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PARTIAL RELEASE OF WATER MAIN EASEMENT

This PARTIAL RELEASE OF WATER MAIN EASEMENT made and entered into this 13th day of April 2021 by the Board of Water Commissioners of the City of Saint Paul, a Minnesota municipal corporation (the “**Board of Water Commissioners**”).

RECITALS

WHEREAS, West St. Paul Leased Housing Associates I, LLLP, a Minnesota limited liability limited partnership, as successor in interest to Signal Hills Company II, LLP, a Minnesota limited liability company (the “**Partnership**”) is the fee owner of that certain parcel of land located in the County of Dakota, State of Minnesota (the “**Property**”) legally described in **Exhibit A** attached hereto.

WHEREAS, Signal Hills Company, LLP granted a 30-foot easement to the Board of Water Commissioners to supply water service to the Property from a public water supply system owned by the Board of Water Commissioners (the “**Water Main Easement**”) in, under, through, over and across the Property as set forth in the Agreement dated November 9, 1999 and recorded in the Office of the County Recorder of Dakota County, Minnesota on January 12, 2000 as Document No. 1665735 legally described in **Exhibit B** attached hereto and incorporated herein.

WHEREAS, the Partnership intends to develop and construct a residential housing facility on the Property and a portion of the Water Main Easement encroaches upon the proposed residential housing facility and creates a hardship that impedes the development and construction of the Property. The Partnership desires a portion of the Water Main Easement be partially released.

WHEREAS, the Board of Water Commissioners has mutually agreed to release a portion of the Water Main Easement.

NOW, THEREFORE, in consideration of the Water Main Easement and other good and valuable consideration, the Board of Water Commissioners hereby declares as follows:

1. All recitals set forth above are incorporated as if fully set forth herein.

2. The Board of Water Commissioners desire to partially release that certain portion of the Water Main Easement legally described and depicted in **Exhibit C** attached hereto and incorporated herein and to release each of the parties thereunder, and their respective successors and assigns, and the Property from the obligations thereunder in all respects as of the Effective Date, and that certain portion of the Water Main Easement legally described and depicted in Exhibit C will hereafter be of no further force or effect.
3. The portion of the Water Main Easement not legally described in Exhibit C remains in full force and effect.
4. Except as modified herein, the terms of the November 9, 1999 Agreement will remain in full force and effect.

[Signature on Next Page]

Approved as to form:

**BOARD OF WATER COMMISSIONERS OF
THE CITY OF SAINT PAUL**

By: _____
Patrick Shea, General Manager
Saint Paul Regional Water Services

By: _____
Mara Humphrey, President

By: _____
Lisa Veith
Assistant City Attorney

By: _____
Mollie Gagnelius
Secretary

By: _____
John McCarthy
Director, Office of Financial Services

STATE OF MINNESOTA)

) ss.

COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Mara Humphrey, President of the Board of Water Commissioners of the City of Saint Paul, a Minnesota municipal corporation, on behalf of said corporation.

Notary Public: _____

STATE OF MINNESOTA)

) ss.

COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, 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.

Notary Public: _____

[Signature Page to Partial Release of Water Main Easement]

STATE OF MINNESOTA)

) ss.

COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by John McCarthy, Finance Director of the City of Saint Paul, a Minnesota municipal corporation, on behalf of said corporation.

Notary Public: _____



This document was drafted by:

Winthrop & Weinstine P.A. (CCM)
225 South Sixth Street, Suite 3500
Minneapolis, MN 55402
(612) 604-6400

[Signature Page to Partial Release of Water Main Easement]

EXHIBIT A

Legal Description of the Property

Lot 1, Block 1, WSP Leased Housing

Dakota County, Minnesota
Abstract Property

EXHIBIT B

Legal description of Water Main Easement

A 30-00 foot perpetual easement for utility purposes over, under and across the following described property:

That part of the West Three Quarters of the Northwest Quarter of the Southwest Quarter of Section 17, Township 28 North, Range 22 West, Dakota. County, Minnesota, described as follows:

Beginning at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence southerly along the west line of said Northwest Quarter of the Southwest Quarter 565.00 feet thence easterly deflecting 90 degrees 00 minutes 00 seconds 364.33 feet; thence northerly deflecting 90 degrees 00 minutes 00 seconds 26.00 feet; thence easterly deflecting 90 degrees 00 minutes 00 seconds 428.91 feet to the west line of the East 200 feet of said West Three Quarters of the Northwest Quarter of the Southwest Quarter; thence northerly along said west line 536.09 feet; to the north line of Northwest Quarter of the Southwest Quarter; thence westerly along said north line 793.14 feet, to the point of beginning

The centerline of said easement is described as follows:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter, thence South 39 degrees 54 minutes 47 seconds East, assumed bearing, a distance of 50.33 feet along the north line of said Northwest Quarter of the Southwest Quarter to the point of beginning of the center line to be described; thence South 0 degrees 07 minutes 25 seconds East a distance of 96.41 feet to a point hereinafter known as Point "A"; thence South 0 degrees 07 minutes 25 seconds East a distance of 21.30 feet and said center line there terminating;

Together with a perpetual easement for utility purposes over, under and across the above described property. Said easement lies 27.50 feet right and 15.00 left of the following described line:

Beginning at the point of termination of the above described line; thence South 0 degrees 07 minutes 25 seconds East a distance of 30.00 feet and said line there terminating.

Together with a 30.00 foot perpetual easement for utility purposes over, under and across the first above described. property. The center line of said easement is desc bed. As follows:

Beginning at the point of termination of the last described line; thence South 0 degrees 07 minutes 25 seconds East a distance of 86.20 feet thence South 4 degrees 37 minutes 22 seconds East a distance of 97.15 feet; thence South 0 degrees 08 minutes 08 seconds East a distance of 170.72 and said center tine there terminating.

Together with, a perpetual easement for utility purposes over, under and across the first above described property. Said easement lies 21.00 feet right and 15.00 feet left of the following described line:

Beginning at the point of termination of the last described line; thence South 0 degrees 08 minutes 08 seconds East a distance of 30.00 feet and said line there terminating.

Together with a 30.00 foot perpetual easement for utility purposes over, under and across the first above described property. The center line of said easement is described as follows:

Beginning at the point of termination of the last described line; thence South 0 degrees 08 minutes 08 seconds East a distance of 33.33 feet and, said center line there terminating.

Together with a 30.00 foot perpetual easement for utility purposes over, under and across the first above described property. The centerline of said easement is described as follows:

Beginning at said Point "A"; thence North 89 degrees 54 minutes 17 seconds East a distance of 372.61. fee thence South 0 degrees 08 minutes 08 seconds East a distance of 94.00 feet and said center line there terminating.

Together with a perpetual easement for utility purposes over, under and across the first above described property. Said easement lies 45.00 feet right and 15.00 feet left of the following described line:

Beginning at the point of termination of the last described line; thence South 0 degrees 08 minutes 08 seconds East a distance of 53.00 feet and said, line there terminating.

EXHIBIT C

Legal description of Released Water Main Easement

That part of the Water Main Easement per Document Number 1665735 being a 30.00 foot tract of land over, under and across that part of the West Three Quarters of the Northwest of the Southwest Quarter of Section 17, Township 28, Range 22, Dakota County, Minnesota, the center line of said easement is described as follows:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 89 degrees 52 minutes 33 seconds East, along the north line of said Northwest Quarter of the Southwest Quarter, 50.33 feet; thence South 00 degrees 05 minutes 11 seconds East 96.41 feet; thence North 89 degrees 56 minutes 31 seconds East 15.00 feet to the point of beginning of said center line to be described; thence continue North 89 degrees 56 minutes 31 seconds East 357.61 feet; thence South 00 degrees 05 minutes 54 seconds East 94.00 feet and said center line there terminating.

Together with a tract of land over, under and across the above described property, lying 45.00 feet right and 15.00 feet left of the following described line:

Beginning at the point of termination of the last described line; thence South 00 degrees 05 minutes 54 seconds East 53.00 feet and said line there terminating.

EXHIBIT

