

GRANT OF PERMANENT EASEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2021 by and between The Marshall Golf Club, Inc., a Minnesota Not-For-Profit Corporation under the laws of the State of Minnesota, 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 construct and install stormwater drainage pipe on the Property (the "Project") 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, and to construct and install stormwater drainage pipe owned by the Grantee. The described permanent easements are 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 maintain, operate, and use said stormwater drainage facilities within the Easement Area and the right when deemed necessary, to repair, replace and/or rebuild the same, as further described in this easement.
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, further take said easement, subject to the condition and thereby covenants that upon the initial construction, improvement or repair of said public facilities, that it will restore and return said premises to substantially the same condition as said premises were prior to said construction, improvement or repair.

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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.

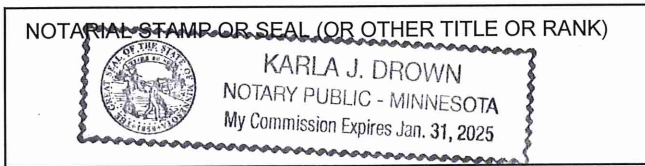
IN WITNESS WHEREOF, the Grantor has hereto set its hand the date and year first above written.

GRANTOR
The Marshall Golf Club, Inc.

By: *Joseph Krall*
Name : Joseph Krall
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF LYON)

The foregoing instrument was acknowledged before me this 8th day of February, 2021, by Joseph Krall, as President of The Marshall Golf Club, Inc., a Minnesota Not-For-Profit Corporation, on behalf of said Corporation.



Karla Drown
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

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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

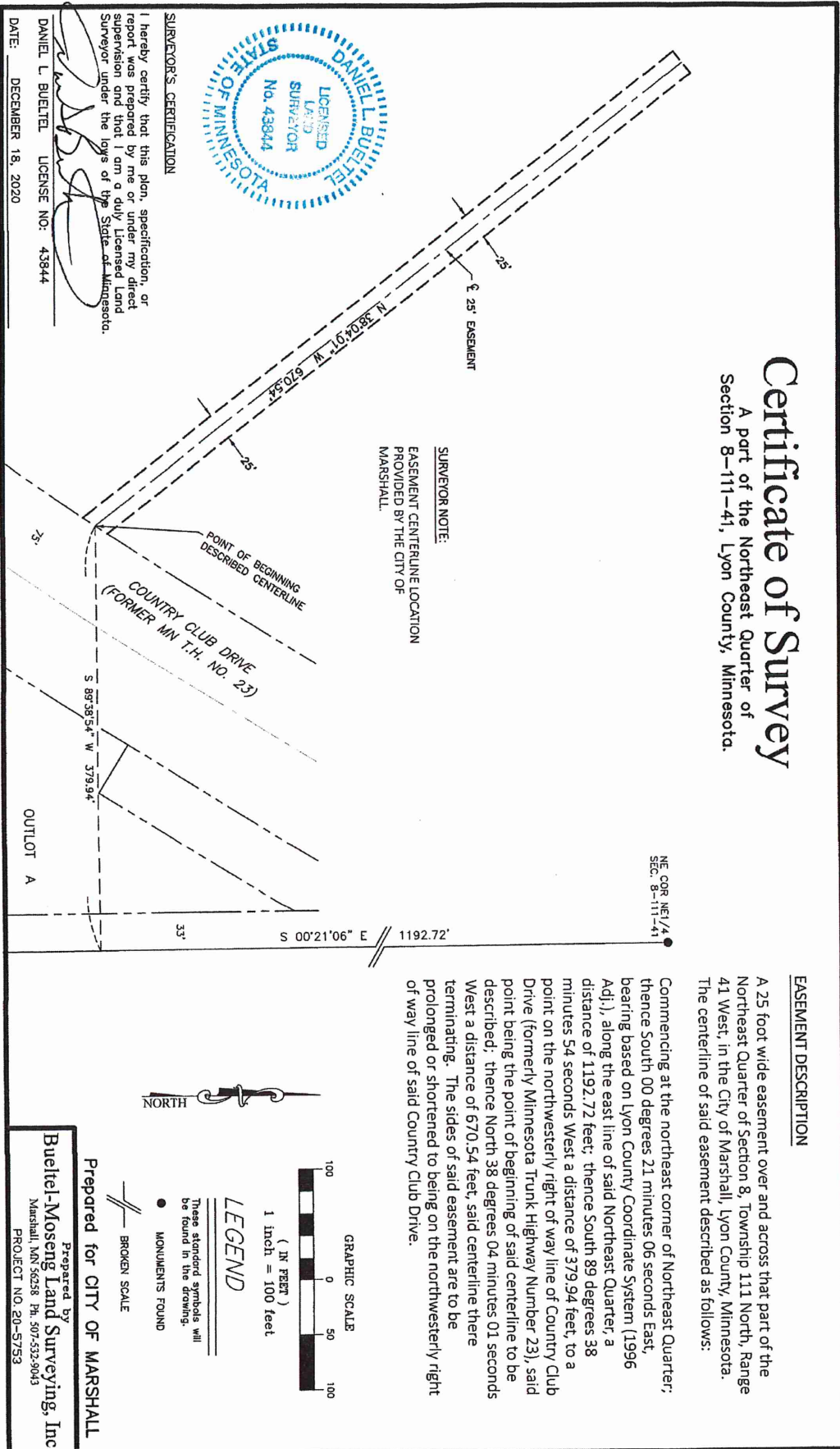
A 25-foot wide easement over and across that part of the Northeast Quarter of Section 8, Township 111 North, Range 41 West, in the City of Marshall, Lyon County, Minnesota. The centerline of said easement described as follows:

Commencing at the northeast corner of Northeast Quarter; thence South 00 degrees 21 minutes 06 seconds East, bearing based on Lyon County Coordinate System (1996 Adj.), along the east line of said Northeast Quarter, a distance of 1192.72 feet; thence South 89 degrees 38 minutes 54 seconds West a distance of 379.94 feet, to a point on the northwesterly right of way line of Country Club Drive (formerly Minnesota Trunk Highway Number 23), said point being the point of beginning of said centerline to be described; thence North 38 degrees 04 minutes 01 seconds West a distance of 670.54 feet, said centerline there terminating. The sides of said easement are to be prolonged or shortened to being on the northwesterly right of way line of said Country Club Drive.

EXHIBIT B

Certificate of Survey

A part of the Northeast Quarter of Section 8-111-41, Lyon County, Minnesota.



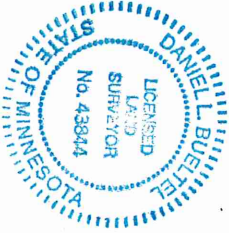
EASEMENT DESCRIPTION

A 25 foot wide easement over and across that part of the Northeast Quarter of Section 8, Township 111 North, Range 41 West, in the City of Marshall, Lyon County, Minnesota. The centerline of said easement described as follows:

Commencing at the northeast corner of Northeast Quarter, thence South 00 degrees 21 minutes 06 seconds East, bearing based on Lyon County Coordinate System (1996 Adj.), along the east line of said Northeast Quarter, a distance of 1192.72 feet; thence South 89 degrees 38 minutes 54 seconds West a distance of 379.94 feet, to a point on the northwesterly right of way line of Country Club Drive (formerly Minnesota Trunk Highway Number 23), said point being the point of beginning of said centerline to be described; thence North 38 degrees 04 minutes 01 seconds West a distance of 670.54 feet, said centerline there terminating. The sides of said easement are to be prolonged or shortened to being on the northwesterly right of way line of said Country Club Drive.

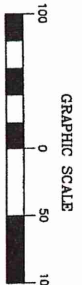
NE COR NE 1/4
SEC. 8-111-41

SURVEYOR NOTE:
EASEMENT CENTERLINE LOCATION PROVIDED BY THE CITY OF MARSHALL.



SURVEYOR'S CERTIFICATION
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

DANIEL L. BUELTEL LICENSE NO: 43844
DATE: DECEMBER 18, 2020



LEGEND

- These standard symbols will be found in the drawing.
- MONUMENTS FOUND
- BROKEN SCALE

Prepared for CITY OF MARSHALL
Prepared by
Buettel-Moseng Land Surveying, Inc.
Marshall, MN 56258 Ph. 507-532-9043
PROJECT NO. 20-5753