

[Reserved for recording data.]

THIS INSTRUMENT WAS PREPARED
BY AND SHOULD BE RETURNED
AFTER RECORDING TO:

Winthrop & Weinstine, P.A. (SJK)
225 South Sixth Street, Suite 3500
Minneapolis, Minnesota 55402

**TERMINATION AND RELEASE OF
SUPPLEMENTAL EASEMENT FOR WATER SYSTEM**

THIS TERMINATION AND RELEASE OF SUPPLEMENTAL EASEMENT FOR WATER SYSTEM (this "Termination") is made and given this ____ day of _____, 2018 (the "Effective Date"), by and between the Board of Water Commissioners, City of St. Paul, a municipal corporation ("BWC") and St. Paul Leased Housing Associates IX, LLLP, a Minnesota limited liability limited partnership ("Owner").

- A. WHEREAS, Owner is the owner of that certain real property located in St. Paul, Minnesota, legally described on **Exhibit A** attached hereto (the "Property").
- B. WHEREAS, Weyerhaeuser Company granted to BWC those certain rights to construct, install and use a water pipeline supply system over and across the property described in that certain water system easement document dated as of July 30, 1980, recorded September 19, 1980, in the Office of the County Recorder in and for Ramsey County, Minnesota, as Document Number 2091486 ("Water System Easement").
- C. WHEREAS, BWC approved and accepted the Water System Easement by resolution of the BWC dated as of August 28, 1980, recorded September 23, 1980 in the Office of the County Recorder in and for Ramsey County, Minnesota, as Document Number 2091485.
- D. WHEREAS, the Owner represents that it is the successor to Weyerhaeuser Company and has the authority to enter into agreements relating to the Water System Easement, including this Termination.

- E. WHEREAS, the Owner, its contractors and affiliates are redeveloping the Property and, as a result of such redevelopment, BWC no longer requires use of the Water System Easement.
- F. WHEREAS, the BWC and the Owner mutually desire to terminate the Water System Easement and to release the rights and obligations thereunder.

NOW, THEREFORE, in consideration of the premises and the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

- 1. Recitals. All recitals set forth above are incorporated as if fully set forth herein.
- 2. Termination and Release of the Water System Easement. BWC and the Owner hereby mutually agree to terminate and release the Water System Easement and the rights and obligations thereunder in all respects as of the Effective Date, and the Water System Easement shall hereafter be of no further force or effect.
- 3. Counterparts. This Termination may be executed in counterparts, which together shall be deemed one and the same instrument.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, BWC and the Owner each execute this TERMINATION AND RELEASE OF SUPPLEMENTAL EASEMENT FOR WATER SYSTEM as of the day and year first written above.

BWC:

~~Board of Water Commissioners, City of St. Paul, a municipal corporation~~

Approved as to form:

BOARD OF WATER
COMMISSIONERS OF THE CITY OF
SAINT PAUL

By: _____
Stephen P. Schneider, General
Manager
Saint Paul Regional Water Services

By: _____
Matt Anfang, President

Date: _____

Date: _____

By: _____
Lisa Veith
Assistant City Attorney

By: _____
Mollie Gagnelius
Secretary

Date: _____

Date: _____

By: _____
Todd Hurley
Director, Office of Financial Services

Date: _____

ACKNOWLEDGEMENTS

BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL

By: _____

Name: _____

Its: _____

STATE OF ~~Minnesota~~ MINNESOTA)

) ss.

COUNTY OF ~~Ramsey~~ RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018,
by _____, ~~the~~ Matt Anfang, President of the Board of Water
Commissioners, of the City of ~~St.~~ Saint Paul, a Minnesota municipal corporation, on behalf of ~~the~~ said
corporation.

Witness my hand and official seal.

Notary Public

STATE OF MINNESOTA)

) ss.

COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018,
by Mollie Gagnelius, Secretary of the Board of Water Commissioners of the City of Saint Paul, a
Minnesota municipal corporation, on behalf of said corporation.

Witness my hand and official seal.

Notary Public

| Witness my hand and official seal.

| Notary Public

**[SIGNATURE PAGE TO TERMINATION AND RELEASE OF
SUPPLEMENTAL EASEMENT FOR WATER SYSTEM]**

OWNER:

St. Paul Leased Housing Associates IX,
LLLP, a Minnesota limited liability limited
partnership

By: St. Paul Leased Housing Associates IX,
LLC
Its: General Partner

By: _____
Owen C. Metz
Its: Authorized Representative

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by
Owen C. Metz, the Authorized Representative of St. Paul Leased Housing Associates IX, LLC,
the general partner of St. Paul Leased Housing Associates IX, LLLP, a Minnesota limited
liability limited partnership, on behalf of the limited liability limited partnership.

Notary Public

EXHIBIT A

(Legal Description)

Lot 1, Block 1, Moorhouse Commons

Ramsey County, Minnesota

[Torrens Property](#)

Document comparison by Workshare 9.5 on Monday, May 21, 2018 6:28:08 PM

Input:	
Document 1 ID	interwovenSite://WVIMAN/IMANAGE/15424840/2
Description	#15424840v2<IMANAGE> - Termination and Release (Water System Easement) (Legends at Berry)
Document 2 ID	interwovenSite://WVIMAN/IMANAGE/15424840/3
Description	#15424840v3<IMANAGE> - Termination and Release (Water System Easement) (Legends at Berry)
Rendering set	WW Default

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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