

GRANT OF PERMANENT UTILITY EASEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2021 by and between the following parties: Weiner Memorial Medical Center, Inc., a Minnesota non-profit corporation exempt from taxation under §501(c)(3) of the Internal Revenue Code; doing business as Avera Marshall Regional Medical Center (Avera Marshall) Grantor and the City of Marshall, a Minnesota Municipal Corporation under the laws of the State of Minnesota, Grantee as follows:

WHEREAS, Grantor is the fee owner of the property legally described in Exhibit A (the "Property"); and

WHEREAS, the City of Marshall wishes to obtain a permanent utility easement on the Property described herein and depicted in Exhibit B (the "Easement Area"); and

WHEREAS, Grantor, as owner of said Property and Easement Area, is hereby willing and able to grant said easement as requested.

THEREFORE, in consideration of sum of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Grantor gives and grants to the Grantee, its permitted successors and assigns, the right to enter upon and occupy property owned by the Grantor for a permanent utility easement over the eastern 7.5 feet of the vacated 16-ft. alley located in Block Four, Morningside Heights Addition as platted in the City of Marshall, County of Lyon, State of Minnesota. The described permanent easement is shown in Exhibit A and Exhibit B and referred to as the "Easement Area."
2. Grantor, its successors and assigns, gives and grants to Grantee, its successors and assigns, the right in perpetuity, to a permanent utility easement over the eastern 7.5 feet of the vacated 16-ft. alley located in Block Four, Morningside Heights Addition as platted in the City of Marshall, County of Lyon, State of Minnesota, within the Easement Area.
3. As an essential part of the consideration herein and by the acceptance of the grant of easement, said Grantee, its permitted successors and assigns, must restore and return said premises to substantially the same condition as said premises were prior to Grantee use of said easement area.

The Agreement herein as set-out, shall be construed as a covenant running with the remainder of the lands owned by the Grantor, and is binding upon said Grantor as the owner of said lands, and for Grantor, its successors and assigns, anyone claiming under them, or any of them, as owners or occupants thereof.

IN WITNESS WHEREOF, the Grantor has hereto set its hand the date and year first above written.

GRANTOR
Weiner Memorial Medical Center, Inc.

Signature

By: Debbie Streier
Printed Name

Its: Executive Director

STATE OF MINNESOTA)
)ss
COUNTY OF LYON)

On this ____ day of _____, 2021, before me, a notary public within and for said County and State, personally appeared Debbie Streier, Executive Director of Weiner Memorial Medical Center, Inc, a Minnesota non-profit corporation, to me known to be the person described in and who executed the foregoing instrument on behalf of said non-profit corporation..

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

* * * THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY * * *

Grantee hereby agrees to be bound by the terms and conditions of the grant of this easement.

GRANTEE
CITY OF MARSHALL

By: Robert J. Byrnes
Its: Mayor

By: Kyle Box
Its: City Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Robert J. Byrnes and Kyle Box, the Mayor and City Clerk for the City of Marshall, a municipal corporation under the laws of State of Minnesota, on behalf of the corporation.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

THIS INSTRUMENT WAS DRAFTED BY:

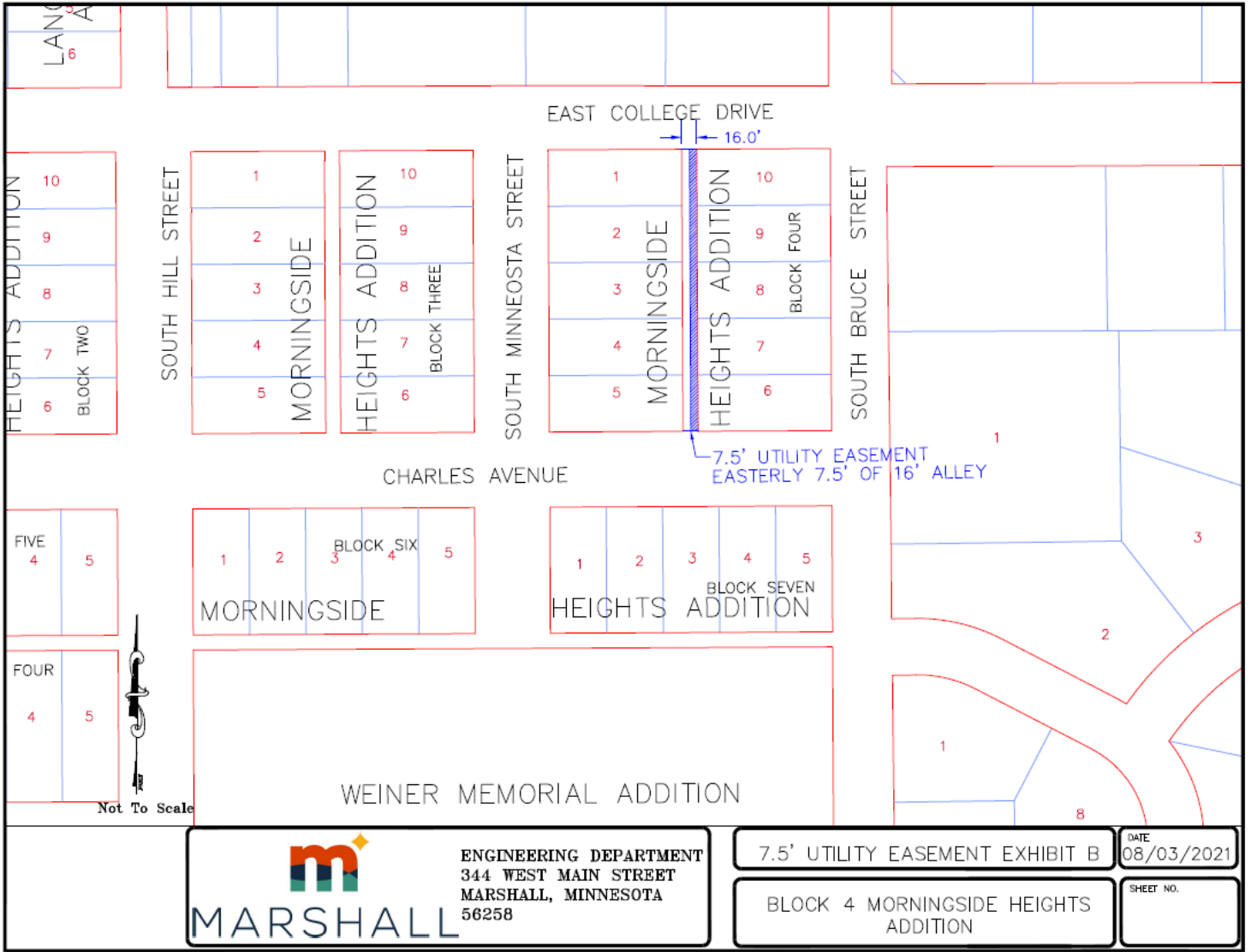
QUARNSTROM & DOERING, P.A.
MARSHALL CITY ATTORNEY
By: Dennis H. Simpson
109 South Fourth Street
Marshall, MN 56258
(507) 537-1441

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EXHIBIT A

The eastern 7.5 feet of the vacated 16-ft. alley located in Block Four, Morningside Heights Addition as platted in the City of Marshall, County of Lyon, State of Minnesota, as shown on Exhibit B.

EXHIBIT B




ENGINEERING DEPARTMENT
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

7.5' UTILITY EASEMENT EXHIBIT B

BLOCK 4 MORNINGSIDE HEIGHTS ADDITION

DATE
08/03/2021

SHEET NO.