

## **Exhibit C**

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SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

### **DECLARATION OF TRAIL EASEMENT**

THIS DECLARATION is made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the **City of Saint Paul**, a municipal corporation under the laws of the State of Minnesota (the "City").

WHEREAS, the City is the fee owner of real property, known as Cherokee Regional Park, Saint Paul, Minnesota, and legally described in Exhibit A attached hereto (the "Park Property"); and

WHEREAS, the City has prepared plans and specifications for the construction of a pedestrian and bicycle trail (the "Trail") to provide a connection through the Park Property and along city right-of-way to Harriet Island Regional Park; and

WHEREAS, the City desires to grant a Trail Easement to retain and protect the Trail for the benefit and use of the public over that portion of the Park Property depicted in Exhibit B attached hereto (the "Easement Area"); and

WHEREAS, the City's Parks and Recreation Department has reviewed the plans and specifications for the Trail and recommends dedication of the Trail Easement on the Park Property; and

WHEREAS, the City waives its right to compensation and its right to an appraisal for the Easement Area;

NOW, THEREFORE, in consideration of the foregoing recitals, the City hereby:

1. Declares, consents and grants to the public a Trail Easement over, under, and across the Easement Area on the Park Property; and
2. Declares that the Trail Easement shall run with the land and be binding on all parties having any right, title or interest in the Park Property or any part thereof, their heirs, successors and assigns.

**IN WITNESS WHEREOF**, the undersigned has caused this Declaration to be made as of the day and year first above written.

**CITY OF SAINT PAUL, MINNESOTA**

By: \_\_\_\_\_  
Its Mayor or Deputy Mayor

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

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

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

STATE OF MINNESOTA    )  
                                          ) ss.  
COUNTY OF RAMSEY    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012, by \_\_\_\_\_, Mayor or Deputy Mayor, \_\_\_\_\_, Director, Office of Financial Services and \_\_\_\_\_, City Clerk of the City of Saint Paul, a Minnesota municipal corporation under the laws of the State of Minnesota.

\_\_\_\_\_  
Notary Public

This instrument was drafted by and the recorded document should be returned to:

Office of Financial Services – Real Estate Section  
City of Saint Paul  
25 W. 4<sup>th</sup> St., Rm. 1000  
Saint Paul, MN 55102  
651-266-8850

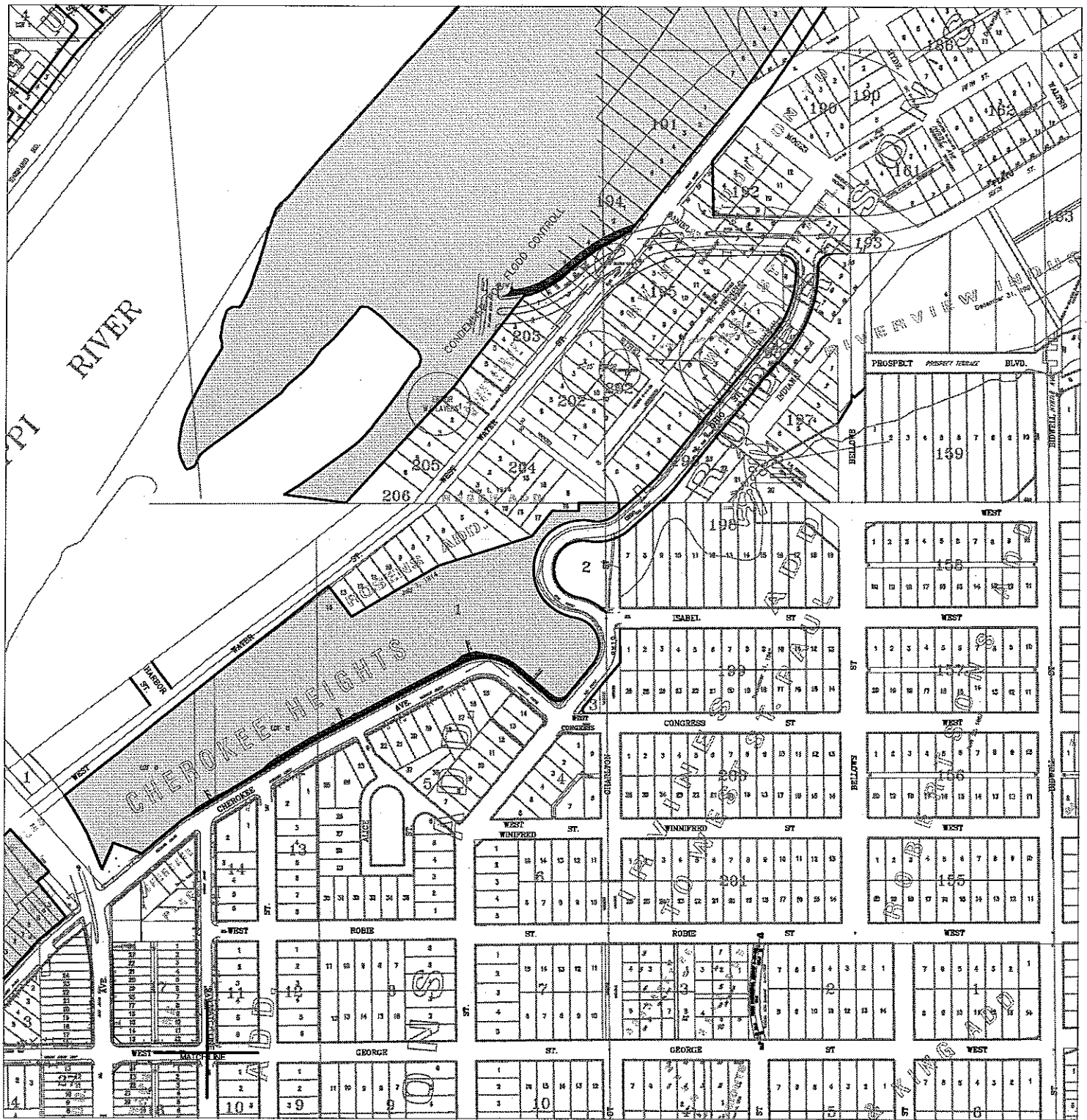
## **Exhibit A**

### Legal Description of the Park Property

Banning & Olivier's Addition, Ramsey County, Minnesota

Lots 1 & Lot 2 & E 20 Ft Of Lot 4 & All Of Lot 3 & Lots 12 Thru 22 Blk 1 In Langevin's 4th Add To St Paul Ex A 450 Ft Long Tract Lying Wly Of High Bridge & Leased To Port Authority & Also Being Sublet To The Minn Harbor Services; Blk B Part Of Govt Lot 2 Sec 7 Tn 28 Rn 22 & Part Of Govt Lot 8 Sec 12 Tn 28 Rn 23 Lying Sly Of Langevins 4th Add & Blk 3 Of Grand View Nly & Ely Of Blk 2 Grandview & Nely Of A Line Run From Most Nely Cor Of Lot 16 Blk 2 Grandview To Most Sly Cor Of Lot 10 Blk 1 Grand View Also; Subj To Hwy; All Of Blk 3 Staples First Add & In Sd Langevins 4th Add All Of Blk 2 Subj To Flood Control Esmts & Any Vac St Or Alley Accruing & Subj To St; Ex Nely 15 Ft; Lot 11 & All Of Lot 12 In Rosen Add. Subj To Sts; Blk C & Blk D Ely Of Hwy R/w In Olivers Add & In Dawsons Add Part Of Blk 1 Sly & Wly Of Rosen Add Ex From The Above Parcels, The Fol Desc Tract. Beg At Int Of E L Sd Blk C & Levee Line Th Sely Along Swly Line & Its Sly Ext Of Lot 14 Rosen Add To Pt 150 Ft Nwly Of Nly Line Of Cherokee Ave Th Swly On A Line Par To Nly Line Of Sd Ave To E L Sd Blk C Th Sly On Sd E L To Pt 260.11 Ft S Of Beg Th Swly Par To Nly Line Sd Ave To E L Of W 1/2 Of Blk C Th N On Sd W L To Levee Line Th Nely On Sd Levee Line To Beg.subj To Rds; Vac Sts & Alleys Accruing & Fol. Part Of Govt Lot 8 In Sec 12 Tn 28 Rn 23 Desc As Beg On Wl Of Blk 38 Banning & Olivers Add 130 Ft S Of Nw Cor Sd Blk Th S 29 Deg 35 Min W 414 Ft Th W To Se Cor Lot 26 Of Coxs 1st Add Th S To Ne Cor Lot 28 Sd Add Th E On Sl Of St 108.47 Ft Th Sely On Sd St 85 Ft Th S 29 Deg 35 Min W 262 Ft Th Nwly To Most Sly Cor Of Lot 32 Sd Coxs 1st Add Th Swly On Ely Line Sd Add & Of Coxs 2nd Add To Se Cor Blk 2 Sd 2nd Add Th E To Nw Cor Blk 82 Banning & Olivers Add Th N To Beg Also Blks 2 & 3 Grand View Also, Blk 81 Of Dawsons Re Of Blk 81 & All Of Lawtons Re Of E 1/2 Of Blk 80 & All Of Kribs & Gillis Sub Of Blk 88 & Lots 1 & 2 Blk 4 Langevins Fifth Add & In Sd Banning & Olivers Add Blk 1 Lots 7 & 8 Blk 72 W 1/2 Of Blk 80, All Of Blks 38 & 79 All Of Blks 82 Thru 87 & All Of Blk 89





# Exhibit B

Cherokee Regional Trail

SP091-090-056

February 10, 2012

Sheet 1 of 2



NORTH

- LEGEND**
- EASEMENT AREA IN PARK PROPERTY
  - CITY OF SAINT PAUL PARK PROPERTY
  - EXISTING ROW