

## GRANT OF PEDESTRIAN FACILITIES / UTILITY EASEMENT

THIS INSTRUMENT is made by Independent School District #413 (“**ISD**”), a Minnesota school district, in favor of the City of Marshall, a Minnesota municipal corporation (“**City**”).

### Recitals

- A. ISD is the fee owner of the real property located at 601 Southview Drive E. and legally described as follows (“**Property**”):

Lot 1, Block 1, Progress Addition, Lyon County, Minnesota.

- B. ISD desires to grant City a permanent easement over the portion of its Property shown on the map attached as Exhibit A, and legally describe in the attached Exhibit B (“**Easement Area**”), in accordance with the terms and conditions contained herein.

### Terms of Easement

1. Recitals and Exhibits. The above recitals and the attached exhibits are incorporated in and made part of this Instrument.
2. Grant of Easement. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ISD, ISD grants and conveys to City a perpetual, non-exclusive, easement for public pedestrian facilities and public utilities over, under, across, and through that part of the Property described herein as the Easement Area.
3. Scope of Easement. The permanent, nonexclusive, easement granted herein includes the right of City, its contractors, agents, and employees to enter the Property at all reasonable times for the purpose of locating, constructing, reconstructing, replacing, operating, maintaining, inspecting, altering, and repairing pedestrian facilities and utilities in the Easement Area. The easement granted herein also includes the right of City to, within the Easement Area, prohibit obstructions and to cut, trim, or remove such trees, shrubs, or other vegetation that, in City’s judgment, unreasonably interfere with its use or maintenance of the Easement Area or its pedestrian or utility facilities.
4. Warranty of Title. ISD warrants that ISD is the fee owner of the Property and has the right, title, and capacity to convey to City the easement described herein.
5. Environmental Matters. City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys’ fees, or 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 Easement Area or the Property prior to the date of this Instrument.

6. Binding Effect. The terms and conditions of this Instrument shall run with the land and are binding on ISD and ISD's successors and assigns.

STATE DEED TAX DUE HEREON: NONE

Dated this \_\_\_\_ day of \_\_\_\_\_ 2022.

INDEPENDENT SCHOOL DISTRICT #413

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

Its: \_\_\_\_\_  
Title

Its: \_\_\_\_\_  
Title

STATE OF MINNESOTA )  
  )  
COUNTY OF LYON      )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2022 by \_\_\_\_\_ and \_\_\_\_\_, the \_\_\_\_\_ and \_\_\_\_\_ respectively of Independent School District #413, on behalf of the School District.

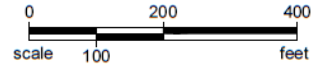
\_\_\_\_\_  
Notary Public

THIS INSTRUMENT DRAFTED BY:

Kennedy & Graven, Chartered  
700 Fifth Street Towers  
150 South Fifth Street  
Minneapolis, MN 55402  
(612) 337-9300

**EXHIBIT A**  
**Map of Easement Area**

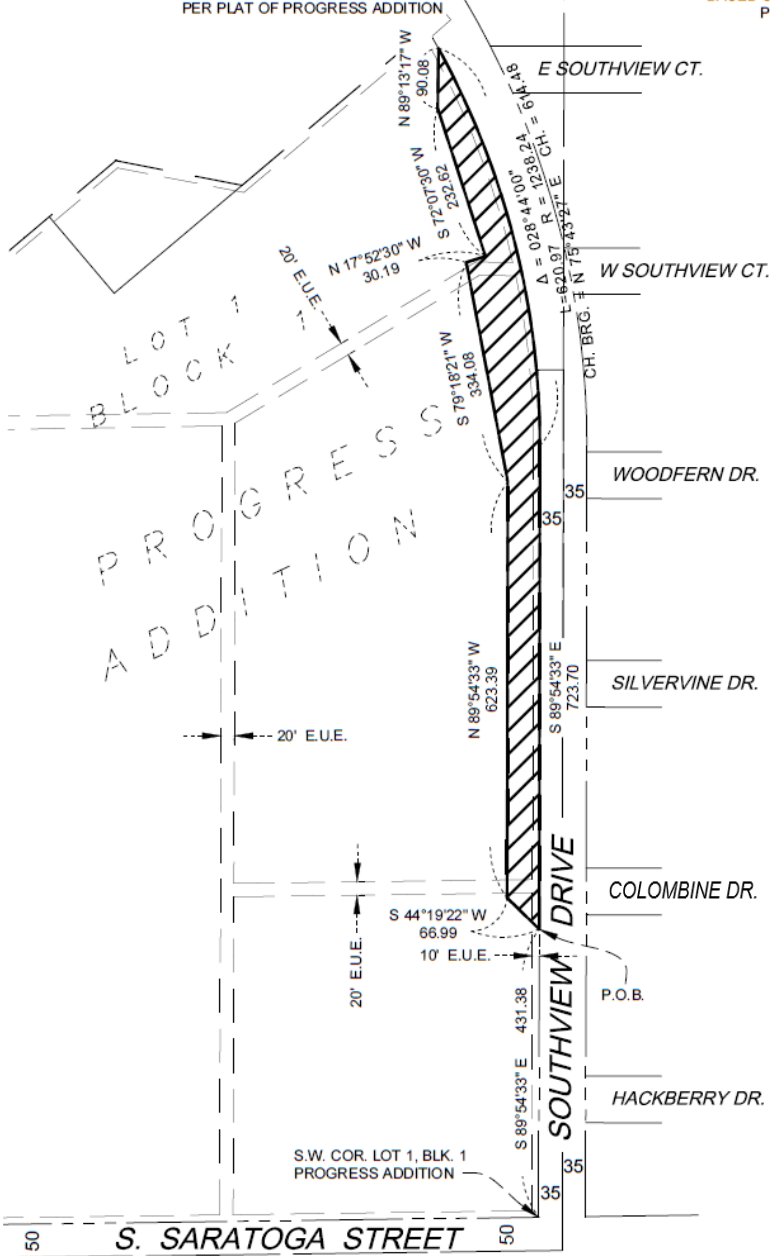
**EASEMENT EXHIBIT**  
**LOT 1, BLOCK 1,**  
**PROGRESS ADDITION**  
**LYON COUNTY, MN**



= PEDESTRIAN FACILITIES &  
UTILITY EASEMENT  
(68,306 SQ. FT.)

E.U.E. = EXISTING UTILITY EASEMENT  
PER PLAT OF PROGRESS ADDITION

ORIENTATION OF THIS BEARING SYSTEM IS  
BASED ON THE RECORDED PLAT OF  
PROGRESS ADDITION



Save: 10/20/2022 9:44 AM mhaselius Plot: 10/20/2022 9:45 AM P:\F\11\ISDMS\151853\g-survey\92-CAD\15-dwg\151853 Easement Exhibits.dwg

SURVEYED FOR: MARSHALL PUBLIC SCHOOLS

**MARSHALL,  
MINNESOTA**

SEH Project ISDMS 151853  
Drawn By MJH  
Surveyed By SEH  
Checked By MJH

I HEREBY CERTIFY THAT THIS SURVEY 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.

*Mark J. Haselius*  
MARK J. HASELIUS, LS  
DATE 10/20/2022

LICENSE NO. 47034



1  
of 1

**EXHIBIT B**  
Legal Description of Easement Area



Building a Better World  
for All of Us®

Pedestrian Facilities / Utility Easement

A public easement, for pedestrian facilities and public utility purposes, over, under and across that part of Lot 1, Block 1, PROGRESS ADDITION, according to the plat thereof, on file and of record in the office of the County Recorder, Lyon County, Minnesota, described as follows:

Commencing at the southwest corner of said Lot 1, thence South 89 degrees 54 minutes 33 seconds East along the south line of said Lot 1, a distance of 431.38 feet to the point of beginning of said public easement; thence continue South 89 degrees 54 minutes 33 seconds East along the south line of said Lot 1, a distance of 723.70 feet; thence easterly 620.97 feet along said south line on a tangential curve concave northerly, having a radius of 1238.24 feet, and a central angle of 28 degrees 44 minutes 00 seconds; thence North 89 degrees 13 minutes 17 seconds West, not tangent to the last described curve, 90.08 feet; thence South 72 degrees 07 minutes 30 seconds West 232.62 feet; thence North 17 degrees 52 minutes 30 seconds West 30.19 feet; thence South 79 degrees 18 minutes 21 seconds West 334.08 feet; thence North 89 degrees 54 minutes 33 seconds West 623.39 feet; thence South 44 degrees 19 minutes 22 seconds West 66.99 feet to the point of beginning.