus Avenue
 St. Paul, Minn
 55112

RICHARD MEYERS
 Attorney at Law
 1758 Venus Ave.
 St. Paul, Mn. 55112

Richard Meyers

EXHIBIT D

A 35.00 foot wide permanent easement for sanitary sewer purposes over, under and across Section 21, Township 29 North, Range 22 West, Ramsey County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the Southeast corner of said Section 21; thence South 89 degrees 39 minutes 20 seconds West along the south line of said Section 21 a distance of 644.76 feet to the beginning of the centerline to be described;

thence North 04 degrees 51 minutes 05 seconds West a distance of 75.23 feet;

thence North 16 degrees 03 minutes 42 seconds West a distance of 525.17 feet;

thence North 76 degrees 54 minutes 14 seconds West a distance of 111.00 feet;

thence North 60 degrees 15 minutes 52 seconds West a distance of 268.61 feet;

thence North 43 degrees 17 minutes 03 seconds West a distance of 106.74 feet;

thence North 37 degrees 21 minutes 44 seconds West a distance of 464.93 feet;

thence North 44 degrees 15 minutes 08 seconds West a distance of 349.47 feet;

thence North 47 degrees 11 minutes 25 seconds West a distance of 112.48 feet;

thence North 58 degrees 31 minutes 10 seconds West a distance of 234.40 feet;

thence North 84 degrees 07 minutes 54 seconds West a distance of 674.82 feet;

thence northwesterly a distance of 239.99 feet along a tangential curve concave to the northeast having a radius of 300.00 feet and a central angle of 45 degrees 50 minutes 05 seconds; thence North 38 degrees 17 minutes 49 seconds West tangent to the last described curve a distance of 219.27 feet;

thence North 17 degrees 41 minutes 36 seconds West a distance of 531.38 feet;

thence North 60 degrees 01 minutes 02 seconds West a distance of 738.82 feet;

thence North 71 degrees 09 minutes 31 seconds West a distance of 277.29 feet;

thence North 49 degrees 51 minutes 43 seconds West a distance at 337.71 feet;

thence North 71 degrees 13 minutes 08 seconds West a distance of 475.94 feet;

thence North 26 degrees 05 minutes 05 seconds West a distance of 258.77 feet;

thence North 21 degrees 19 minutes 41 seconds East a distance of 395.45 feet;

thence North 00 degrees 33 minutes 54 seconds East a distance of 565.93 feet;

thence North 32 degrees 20 minutes 09 seconds West a distance of 578.69 feet;

thence North 18 degrees 02 minutes 54 seconds West a distance of 281.20 feet to the north line of said Section 21 and said centerline there terminating. The sidelines of said easement are lengthened or shortened to intersect the north and south lines of said Section 21.

Along with a 20 foot permanent easement for sanitary sewer purposes over, under, and across that part of the North 957.20 feet of the Northeast Quarter of Section 28, Township 29 North, Range 22 West, Ramsey County, Minnesota, lying East of the St. Paul Water Board Right of Way. The centerline of said easement is described as follows:

Commencing at the Northeast corner of said Section 28; thence West along the North line of said Section 28 a distance of 644.76 feet to the point of beginning of the line to be described; thence southerly, deflecting to the left 94 degrees 30 minutes 30 seconds, a distance of 40.69 feet; thence southerly, deflecting to the left 15 degrees 38 minutes 00 seconds, a distance of 569.65 feet; thence southeasterly, deflecting to the left 29 degrees 43 minutes 00 seconds a distance of 355.00 feet; thence easterly; deflecting to the left 39 degrees 48 minutes 40 seconds, a distance of 155.10 feet more or less to the westerly Right of Way line of the Burlington Northern, Inc. railroad and said centerline there terminating.