

FIRST AMENDMENT OF FLOOD CONTROL, ROADWAY and ACCESS EASEMENT AGREEMENT

THIS FIRST AMENDMENT is made and entered into as of the ____ day of June, 2012, between the City of Saint Paul, Minnesota, a public body corporate and politic of the State of Minnesota (the “City”), the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, a public body corporate and politic of the State of Minnesota (the “Authority”), and West Side Flats Urban Development LLC, a Minnesota limited liability company (“Urban Development”).

RECITALS

WHEREAS, the City and the Authority entered into a Flood Control, Roadway, and Access Easement Agreement dated November 24, 2004 and recorded September 14, 2006, as Document Nos. 3978813 (Abstract) and 1978571 (Torrens) (the “Initial Agreement”) relating to certain property in the City of Saint Paul, Minnesota, known as West Side Flats, which includes the “Legal Description of City Property” (the “City Property”) and the “Legal Description of Authority Property” (the “Authority Property”) (combined, the “West Side Flats”) as legally described on Exhibit A attached hereto.

WHEREAS, Urban Development purchased the Parcels _____ from the City as legally described on Exhibit B attached hereto (the “Urban Development Property”).

WHEREAS, on the date hereof, the Authority, the City and Urban Development wish to terminate and amend the terms of certain easements relating to West Side Flats, as the development plan for West Side Flats has changed.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

TERMINATION AND AMENDMENT

1. The recitals set forth above are hereby incorporated in and shall be deemed a part of this Agreement.

2. Termination of Exhibit C Easements. The easements reserved and conveyed in the Initial Agreement were to replace the easements listed in Exhibit C of the Initial Agreement (the “Exhibit C Easements”) and attached hereto as Exhibit C. The Exhibit C easements were to be released with a title registration proceeding covering the City Property and Authority Property. The Exhibit C Easements are hereby terminated and are of no further force or effect. Document No. 1743311(A) is also to be deleted. This is the same document noted in the last paragraph of Exhibit C as Document No. 531819(T).

3. Amendment of Recreation Easement.

(a) Exhibit E of the Initial Agreement is now amended to redefine that part of the Recreation Easement Area which lies within the Urban Development Property, as shown on the attached Exhibit E.

(b) The Section 2.2 reservation of the Initial Agreement of the Recreation Easement Area (the “Recreation Easement Area”) as now amended and shown on Exhibit E is hereby further amended by adding the following paragraph: “West Side Flats conveys to the City a perpetual easement for the benefit of the City and the public over and upon that portion of the Flood Control Easement Area legally described and shown as the “Recreation Easement per Termination and Amendment of Flood Control, Roadway and Access Easement Agreement” (the “Urban Development Recreation Area”) on the attached Exhibit E to the extent located on the Urban Development Property for purposes on non-commercial public recreation, such as a walkway or trail. These easements include without limitation the right to construct, maintain, repair, operate and replace within the Urban Development Recreation Area a trail or walkway, including all appurtenances thereto.”

4. Amendment of Levee Road Easement. The Section 2.3 reservation and Exhibit F of the Initial Agreement, pertaining to the Levee Road Right-of-Way and Utility Easement (the “Levee Road Easement”) as described on Exhibit F-1 and shown on Exhibit F-2 hereto is hereby amended in its entirety as follows: “The City reserves a temporary easement for the benefit of the City and the public over and upon the portion of the City Property shown and described as “Levee Road” on the attached Exhibits F-1 and F-2 for right-of-way and utility purposes. The temporary easement described in this Section 2.3 shall expire automatically and simultaneously upon the filing in the Ramsey County real estate records of a replat of the City Property (the “Plat Filing”) and with the recording of temporary street and utility easements. The temporary street and utility easements shall expire automatically upon the final acceptance by the City of the final constructed roadway that replaces Levee Road (the “New Road”).”

5. Termination of Temporary Access Easement. The Section 2.5 reservation and Exhibit G of the Initial Agreement by the City for the benefit of the City over and upon the portion of the City Property shown and described as the Temporary Access Easement for Flood Wall purposes, also known as the Starkey Access Easement (the “Temporary Access Easement”), and as described on Exhibit G-1 and shown on Exhibit G-2 hereto is hereby terminated and is of no further force or effect. The easement is no longer needed by the City due to the current design and layout of the plat of West Side Flats.

6. Termination of Permanent Access Easement. The Section 2.6 reservation and Exhibit H of the Initial Agreement by the City for the benefit of the City of a Permanent Access Easement for Flood Wall purposes (the “Permanent Access Easement”), and as shown on Exhibit

H hereto is hereby terminated and is of no further force or effect. The easement is no longer needed by the City due to the current design and layout of the plat of West Side Flats.

7. This First Amendment is binding upon the parties hereto and their heirs, representatives, successors and assigns.

8. This First Amendment shall be interpreted by the rights and liabilities of the parties hereunder shall be determined in accordance with the laws of the State of Minnesota.

9. This First and Amendment may be executed in any number of counterparts, each of which shall be an original and all of which constitute but one instrument.

[The remainder of this page has been left blank intentionally.
Signature page follows.]

**SIGNATURE PAGE TO
FIRST AMENDMENT OF EASEMENTS**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on or as of the date first above written.

CITY OF SAINT PAUL, MINNESOTA

By: _____

Its: Mayor

By: _____

Its: City Clerk

By: _____

Its: Director of the Office of Financial Services

Approved as to form

Assistant County Attorney

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

This instrument was acknowledged before me this ____ day of June, 2012, by _____, _____ and _____, the _____, _____ and _____, respectively, of the City of Saint Paul, Minnesota, a public body corporate and politic organized and existing under the laws of the State of Minnesota, on behalf of the City.

Notary Public

**SIGNATURE PAGE TO
FIRST AMENDMENT OF EASEMENTS**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on or as of the date first above written.

**HOUSING AND REDEVELOPMENT
AUTHORITY OF THE CITY OF SAINT
PAUL, MINNESOTA**

By: _____
Its: Chair or Commissioner

By: _____
Its: Executive Director

Approved as to form

Assistant City Attorney

STATE OF MINNESOTA)
)ss
COUNTY OF RAMSEY)

 This instrument was acknowledged before me this ____ day of June, 2012, by
____ and _____, the _____ and
_____, respectively, of the Housing and Redevelopment Authority of the City of
Saint Paul, Minnesota, a public body corporate and politic organized and existing under the laws
of the State of Minnesota, on behalf of the Authority.

Notary Public

**SIGNATURE PAGE TO
FIRST AMENDMENT OF EASEMENTS**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on or as of the date first above written.

**WEST SIDE FLATS URBAN DEVELOPMENT
LLC**, a Minnesota limited liability company

By _____
Its Chief Manager/President

STATE OF MINNESOTA)
)ss
COUNTY OF HENNEPIN)

This instrument was acknowledged before me this _____ day of June, 2012, by George E. Sherman, Chief Manager and President of West Side Flats Urban Development LLC, a Minnesota limited liability company on behalf of the Company.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

SHERMAN ASSOCIATES
233 Park Avenue South, Suite 201
Minneapolis, MN 55415
(612) 436-9136

**EXHIBIT A
TO FIRST AMENDMENT OF EASEMENTS**

Legal Description of City Property

(Parcel 5)

Part of the following lands for the construction of flood wall, dikes, pumping station sites, structures and slopes for flood control purposes on the following described property:

Those parts of Lots 1, 2 and 3, Block D, Robertson's Addition, which lie northwesterly of the southeasterly 25.00 feet thereof.

Lots 1, 2 and 3, Block H, Robertson's Addition.

That part of Government Lot Seven (7) in the Southeast quarter of Section (6), Township (28), Range (22), lying within the following described lines:

Beginning at the Southeast corner of Block H, Robertson's Addition; thence bearing Northwesterly along the Northeasterly line of said block to the shore line of the Mississippi River; thence Northeasterly along the shore line to the intersection with a line parallel to and 20 feet Northeasterly from the Northeasterly line of Block H; thence bearing Southeasterly on said parallel line to the intersection with a line parallel to and 300 feet Northwesterly from the northwesterly line of Water Street; thence bearing Southwesterly along said parallel line to the extended Northeasterly line of Block H a distance of 20 feet and thence bearing Northwesterly along said Northeasterly line to the point of beginning.

Subject to an easement for constructing and maintaining a public sewer as recorded in the instrument filed in Book 49 of Plans, page 41, Ramsey County Records. Covers Block H, Robertson's Addition.

Subject to a reservation for the State of Minnesota of all minerals and mineral rights. Covers that portion of premises which lies in Government Lot 7, Section 6, Township 28, Range 22.

(Parcel 6)

That part of Government Lot Seven (7) in Section Six (6), Township Twenty-eight (28), Range Twenty-two (22) described as follows:

Beginning at the intersection of the Northerly line of Water Street and the Northeasterly line of Block One Hundred Seventy-six (176), Robertson's Addition to West St. Paul, produced; thence Northerly on said produced line to the intersection with a line ten (10) feet Southwesterly from and parallel with the Southwesterly line of Lot Fourteen (14), Block Four (4), Bazil and Robert's Addition to West Saint Paul; thence Northwesterly along said parallel line and prolongation thereof to intersection of a line three hundred (300) feet Northwesterly from and parallel with the Northerly line of Water Street; thence Southwesterly along said parallel line to the intersection with the Easterly line of Robertson's Addition to West St. Paul; thence Southeasterly along said Easterly line of Robertson's Addition to

West St. Paul to the aforesaid Northerly line of Water Street; thence along the Northerly line of Water Street to the point of beginning.

(Parcel 9)

Commencing at the Northwest corner of Lot 14, Block 4, Bazil and Roberts Addition to West St. Paul; thence Northwesterly along the Southwesterly line of said Lot 14 produced a distance of 48.1 feet; thence Northwesterly at an angle to the right from last described line 26 degrees 45 minutes, along a line hereinafter mentioned as "Line A", a distance of 55.71 feet to the point of beginning; thence northwesterly, along the northwesterly extension of the aforementioned "Line A", a distance of 29.11 feet to a point hereinafter mentioned as "Point A"; thence northeasterly, deflecting to the right 63 degrees 15 minutes 00 seconds, a distance of 61.82 feet; thence northwesterly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 109.15 feet; thence westerly to a point on the northwesterly extension of the aforementioned "Line A" distant 128.22 feet northwesterly of the aforementioned "Point A"; thence northwesterly, along the northwesterly extension of the aforementioned "Line A" to the U.S. Government Harbor line on Southerly side of the Mississippi River; thence Northeasterly along said Harbor Line to an intersection with the Southwesterly line of Custer St. (now vacated) produced Northwesterly from Bazil and Roberts Addition to West St. Paul; thence Southeasterly along said Southwesterly line of Custer Street (vacated) to a point 158 feet Northwesterly of Northwesterly line of Block 4, Bazil and Roberts Addition to West St. Paul measured along said Southwesterly line of Custer Street (vacated); thence Southerly to a point 306.06 feet from point of beginning, on a line which is 100 feet Northwesterly of and parallel to the Northwesterly line of Block 4, Bazil and Roberts Addition to West St. Paul; thence Southwesterly along this line to point of beginning, according to the recorded plat thereof, and situate in Ramsey County, Minnesota.

(Parcel 10)

Government Lot 7, Section 6, Township 28, Range 22, bounded by a line described as follows:

Beginning at the intersection of the North line of Water Street and the Southwesterly line of Lot 14, Block 4, Bazille & Robert's Addition to West St. Paul produced Southeasterly; thence Northwesterly along the Southwesterly line of said Lot 14 and that line produced to the Northwesterly corner of said Lot 14; thence Northwesterly on said line produced 48.1 feet; thence Northwesterly at an angle to the right of 26 degrees 45 minutes, along a line hereinafter mentioned as "Line A", a distance of 84.82 feet to a point hereinafter mentioned as "Point A"; thence southwesterly, deflecting to the left 116 degrees 45 minutes 00 seconds, to the intersection with a line 10.00 feet distant from, southwesterly of and parallel to a prolongation of the southwesterly line of said Lot 14; thence northwesterly, along said parallel line, a distance of 155.11 feet; thence northeasterly, deflecting to the right 101 degrees 58 minutes 40 seconds, a distance of 91.20 feet; thence easterly to a point on the northwesterly extension of the aforementioned "Line A" distant 128.22 feet northwesterly of the aforementioned "Point A"; thence northwesterly, along the northwesterly extension of the aforementioned "Line A" to the Mississippi River; thence Southwesterly along the Southerly line of the Mississippi River to a line Northeasterly of and parallel to the Northeasterly boundary of Block "H", Robertson's Addition to West St. Paul and distant 20 feet therefrom and said line produced; thence Southeasterly parallel with the Northeasterly boundary of said Block "H" to a line Northwesterly of and parallel to the Northwesterly line of Water St. and distant 200 feet therefrom; thence Northeasterly parallel with the Northwesterly line of Water St. to a line 10 feet distant from, Southwesterly of and parallel to a prolongation of the southwesterly line of Lot 14, Block 4, Bazille & Robert's Addition to West St. Paul; thence Southeasterly and parallel to a prolongation of the Southwesterly line of said Lot 14, to a

prolongation of the Northeasterly line of Block 176, Robertson's Addition to West St. Paul produced Northwesterly; thence Southeasterly along a prolongation of the said Northeasterly line of Block 176 to the Northwesterly line of Water St.; thence Northeasterly along the Northwesterly line of Water St. to the point of beginning,

(Parcel 12)

Those parts of the following described tracts of land lying Southerly of a line which is 100 feet Northerly and parallel to the North line of Block 4, Bazil and Roberts Addition to West St. Paul (sometimes referred to in the records as Bazille and Roberts Addition to West St. Paul) and within a strip of land 56 feet in width, the Easterly line of said strip being the Easterly line of Starkey Street as platted between Blocks 175 and 176 Robertson's Addition to West Saint Paul produced Northerly and the Westerly line of said strip being a line 50 feet Westerly and parallel to the Easterly line of Starkey Street produced Northerly.

That part of Lot 9, Block 4, Bazil and Roberts Addition to West Saint Paul lying Northerly of a straight line drawn from the Northeast corner of Block 176, Robertson's Addition to West Saint Paul to the Northwest corner of Block 4, Marshall's Addition to West Saint Paul, and those parts of Lots 5, 6 and 14 and the vacated alley between Lots 5 and 6, together with accretions accruing to Lots 5 and 14.

All in Block 4, Bazil and Roberts Addition to West Saint Paul, to be deeded to the party of the second part for the extension of Starkey Street.

Legal Description of Authority Property

(Parcel 3)

All that part or parts of the following described real estate, located in the City of Saint Paul, County of Ramsey, and State of Minnesota, described as follows:

Said tract is bounded on the South by a line running from the Northwest corner of Block 4 of Marshall's Addition to West St. Paul to the Northeast corner of Block 176 of Robertson's Addition to West St. Paul, said line being commonly and herein designated as the Levee Line; on the East by the East line of Lot 4 in Block 3 of Bazil & Robert's Addition to West St. Paul as said line is extended South to the Levee Line and North to its intersection with a line 30 feet Easterly of the center line of the main tracks of the Chicago Great Western Railway Company; and on the West by the center line of the main tracks of the Chicago Great Western Railway Company, including all vacated streets and alleys in said tract;

And

Beginning at a point on the lot line between Lots 3 and 4, Block 3, of Bazil & Robert's Addition to West St. Paul, and 60 feet Northerly from the Southerly line of the levee line in the Sixth Ward of said city; thence Easterly parallel with said levee line to the East line of Lot 2, Block 3 of said Addition; thence Northerly along said Easterly line of said Lot 2 produced to the Mississippi River; thence along the bank of said river to the aforesaid lot line between said Lots 3 and 4 produced; thence Southerly along said lot line last mentioned to point of beginning, and the balance of Lots 2 and 3 in Block 3, Bazil & Robert's Addition to West St. Paul, together with all vacated streets and alleys, including but not limited to vacated Old Water Street, accruing thereto by reason of the vacation thereof.

Together with the Northerly one-half of vacated Water Street (i.e., the Water Street abutting the Levee Line) which has accrued to all of the foregoing by reason of vacation thereof.

(Parcel 11)

Part of Government Lot 7 in Section 6, Township 28, Range 22 and part of Lot 14, Block 4 in Bazil and Robert's Addition to St. Paul described as follows:

Beginning at the Northwest corner of Lot 14; thence Northwesterly on the extension of the Southwest line of said Lot 48.10 feet; thence North at an angle to the right 26 degrees 45 minutes 55.71 feet to the Northwest line of the Southeast 100 feet of Government Lot 7; thence Northeasterly on said Northwest line to the Easterly line of Starkey Street; thence Southerly along said Easterly line to its intersection with the Southwesterly line of said Lot 14; thence Northwesterly along the Southwesterly line of said Lot 14 to the point of beginning.

Except

Those parts of the following described tracts of land lying Southerly of a line which is 100 feet Northerly and parallel to the North line of Block 4, Bazil and Roberts Addition to West St. Paul (sometimes referred to in the records as Bazille and Roberts Addition to West St. Paul) and within a strip of land 56 feet in width, the Easterly line of said strip being the Easterly line of Starkey Street as platted between Blocks 175 and 176 Robertson's Addition to West Saint Paul produced Northerly and the Westerly line of said strip being a line 50 feet Westerly and parallel to the Easterly line of Starkey Street produced Northerly.

That part of Lot 9, Block 4, Bazil and Roberts Addition to West Saint Paul lying Northerly of a straight line drawn from the Northeast corner of Block 176, Robertson's Addition to West Saint Paul to the Northwest corner of Block 4, Marshall's Addition to West Saint Paul, and those parts of Lots 5, 6 and 14 and the vacated alley between Lots 5 and 6, together with accretions accruing to Lots 5 and 14.

All in Block 4, Bazil and Roberts Addition to West Saint Paul;

(Parcel Along West Side of Railroad Tracks)

A tract of land described as commencing at the point where the Easterly line of Starkey Street produced Northerly, intersects with a line distant 60 feet (measured at right angles) Northerly from and parallel to the levee line; thence Northerly along said Easterly line of Starkey Street produced to a point distant 100 feet (measured at right angles) Northerly from the Northerly line of Block 4, Bazille & Robert's addition to West St. Paul; thence Easterly along a line parallel to and distant 100 feet (measured at right angles) Northerly from said Northerly line of Block 4, Bazille & Robert's Addition to West St. Paul to a point distant 8 feet (measured at right angles) Westerly from the center line of the Pure Oil Company's spur track and the point of beginning of the land to be described; thence Southerly on a curve to the right parallel to and distant 8 feet (measured at right angles) Westerly from the center line of said spur track to a point on a line 60 feet (measured at right angles) Northerly from and parallel to the levee line; thence northeasterly, along said line 60 feet (measured at right angles) Northerly from and parallel to the levee line, to the center line of the railroad track; thence northerly, along the center line of said railroad track, to the intersection with a line 100 feet (measured at right angles) northerly from the northerly line of Block 4, Bazille and Robert's Addition to West St. Paul; thence southwesterly to the point of beginning and there terminating.

The center line of said Pure Oil Company's spur track above referred to is described as follows:

Commencing at a point 100 feet (measured at right angles) Northerly from the Northerly line of Block 4, Bazille & Robert's Addition to West St. Paul, and 143.0 feet (measured at right angles) Easterly from the Easterly line of Starkey Street produced, which point is in the center line of said spur track; thence Southerly on a curve to the right 53.5 feet to a point distant 137.38 feet (measured at right angles) Easterly from said Easterly line of Starkey Street produced; thence continuing Southerly on a curve to the right 50 feet to a point distant 124.78 feet (measured at right angles) Easterly from said Easterly line of Starkey Street produced; thence continuing Southerly on a curve to the right 50 feet to a point distant 107.58 feet (measured at right angles) Easterly from said Easterly line of Starkey Street produced; thence continuing on a curve to the right 50 feet to a point distant 88.64 feet (measured at right angles) Easterly from said Easterly line of Starkey Street produced; thence continuing Southerly on a curve to the right 38.7 feet to a point in a line 60 feet Northerly (measured at right angles) from and parallel to the levee line, which point is distant 73.55 feet (measured along the last mentioned) Easterly from said Easterly line of Starkey Street produced.

Together with those parts of Block 175 and vacated Starkey Street, as originally dedicated as Cedar Street, accruing to said Block 175 by reason of said vacation, Robertson's Addition to West St. Paul, Ramsey County, Minnesota which lies westerly of the center line of the railroad track.

Together with those parts of Lots 9 and 10 and the vacated alley lying between Lots 9 and 10, Block 4, Bazil and Robert's Addition to West St. Paul, Ramsey County, Minnesota, which lies westerly of the center line of the railroad track and which lies southeasterly of a line drawn from the northeast corner of Block 176, Robertson's Addition to West St. Paul to the northwest corner of Block 4, Marshall's Addition to West St. Paul.

Together with that part of Lot 9, Block 4, said Bazil and Robert's Addition to West St. Paul, which lies northeasterly of the easterly line of Starkey Street produced northerly, which lies westerly of the center line of the railroad track and which lies northwesterly of a line drawn from the northeast corner of Block 176, Robertson's Addition to West St. Paul to the northwest corner of Block 4, Marshall's Addition to West St. Paul.

Together with that part described as commencing at the Northwest corner of Lot 14, Block 4, Bazil and Robert's Addition to St. Paul; thence Northwesterly, along the southwesterly line of said Lot 14 produced, a distance of 48.1 feet; thence Northwesterly at an angle to the right from last described line 26 degrees 45 minutes a distance of 55.71 feet; thence northeasterly, to a point on a line which is 100 feet Northwesterly of and parallel to the Northwesterly line of Block 4, Bazil and Robert's Addition to West St. Paul, distant 306.06 feet and the point of beginning; thence northeasterly, along said parallel line to the center line of the railroad track; thence northerly, along the center line of the railroad track to the intersection with the Southwesterly line of Custer Street (now vacated); thence northwesterly, along the Southwesterly line of said Custer Street, to a point 158 feet Northwesterly of the Northwesterly line of said Block 4, as measured along the Southwesterly line of said Custer Street; thence southerly to the point of beginning and there terminating.

Together with that part described as commencing at the intersection of the Southerly line of Lot 6, Block 4, Bazille and Robert's Addition to West St. Paul, with the Easterly line of Starkey Street as extended Northerly across said Lot 6; thence continuing Northerly, along said extended line, 39.52 feet to its intersection with a line 60 feet (measured at right angles) northerly from and parallel with the levee line; thence Northeasterly, along said parallel line, 64.22 feet to its intersection with a line 8 feet (measured at right angles) Westerly from and parallel with the center line of the spur track serving the Pure Oil Company, and the point of beginning; thence Southerly, parallel with and 8 feet from the center line of said spur track, 53.90 feet to the Southerly line of said Lot 6; thence northeasterly, along the southerly line of said Lot 6, to the center line of the railroad track; thence northerly along the center line of said railroad track, to the intersection with a line 60 feet (measured at right angles) northerly from and parallel with the levee line; thence southwesterly to the point of beginning and there terminating.

EXHIBIT B
TO FIRST AMENDMENT OF EASEMENTS

Legal Description of Urban Development Property

Outlot A, West Side Flats, according to the recorded plat thereof, Ramsey County, Minnesota.

EXHIBIT C

Exhibit C Easements

Easements to be Released

<u>Name of Interested Party</u>	<u>Nature and Amount</u>	<u>Recording Date (if recorded)</u>
City of Saint Paul	Easement For Construction And Maintenance Of Flood Wall And Appurtenant Structures For Flood Control Purposes and for Access to levee, pumping station, closure structure, floodwall or sewers.	Document No. <u>494003</u> , dated February 3, 1965, recorded December 9, 1965.
City of Saint Paul	Permanent Easement for Construction and Maintenance and for Access to levee, pumping station, closure structure, floodwalls or sewers.	Document No. <u>1612884</u> , dated January 6, 1964, recorded March 5, 1964.
City of Saint Paul	Easements for construction, maintenance and access to levee, closure structures, floodwall, sewers and appurtenant structures.	Document Nos. <u>1715282</u> , dated May 25, 1967 and <u>1715283</u> , dated December 28, 1966, recorded December 20, 1967.
City of Saint Paul	Easements for construction, maintenance and access to levee, closure structures, floodwall, sewers and appurtenant structures.	Document No. <u>505100</u> , dated September 16, 1966, recorded November 4, 1966.
City of Saint Paul	Permanent Easement for Construction and Maintenance and for Access to levee, pumping station, closure structure, floodwalls or sewers.	Document No. <u>1743029(A)</u> , and <u>531687(T)</u> , recorded January 8, 1969.
City of Saint Paul	Permanent Easement for Construction and Maintenance and for Access to levee, closure structure, floodwalls or sewers.	Warranty Deed, Document No. <u>1560370</u> , dated April 10, 1962, recorded April 16, 1962.
City of Saint Paul	Easement for Construction and Maintenance of a sewer and relocated City water mains, floodwalls, and dikes.	Document No. <u>531819(T)</u> , recorded January 15, 1969.

EXHIBIT D

EXHIBIT E
OF
FIRST AMENDMENT OF EASEMENTS
Revised Recreational Easement
[Insert Exhibit E Here]

EXHIBIT F-1
OF
FIRST AMENDMENT OF EASEMENTS

Levee Road Easement

An easement for roadway purposes over, under and across those parts of the following described property:

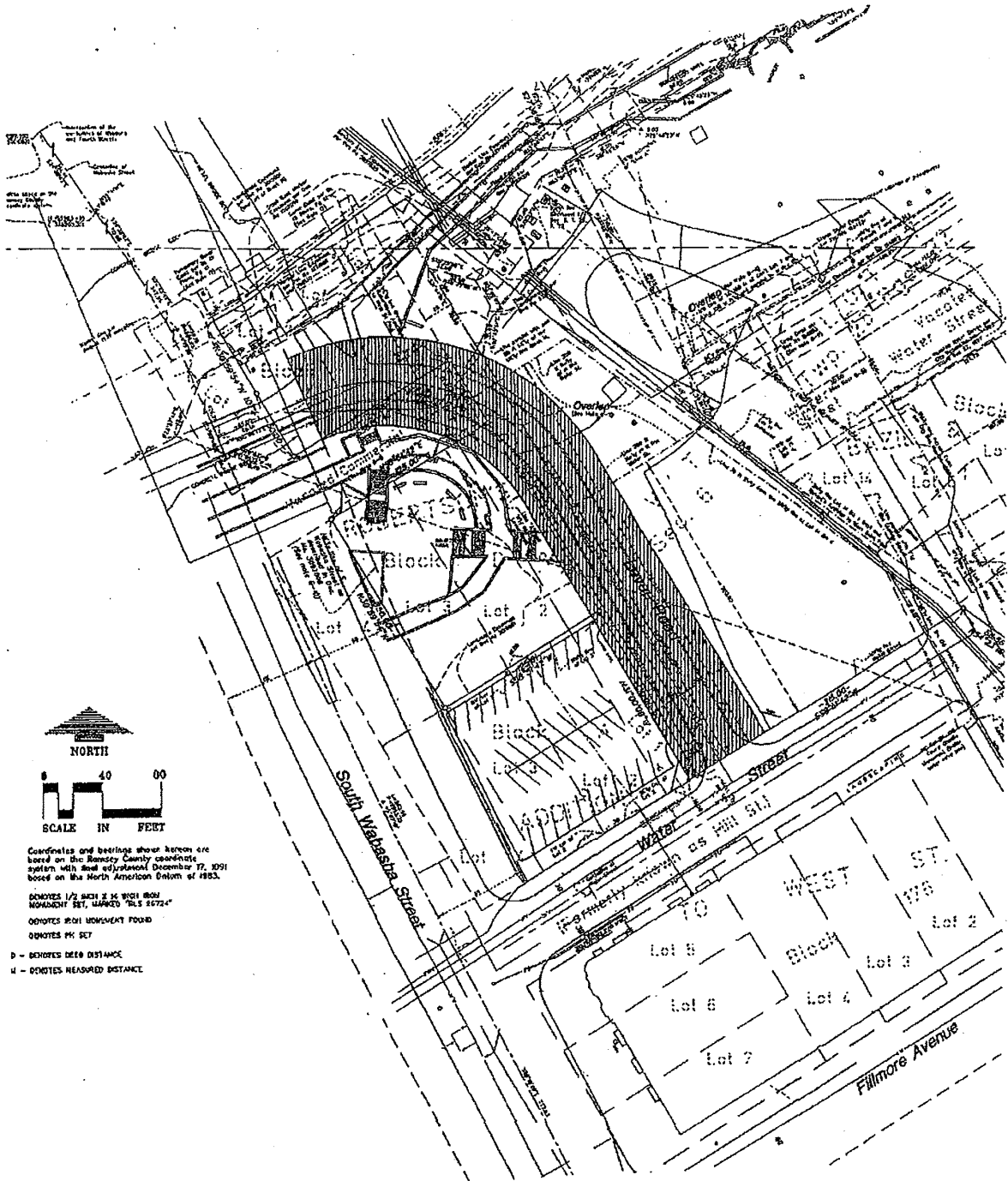
Lot 1, Block A, Lots 1 and 2, Block D, Lots 1, 2 and 3, Block H and vacated Commercial Street, all in Robertson's Addition to West St. Paul, according to the recorded plat thereof, Ramsey County, Minnesota, together with Government Lot 7, Section 6, Township 28 North, Range 22 West, said Ramsey County.

Said easement being a 60.00 foot wide strip of land, the center line of which is described as follows:

Commencing at the intersection of the center lines of Wabasha and Fourth Streets as shown on the recorded plat of the City of St. Paul, Ramsey County, Minnesota, said intersection more specifically described as being the following point in the Ramsey County Coordinate System as published by Ramsey County Public Works Department, Land Survey Division, final adjustment December 17, 1991, based upon the North American Datum of 1983 (1986 adjustment)(Y-coordinate = 156192.903 feet and X-coordinate = 575004.021 feet); thence South 34 degrees 32 minutes 47 seconds East (all bearings herein being per said Ramsey County Coordinate System) along the center line of said Wabasha Street, 351.44 feet to the following point in said Ramsey County Coordinate System (Y-coordinate = 155903.433 feet and X-coordinate = 575203.314 feet); thence North 55 degrees 41 minutes 11 seconds East, 0.49 feet; thence South 34 degrees 32 minutes 47 seconds East 119.60 feet; thence South 32 degrees 23 minutes 47 seconds East 547.99 feet; thence Southeasterly along a 984.25 foot radius tangential curve, concave to the Southwest, central angle 09 degrees 15 minutes 59 seconds, a distance of 159.18 feet; thence South 23 degrees 07 minutes 48 seconds East, tangent to said curve, 476.71 feet; thence North 66 degrees 52 minutes 13 seconds East 65.00 feet to the point of beginning of the center line to be described; thence North 66 degrees 52 minutes 13 seconds East 1.14 feet; thence Easterly and Southeasterly along a 140.00 foot radius, tangential curve, concave to the South, central angle 81 degrees 53 minutes 42 seconds a distance of 200.11 feet; thence South 31 degrees 14 minutes 05 seconds East, tangent to said curve, to the northwesterly line of Water Street, originally dedicated as Mill Street, said Robertson's Addition to West St. Paul and there terminating.

The sidelines of said easement are to be prolonged or shortened, so as to terminate on the northwesterly line of said Water Street.

EXHIBIT F-2
OF
FIRST AMENDMENT OF EASEMENT
Levee Road Easement



**EXHIBIT G-1
OF
FIRST AMENDMENT OF EASEMENTS**

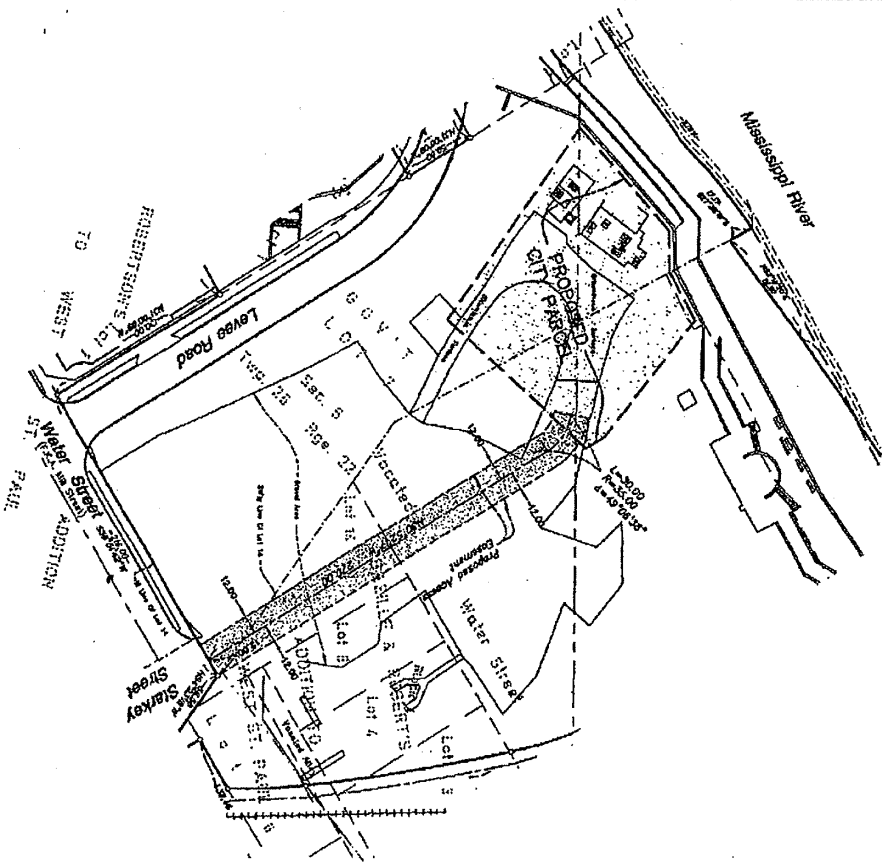
Temporary Access Easement

An easement for access purposes over and across those parts of Lot 14, Block 4 and Water Street as dedicated in Bazille and Roberts Addition to West St. Paul, according to the recorded plat thereof, Ramsey County, Minnesota and of Government Lot 7, Section 6, Township 28 North, Range 22 West, said Ramsey County, said easement being a 24.00 foot wide strip of land, the center line of which is described as follows:

Commencing at the intersection of the north line of Water Street, originally dedicated as Mill Street in Robertsons Addition to West St. Paul, according to the recorded plat thereof, said Ramsey County, with the southwesterly line of said Lot 14; thence southwesterly on an assumed bearing of South 58 degrees 51 minutes 42 seconds West, along said north line, a distance of 12.00 feet to the point of beginning of the center line to be described; thence North 30 degrees 52 minutes 17 seconds West a distance of 270.00 feet; thence northwesterly a distance of 30.00 feet along a tangential curve, concave to the southwest, having a radius of 35.00 feet and a central angle of 49 degrees 06 minutes 38 seconds and said center line there terminating.

The sidelines of said easement are to be prolonged, so as to begin on the north line of Water Street originally dedicated as Mill Street.

EXHIBIT G-2
OF
FIRST AMENDMENT OF EASEMENTS
Temporary Access Easement

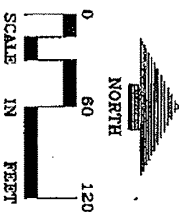


**Proposed Legal Description
For An Access Easement
To The City Lift Station Parcel
(May 24, 2009)**

An easement for access purposes over and across those parts of Lot 14, Block 4 and Water Street as dedicated in Bazille and Roberts Addition to West St. Paul, according to the recorded plat thereof, Ramsey County, Minnesota and of Government Lot 7, Section 6, Township 28 North, Range 22 West, said Ramsey County, said easement being a 24.00 foot wide strip of land, the center line of which is described as follows:

Commencing at the intersection of the north line of Water Street, originally dedicated as Mill Street in Robertsons Addition to West St. Paul, according to the recorded plat thereof, said Ramsey County, with the southwesterly line of said Lot 14; thence southwesterly on an assumed bearing of South 58 degrees 51 minutes 42 seconds West, along said north line, a distance of 12.00 feet to the point of beginning of the center line to be described; thence North 30 degrees 52 minutes 17 seconds West a distance of 270.00 feet; thence northerly a distance of 30.00 feet along a tangential curve, concave to the southwest, having a radius of 35.00 feet and a central angle of 49 degrees 06 minutes 38 seconds and said center line there terminating.

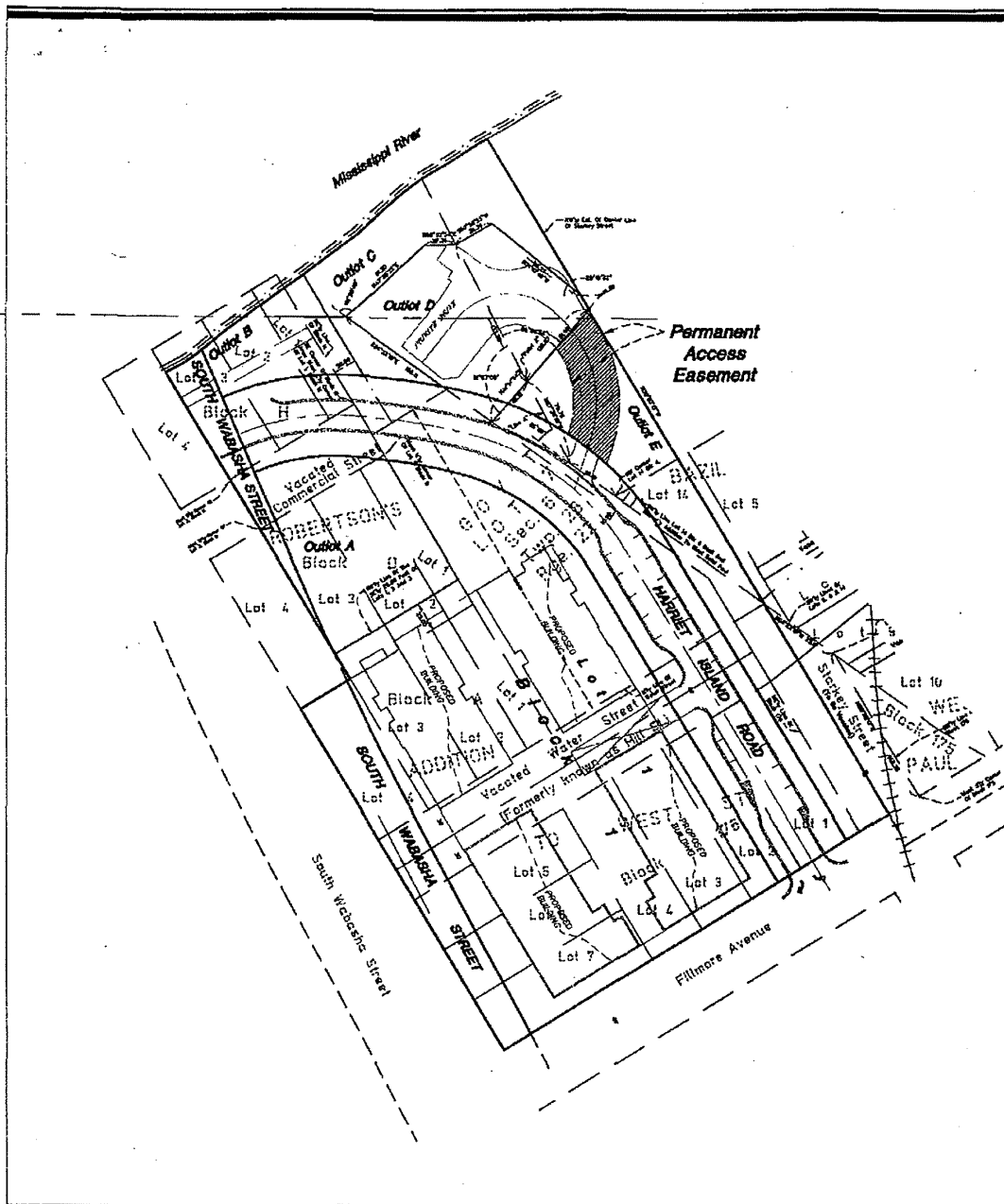
The sidelines of said easement are to be prolonged, so as to begin on the north line of Water Street originally dedicated as Mill Street.



PLAT Map Side File	
S. Paul, Minnesota Date: 05-24-2009	
LOUGHS ASSOCIATES 10000 Highway 100 Suite 100 Minneapolis, MN 55426 Phone: 612-338-1000 Fax: 612-338-1001 Email: info@loughs.com	
CONVEYANCE This plat is a true and correct copy of the original as recorded in the office of the County Recorder of Ramsey County, Minnesota, on May 24, 2009.	
RECORDING This plat is a true and correct copy of the original as recorded in the office of the County Recorder of Ramsey County, Minnesota, on May 24, 2009.	
NOTES 1. This plat is a true and correct copy of the original as recorded in the office of the County Recorder of Ramsey County, Minnesota, on May 24, 2009.	
PROPOSED ACCESS EASEMENT The proposed access easement is shown in shaded area on the map.	
LEGEND Proposed Access Easement 05-146	

**EXHIBIT H
TO
FIRST AMENDMENT OF EASEMENTS**

Permanent Access Easement



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NORTH