

RELEASE OF EASEMENT

KNOW ALL BY THESE PRESENTS, that **NORTHERN STATES POWER COMPANY**, a Minnesota corporation, d/b/a Xcel Energy, (hereinafter referred to as "NSP") in consideration of good and valuable consideration, the receipt and sufficiency, whereof is hereby acknowledged, does hereby release and abandon that certain easement over and across the following described real estate in the County of **Ramsey**, State of Minnesota, to-wit:

Lots 12, 13 and 14, Block 26, Rice & Irvine's Addition to Saint Paul, according to the recorded plat thereof, Ramsey County, Minnesota.

Lots 8, 9, 10 and 11, Block 26, Rice & Irvine's Addition to Saint Paul, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 20 feet of said Lots 8, 9, 10 and 11.

Those parts of Lots 3, 4 and 7, Block 26, Rice & Irvine's Addition to Saint Paul, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 20 feet of said Lot 7, lying southwesterly of the following described line:

Commencing at the northwesterly corner of said Block 26, Rice & Irvine's Addition to Saint Paul; thence North 41 degrees 54 minutes 11 seconds East, assumed bearing along the northwesterly line of said Block 26, a distance of 241.92 feet to the actual point of beginning of the line to be described; thence South 48 degrees 05 minutes 49 seconds East, a distance of 258.00 feet to the southeast line of said Lot 4 and said line there terminating.

from those certain easements for the construction, operation, and maintenance of lines for the transmission of electric energy granted to Northern States Power Company by Resolution, City of Saint Paul, Minnesota dated November 3, 1982, recorded November 8, 1982 as Document No. 2160998 and by Resolution No. RES PH 14-308 dated November 17, 2014, recorded April 9, 2015 as Document No. 4550920.

NSP became Xcel Energy, Inc., a Minnesota corporation as a result of the Articles of Merger dated August 18, 2000, and filed with the Ramsey County Recorder on September 25, 2000, as Document No. 3346323. Xcel Energy, Inc. assigned the above easement to Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy, ("NSP") by Assignment and Assumption of Easements dated December 29, 2000, and filed March 12, 2001, as Document No. 3378232 or by Ratification and Assignment of Easements dated June 2, 2004, and filed August 3, 2004, as Document No. 377878.

RELEASE OF EASEMENT

This Release of Easement (“Release”) is made by Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”).

BACKGROUND:

The City of Saint Paul, Ramsey County, Minnesota (“Saint Paul”) adopted Resolution –Public Hearing RES PH 14-308 (“Resolution”) on November 5, 2014, to vacate part of an alley in Block 26, Rice and Irvine’s Addition, near West Seventh Street and Chestnut Street. The Resolution was approved and signed by Mayor Christopher Coleman on November 5, 2014, and filed of record on April 9, 2015, in the Office of the County Recorder at Document No. A04550920.

In the Resolution, Saint Paul reserved for CenturyLink an easement (“Easement”) over the entire area that was vacated (“Easement Tract”), thus expressly granting certain easement rights to CenturyLink in the Easement Tract. A copy of the Resolution is attached to this Release as Exhibit A and incorporated by reference into this Release.

The current owner of the Easement Tract is Opus Development Company, L.L.C. (“Owner”). The Owner has requested that CenturyLink relinquish the Easement and the rights associated with it granted to CenturyLink in the Resolution. CenturyLink is willing to so relinquish such rights pursuant to this Release.

RELEASE:

As of the date CenturyLink signs this Release, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged, CenturyLink vacates and releases all of its right, title and interest in and to the Easement and any and all easements and easement rights acquired by CenturyLink pursuant to the Resolution, and otherwise releases the Easement.

"CenturyLink"

Qwest Corporation

By: Methuria L. Ra*Shad
Methuria L. Ra*Shad
Transaction Supervisor, Network Real Estate
Signature Date: 9/10/15

THE STATE OF MN)
COUNTY OF Anoka)

BE IT REMEMBERED, that on this 10 day of September, 2015, before me, a Notary Public in and for said County and State, came Methuria L. Ra*Shad, who is the Transaction supervisor, Network Real Estate of Qwest Corporation, a Colorado corporation, and is personally known to me to be the same person who signed this Release as the act and deed of the corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Patrick J Fahney
Notary Public

My appointment expires:
01/31/2020



Prepared By:
CenturyLink
Monica A. Megyesi
3801 Elm Road
Warren, Ohio 44483

EXHIBIT A TO RELEASE OF EASEMENT

Resolution –Public Hearing RES PH 14-308



Doc No **A04550920**

Certified, filed and/or recorded on
Apr 9, 2015 2:59 PM

Office of the County Recorder
Ramsey County, Minnesota
Susan R Roth, County Recorder
Mark E Oswald, County Auditor and Treasurer

Deputy 707

Pkg ID 1060672C

Document Recording Fee Abstract	\$46.00
<i>Document Total</i>	\$46.00

Resolution-Public Hearing: RES PH 14-308

RETURN TO:
First American Title Insurance Co.
801 Nicollet Mall, Suite 1900
Minneapolis, MN 55402
NCS 493947 MPES (DH)

062822234500/10-1-5



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Certified Copy

Resolution-Public Hearing: RES PH 14-308

File Number: RES PH 14-308

Approving the petition of Opus Development Company, L.L.C. to vacate part of an alley in Block 26, Rice & Irvine's Addition, near West Seventh Street and Chestnut Street.

BE IT RESOLVED, that upon the petition of Opus Development Company, L.L.C. ("Petitioner"), as documented in Office of Financial Services Vacation File Number 15-2014, the public property legally described in Exhibit A attached hereto is hereby vacated and discontinued as public property and, subject to the following conditions, the utility easements within said public property are hereby released:

1. An easement shall be retained on behalf of Northern States Power, d/b/a Xcel Energy (Electric), for existing facilities in the proposed vacation area. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs to relocate said facilities.
2. An easement shall be retained on behalf of CenturyLink for existing facilities in the proposed vacation area. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs to relocate said facilities.
3. An easement shall be retained on behalf of Comcast for existing facilities in the proposed vacation area. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs to relocate said facilities.
4. This vacation shall be subject to the terms and conditions of Chapter 130, codified March 1, 1981, of the Saint Paul Legislative Code as amended.
5. The Petitioner, its successors and assigns shall, within 60 days of the effective date of this resolution, file with the Office of Financial Services/Real Estate Section, an acceptance in writing of the conditions of this resolution and shall, within the period specified in the terms and conditions of this resolution, comply in all respects with these terms and conditions.
6. The Petitioner, its successors and assigns agree to indemnify, defend and save harmless the City of Saint Paul, its officers and employees from all suits, actions or claims of any character brought as a result of injuries or damages received or sustained by any person, persons or property on account of this vacation, or the Petitioner's use of this property, including but not limited to, a claim brought because of any act of omission, neglect, or misconduct of said Petitioner or because of any claims or liability arising from any violation of any law or regulation made in accordance with the law, whether by the Petitioner or any of its agents or employees.

; and be it further

RESOLVED, that, pursuant to Sec. 51.01(7) of the Saint Paul Administrative Code, the proper city officials are hereby authorized to sell and convey to the underlying fee title owners by Quit Claim Deed the portion of proposed vacation area owned in fee simple by the City of Saint Paul, as legally described in Exhibit B attached hereto ("City Parcels"), for the fair market value amount of \$10,800.00, as established by the Office of Financial Services, Real Estate Section.

I, Shari Moore, City Clerk of the City of Saint Paul, Minnesota, do hereby certify that I have compared the attached copy of RES PH 14-308 as adopted by the City Council on 11/5/2014 and approved by the Mayor with the original thereof on file in my office.

Attest: Shari Moore
Shari Moore

November 17, 2014
Date Certified

Exhibit A

Legal Description of Proposed Vacation Area (Alley)

All that part of the east-west alley in Block 26 of Rice & Irvine's Addition to Saint Paul, Ramsey County, Minnesota, as opened by C.F. 17184 June 20, 1917 which lies westerly of a line located ten feet westerly of and parallel to the east line of Lot 9, extended southerly, of said Block 26, all in Rice & Irvine's Addition to Saint Paul.

Exhibit B

Legal Description of City Parcels

Parcel 1 – Property owner: Free at Last, Church of God in Christ

The Southeasterly 12 feet of the Southwesterly 45 feet of Lot 7 and the Southeasterly 12 feet of Lot 8, all in Block 26, Rice & Irvine's Addition to Saint Paul, according to the recorded plat thereof, Ramsey County, Minnesota.

Parcel 2 – Property owner: Kestrel Holdings, LLC

The Southeasterly 12 feet of Lots 10 and 11, Block 26, Rice & Irvine's Addition to Saint Paul, according to the recorded plat thereof, Ramsey County, Minnesota.

TERMINATION OF EASEMENT

This Termination of Easement (this "**Termination**") is made as of Sept, 9, 2015 (the "**Effective Date**"), by [COMCAST CORPORATION, a Pennsylvania corporation] ("**Comcast**").

RECITALS:

A. That certain easement for existing facilities were granted and reserved to Comcast in that certain Resolution No. RES PH 14-308 dated November 17, 2014, recorded April 9, 2015 as Document No. 4550920 (the "**Easement**").

B. Comcast now wishes to terminate its right, title and interest in and under the Easement.

NOW, THEREFORE, Comcast hereby declares as follows:

1. Recitals. The Recitals are incorporated herein and made a part of this Termination by reference.
2. Termination of Easement. Comcast hereby terminates all of its right, title and interest in and to the Easement as of the date hereof.
3. Applicable Law. The laws of the State of Minnesota shall govern the validity and enforcement of this Termination.

**SIGNATURE PAGE
TO
TERMINATION OF EASEMENT**

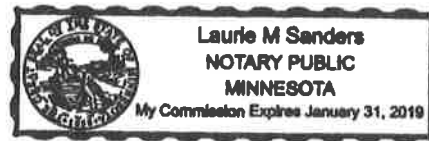
IN AGREEMENT, the Grantee has executed this Agreement as of the date first above written.

[COMCAST CORPORATION,
a Pennsylvania corporation]

By: *Duane Carlson*
Name: Duane Carlson
Title: Construction Manager

The foregoing instrument was acknowledged before me this 9th day of September, 2015,
by Duane Carlson, the Construction Manager of [COMCAST
CORPORATION, a Pennsylvania corporation], on behalf of the corporation.

Laurie M Sanders
Notary Public



THIS DOCUMENT WAS DRAFTED BY:

Faegre Baker Daniels LLP (PLM)
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402