

MODIFICATION OF DECLARATION OF RESTRICTIONS

The City of Marshall, a municipal corporation and a political subdivision under the laws of the State of Minnesota, is the owner of Lot One (1), Block One (1) of Tall Grass Addition to the City of Marshall (the “City Property”), formerly platted as Outlots C and D of J-C Boyer Addition to the City of Marshall. Subject to the consent of Wal-Mart Real Estate Business Trust, the City of Marshall hereby agrees to a modification of the Declaration of Restrictions dated June 2, 2004, recorded June 16, 2004, as Document No. 154414 in the Lyon County Recorder’s Office (the “Declaration”) to allow Outlot B of J-C Boyer Addition to the City of Marshall (“Outlot B”) to be used for multi-family residential/apartment purposes (“Multifamily Use”), and for so long as Outlot B is so used for Multifamily Use, the City of Marshall agrees that the owner of Outlot B shall be exempt from the parking requirements of requirements of Section 1(a) and the insurance policy requirements of Section 1(c)(iv) of the Declaration for Multifamily Use on Outlot B. The owner of Outlot B shall assure that the tenants and occupants of Outlot B do not use the City Property for parking purposes, other than incidentally associated with such tenant or occupant’s entry as a customer, guest or invitee on the City Property. This Modification shall be automatically null and void if Outlot B shall at any time cease being used for Multifamily Use.

Dated this ____ day of _____, 2024.

[Signature page follows]

CITY OF MARSHALL

By: _____
Robert J. Byrnes
Its: Mayor

By: _____
Sharon Hanson
Its: City Administrator

State of Minnesota)
) ss
County of Lyon)

The foregoing instrument was acknowledged before me this ___ day of _____, 2024, by Robert J. Byrnes and Sharon Hanson, the Mayor and City Administrator, respectively, of the City of Marshall, a Minnesota municipal corporation and a political subdivision under the laws of Minnesota.

Notary Public

DRAFTED BY:
Paul E. Stoneberg
300 South O’Connell Street
Marshall, MN 56258
Phone: (507) 537-0591
Email: paul@swabstract.com

CONSENT

Wal-Mart Real Estate Business Trust hereby consents to the attached Modification of Declaration of Restrictions executed by the City of Marshall.

Dated: _____, 2024

WAL-MART REAL ESTATE BUSINESS TRUST

By: _____

Its: _____

State of Arkansas)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, the _____ of Wal-Mart Real Estate Business Trust, on behalf of the business trust.

Notary Public