

### GRANT OF PERMANENT EASEMENT

THIS AGREEMENT made and entered into this 11<sup>th</sup> day of May, 2022 by and between Unique Opportunities Marshall, LLC, a Minnesota limited liability company, 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

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 successors and assigns, the right in perpetuity, to enter upon and occupy, the right of ingress and egress, the right to construct, install, maintain, operate, use and replace utility facilities within the Easement Area. The described permanent easement is shown in Exhibit A and Exhibit B and referred to as the "Easement Area."
2. As an essential part of the consideration herein and by the acceptance of the grant of easement, said Grantee, its successors and assigns, further takes said easement, subject to the condition and thereby covenants that upon the initial construction, improvement or repair within the easement area given by the Grantor that Grantee 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 set out shall be construed as a covenant running with the remainder of the lands owned by the Grantor and is binding on said party as the owner of said lands, and for themselves, their heirs, executors, administrators, and assigns, anyone claiming under them, or any of them, as owners or occupants thereof.

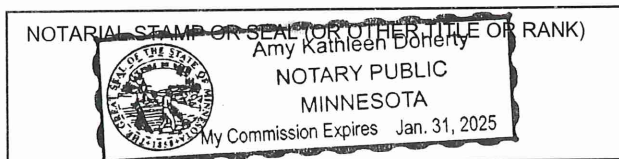
IN WITNESS WHEREOF, the Grantor has hereto set its hand the date and year first above written.

GRANTOR  
Unique Opportunities Marshall, LLC

By:   
Name : Samuel P. Herzog  
Its: Managing Member

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF LYON         )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of May, 2022, by Samuel P. Herzog, Managing Member of Unique Opportunities Marshall, LLC, a Minnesota limited liability company, on behalf of the company.



  
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

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## EXHIBIT A

All that part of Lot 2, Block 1 of Unique Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota, being more particularly described as follows:

Commencing at the southeast corner of said Lot 2; thence South 89 degrees 28 minutes 4 seconds West, bearing based on Lyon County Coordinate System (1996 Adj.), along the south line of said Lot 2, a distance of 10 feet; thence North 0 degrees 23 minutes 59 seconds West, a distance of 10 feet to the point of beginning; thence North 0 degrees 23 minutes 59 seconds West, a distance of 484.71 feet; thence South 89 degrees 28 minutes 4 seconds West, a distance of 10 feet; thence South 0 degrees 23 minutes 59 seconds East, a distance of 484.71 feet; thence North 89 degrees 28 minutes 4 seconds East, a distance of 10 feet to the point of beginning.

# EXHIBIT B

