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### **THIRD AMENDMENT TO CONSERVATION EASEMENT**

The CITY OF SAINT PAUL, a municipal corporation ("Grantor") and the STATE OF MINNESOTA, a sovereign body, ("Grantee") have entered into this Third Amendment to Conservation Easement ("Amendment") as of the 3<sup>rd</sup> day of December, 2020.

- A. Grantor and Grantee entered into a Conservation Easement dated November 22, 2002, and recorded on November 27, 2002, as Document Number 3558591 in the Recorder's Office of Ramsey County, Minnesota, and recorded on January 3, 2003, as Document Number 1723715 in the Registrar of Titles' Office of Ramsey County, Minnesota ("Conservation Easement").
- B. Grantor and Grantee entered into an Amendment to Conservation Easement dated February 28, 2007 and recorded on March 16, 2007, as Document Number 4015906 in the Recorder's Office of Ramsey County, Minnesota, and recorded on March 16, 2007, as Document Number 1998812 in the Registrar of Titles' Office of Ramsey County, Minnesota ("First Amendment") to allow for additional interpretive signage due to the historic significance of the Protected Property.
- C. Grantor and Grantee entered into an additional Amendment to Conservation Easement dated December 1, 2015 and recorded on March 17, 2016, as Document Number 2553701 in the Registrar of Titles' Office of Ramsey County, Minnesota ("Second Amendment") to allow certain activities on the Protected Property related to the investigation and construction of a bicycle and pedestrian bridge.
- D. Grantor has requested a third amendment to the Conservation Easement to allow certain activities on the Protected Property related to the investigation of a site for the Wakan Tipi Center ("Third Amendment").

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. "RESERVED RIGHTS" of the Grantor in the Conservation Easement are amended to add the following:

10. Notwithstanding covenants in the Conservation Easement to the contrary, Grantor reserves for Grantor and its successors and assigns, the right to conduct soil analyses, testing, surveying, boring, or other similar activities necessary or appropriate to perform geotechnical investigations as described in Exhibit A: Landmark Environmental Proposal/ Braun Intertec Change Order, in connection with the feasibility of constructing the Wakan Tipi Center on the Protected Property. No geotechnical activities shall be conducted without the prior, written approval of the Commissioner of Natural Resources.

Should geotechnical investigations reveal that building a portion or all of the Wakan Tipi Center on the Protected Property is feasible, Grantor will seek prior written approval from the Commissioner of Natural Resources and the Commissioner of Minnesota Management and Budget. If both approvals are granted, the Commissioner of the Department of Natural Resources may authorize a fourth amendment to the Conservation Easement. The fourth amendment must be consistent with the Conservation Easement and be recorded prior to any construction activity or surface alteration. All exploratory plans and activities are subject to the prior, written approval of the Commissioner of Natural Resources.

All areas within the Protected Property which are disturbed by geotechnical investigations or other approved activities must be restored and left in as good condition and repair as prior to the investigations or activities.

2. Counterparts. The parties may sign this Amendment in counterparts, each of which constitutes an original, but all of which together constitute one instrument.

3. Electronic Signatures. The parties agree that the electronic signature of a party to this Amendment be valid as an original signature of such party and shall be effective to bind such party to this Amendment. The parties further agree that any document (including this Amendment and any attachments or exhibits to this Amendment) containing, or to which there is affixed, an electronic signature shall be deemed (i) to be "written" or "in writing," (ii) to have been signed and (iii) to constitute a record established and maintained in the ordinary course of business and an original written when printed from electronic files. For purposes hereof, "electronic signature" also means a manually signed original signature that is then transmitted by any electronic means, including without limitation a faxed version of an original signature or an electronically scanned and transmitted version (e.g. via PDF) of an original signature. Any party's failure to produce the original signature of any electronically transmitted signature shall not affect the enforceability of this Amendment.

4. Except as set forth herein, the Conservation Easement remains ratified and confirmed in all respects.

In witness whereof, the parties have executed this Third Amendment to Conservation Easement this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF SAINT PAUL

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: City Clerk

By: \_\_\_\_\_  
Its: Director of Financial Services

By: \_\_\_\_\_  
Its: Director, Parks and Recreation

STATE OF MINNESOTA )

) ss.

COUNTY OF RAMSEY )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, the Mayor, City Clerk, Director of Financial Services, and Director of Parks and Recreation of the City of Saint Paul, a municipal corporation under the laws of the State of Minnesota.

Notarial Stamp or Seal (or other title or rank)

\_\_\_\_\_  
Title: Notary Public

My commission  
expires: \_\_\_\_\_

ACCEPTANCE

The foregoing Third Amendment to Conservation Easement is hereby duly accepted by the State of Minnesota, Department of Natural Resources on this 3<sup>rd</sup> day of December, 2020.

STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES

By: \_\_\_\_\_  
SUSAN E. DAMON, Assistant Director  
Division of Lands and Minerals

STATE OF MINNESOTA )

) ss.  
COUNTY OF RAMSEY )

The foregoing instrument was acknowledged before me by use of communication technology this 3<sup>rd</sup> day of December, 2020, by SUSAN E. DAMON, Assistant Director of the Division of Lands and Minerals, Department of Natural Resources, on behalf of the State of Minnesota, who declared she is located in St. Paul, Minnesota.

THIS INSTRUMENT WAS DRAFTED BY:

Amy Schwarz, Attorney  
Department of Natural Resources  
Division of Lands and Minerals  
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St. Paul, MN 55155-4045