

**EASEMENT AGREEMENT**

(05-19)

**THIS INDENTURE**, made this \_\_\_\_ day of \_\_\_\_\_, between COON RAPIDS - CREEK LAND, LLC, a Minnesota limited liability company, herein referred to as the Landowner, and the CITY OF COON RAPIDS, a municipal corporation organized under the laws of the State of Minnesota, hereinafter referred to as the "City".

**WITNESSETH:**

That the said Landowner in consideration of the sum of One Dollar and other good and valuable consideration to it in hand paid by the City, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the said City, its successors and assigns, forever, a permanent easement for public utility purposes over, under and across the following described property:

Property Description:

That part of the Northwest Quarter of the Northeast Quarter, Section 14, Township 31, Range 24, Anoka County, Minnesota, lying northerly of the plat of DART PARK NORTH 1<sup>ST</sup> ADDITION and westerly of the northerly extension of the east line of Block 1 of said plat, which is the west right-of-way line of the Burlington Northern Railroad Company.

Easement Description:

A permanent easement for watermain purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Commencing at the Northeast corner of Lot 1, Block 2, Loft Homes Addition; thence South 0 degrees, 00 minutes, 58 seconds West, along the East line of said Lot 1, a distance of 117.18 feet to the point of beginning of the centerline to be described; thence South 88 degrees, 43 minutes, 36 seconds East a distance of 12.76 feet to a point hereinafter referred to as Point A; thence continuing along the last described course a distance of 234.53 feet to a point hereinafter referred to as Point B; thence continuing along the last described course a distance of

10.30 feet; thence South 89 degrees, 58 minutes, 15 seconds East a distance of 30.43 feet to a point hereinafter referred to as Point C; thence continuing along the last described course a distance of 89.90 feet to a point hereinafter referred to as Point D; thence continuing along the last described course a distance of 104.58 feet; thence North 0 degrees, 01 minutes, 45 seconds East a distance of 22.50 feet and said centerline there terminating.

Together with a permanent easement for watermain purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point A; thence North 1 degree, 16 minutes, 24 seconds East a distance of 19.86 and said centerline there terminating.

Together with a permanent easement for watermain purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point B; thence South 0 degree, 59 minutes, 39 seconds East a distance of 161.77; thence North 89 degrees, 00 minutes, 21 seconds East a distance of 31.50 feet and said centerline there terminating.

Together with a permanent easement for watermain purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point C; thence North 0 degree, 01 minutes, 45 seconds East a distance of 22.50 and said centerline there terminating.

Together with a permanent easement for watermain purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point D; thence South 0 degree, 59 minutes, 45 seconds East a distance of 160.05 to a point hereinafter referred to as Point E; thence continuing along the last described course a distance of 22.31 feet; thence South 15 degrees, 03 minutes, 32 seconds East a distance of 39.94 feet to the Northerly right of way line of Northdale Boulevard and said centerline there terminating.

Together with a permanent easement for watermain purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point E; thence South 89 degree, 00 minutes, 15 seconds West a distance of 22.50 and said centerline there terminating.

Together with a permanent easement for sanitary sewer purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Commencing at the Northeast corner of Lot 1, Block 2, Loft Homes Addition; thence North 88 degrees, 12 minutes, 16 seconds West, along the Northerly line of said Lot 1, a distance of 9.57 feet to the point of beginning of the centerline to be described; thence South 0 degrees, 01 minutes, 41 seconds East a distance of 127.27; thence South 88 degrees, 43 minutes, 36 seconds East a distance of

266.95 feet to a point hereinafter referred to as Point F and said centerline there terminating.

Together with a permanent easement for sanitary sewer purposes over, under and across the above described property. Said permanent easement is an 18.00 foot wide strip of land, being 8.00 feet right and 10.00 feet left of the following described line:

Beginning at said Point F; thence South 89 degrees, 58 minutes, 15 seconds East a distance of 130.63 feet to a point hereinafter referred to as Point G and said line there terminating.

Together with a permanent easement for sanitary sewer purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point G; thence South 89 degrees, 58 minutes, 15 seconds East a distance of 100.68 feet and said centerline there terminating.

Together with a permanent easement for sanitary sewer purposes over, under and across the above described property. Said permanent easement is a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point G; thence South 0 degrees, 59 minutes, 45 seconds East a distance of 174.47 feet and said centerline there terminating.

Together with a permanent easement for storm sewer purposes over, under and across the above described property. Said permanent easement is a 15.00 foot wide strip of land, the centerline of which is described as follows:

Commencing at the Northeast corner of Lot 1, Block 2, Loft Homes Addition; thence South 0 degrees, 00 minutes, 58 seconds West, along the East line of said Lot 1, a distance of 134.54 feet to the point of beginning of the centerline to be described; thence North 89 degrees, 56 minutes, 19 seconds East a distance of 48.54 feet; thence South 16 degrees, 13 minutes, 01 seconds East a distance of 52.69 feet and said centerline there terminating.

Together with a permanent easement for storm drain purposes over, under and across the above described property. Said permanent easement is a 10.00 foot wide strip of land, the centerline of which is described as follows:

Commencing at the Southeast corner of Lot 1, Block 2, Loft Homes Addition; thence North 0 degrees, 00 minutes, 58 seconds East, along the East line of said Lot 1, a distance of 34.08 feet to the point of beginning of the centerline to be described; thence South 74 degrees, 31 minutes, 18 seconds East a distance of 26.11 feet and said centerline there terminating.

Together with a permanent easement for storm drain purposes over, under and across the above described property. Said permanent easement is a 10.00 foot wide strip of land, the centerline of which is described as follows:

Commencing at the Southeast corner of Lot 1, Block 2, Loft Homes Addition; thence South 86 degrees, 33 minutes, 35 seconds East, along the Northerly right of way line of Northdale Boulevard, a distance of 170.50 feet; thence North 3 degrees, 26 minutes, 25 seconds East a distance of 16.81 feet to the point of beginning of the centerline to be described; thence North 89 degrees, 02

minutes, 52 seconds East a distance of 95.61 feet and said centerline there terminating.

Together with a permanent easement for storm drain purposes over, under and across the above described property. Said permanent easement is a 15.00 foot wide strip of land, the centerline of which is described as follows:

Commencing at the Southeast corner of Lot 1, Block 2, Loft Homes Addition; thence South 86 degrees, 33 minutes, 35 seconds East, along the Northerly right of way line of Northdale Boulevard, a distance of 627.65 feet to the East line of the above described property; thence North 0 degrees, 58 minutes, 37 seconds West, along said East line, a distance of 218.74 feet; thence North 89 degrees, 15 minutes, 58 seconds West a distance of 97.58 feet to the point of beginning of the centerline to be described; thence continuing along the last described course a distance of 126.00 feet to a point hereinafter referred to as Point H and said centerline there terminating.

Together with a permanent easement for storm drain purposes over, under and across the above described property. Said permanent easement is a 10.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point H; thence North 89 degrees, 58 minutes, 15 seconds West a distance of 59.89 feet to a point hereinafter referred to as Point I and said centerline there terminating.

Together with a permanent easement for storm drain purposes over, under and across the above described property. Said permanent easement is a 7.00 foot wide strip of land, being 2.00 feet left and 5.00 feet right of the following described line:

Beginning at said Point I; thence North 89 degrees, 58 minutes, 15 seconds West a distance of 56.51 feet to a point hereinafter referred to as Point J and said line there terminating.

Together with a permanent easement for storm drain purposes over, under and across the above described property. Said permanent easement is a 10.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point J; thence North 89 degrees, 58 minutes, 15 seconds West a distance of 3.23 feet to a point hereinafter referred to as Point K; thence continuing along the last described course a distance of 69.22 feet and said centerline there terminating.

Together with a permanent easement for storm drain purposes over, under and across the above described property. Said permanent easement is a 10.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at said Point K; thence North 33 degrees, 37 minutes, 08 seconds West a distance of 36.93 feet and said centerline there terminating.

#### **EXEMPT FROM STATE DEED TAX**

This easement shall convey to the City, its contractors, agents, officers and employees the right to enter upon said premises at all reasonable times for the purpose of construction, grading, sloping and restoration purposes, and all such purposes ancillary thereto, together with the right

of said City, its contractors, agents, officers and employees to remove trees, brush, undergrowth and other obstructions from the easement area, as well as the right to deposit earthen materials within the easement area.

The City agrees to indemnify and hold the Landowner harmless from damages or claims resulting directly and solely from the use of the easements. This indemnification, however, shall not include and the City shall not be responsible for any and all costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, and losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the property prior to the date hereof and which were not caused by the City.

Upon the completion of any construction, maintenance, or replacement project, the City will restore any disturbed areas including, but not limited to, the replacement of any damaged sod and plantings

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by Landowner, its successors or assigns, shall be subject to any governmental immunity defenses of the City and the maximum liability limits provided in Minnesota Statutes Chapter 466.

And the said Landowner, for itself, its successors and assigns, does covenant with the City, its successors and assigns, that it is well seized in fee of the lands and premises aforesaid and has good right to grant and convey the easement herein to said City.

**IN WITNESS WHEREOF**, the said Landowner has caused this agreement to be executed as of the day and year first above written.

COON RAPIDS - CREEK LAND, LLC

By:   
Its: JCED

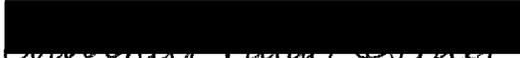
CITY OF COON RAPIDS

By: \_\_\_\_\_  
Tim Howe, Mayor

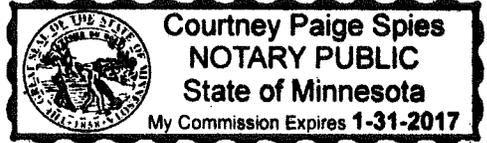
By: \_\_\_\_\_  
Matthew S. Fulton, City Manager

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF ANOKA )

On this 18th day of May, 2012, before me a Notary Public within and for said County, personally appeared Mary M. Tjosvold the Landowner of Coon Rapids - Creek Land, LLC, a Minnesota limited liability company, on behalf of the limited liability company.

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

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF ANOKA )



On this \_\_\_ day of \_\_\_\_\_, before me a Notary Public within and for said County, personally appeared Tim Howe and Matthew S. Fulton, the Mayor and City Manager for the City of Coon Rapids, a municipal corporation under the laws of the State of Minnesota, on behalf of the municipal corporation.

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

This instrument was drafted by:

David J. Brodie  
Coon Rapids Acting City Attorney  
11155 Robinson Drive  
Coon Rapids, Minnesota 55433  
763-767-6495