

## UTILITY EASEMENT

THIS INSTRUMENT is made by Danny R. Delaney and Linda R. Delaney, a married couple, (“**Grantors**”) in favor of the City of Pipestone, a Minnesota municipal corporation, Grantee (“**City**”).

### Recitals

- A. Grantors are the fee owners of the certain real property located at or near the intersection of State Highway 23 and 8<sup>th</sup> Avenue NE in Gray Township, Pipestone County, Minnesota, (PID 08.007.0500) legally described in the attached Exhibit A (“**Property**”).
- B. Grantors desire to grant to the City a perpetual, non-exclusive utility easement, in accordance with the terms and conditions contained herein.

### Terms of Easement

- 1. Incorporation. The recitals above and Exhibits attached hereto are hereby incorporated herein and made part of this Instrument.
- 2. Grant of Easement. For good and valuable consideration, receipt of which is acknowledged by Grantors, Grantors grant and convey to the City a non-exclusive, perpetual utility easement which is legally described in the attached Exhibit B and depicted on the map attached as Exhibit C (the “Easement Area”).
- 3. Scope of Easement. The perpetual non-exclusive utility easement granted herein includes the rights of the City, its contractors, agents, and employees to enter the Easement Area at all reasonable times for the purposes of locating, placing, constructing, reconstructing, inspecting, operating, altering, improving, repairing, maintaining, replacing and removing public utilities within the Easement Area, and to perform all other work as may be needed in order to construct the utility improvements within the Easement Area.

The easement granted herein also includes the right to cut, trim, or remove from the Easement Area such improvements, trees, shrubs, or other vegetation, and to prohibit obstructions and grading alterations as in the City’s judgment unreasonably interfere with the easement or the function of the culvert or culverts located thereon.

4. Warranty of Title. Grantors warrant that they are the fee owners of the Property and that they have the right, title, and capacity to convey the easement herein to the City.

5. Environmental Matters. The 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 that may have existed on, or that 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 be binding on Grantors, and their successors and assigns.

STATE DEED TAX DUE HEREON: NONE

*[Signatures follow on next page]*

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025.

**GRANTORS**

\_\_\_\_\_  
Danny R. Delaney

\_\_\_\_\_  
Linda R. Delaney

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF PIPESTONE    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025, by Danny R. Delaney and Linda R. Delaney, a married couple, as Grantors.

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

NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY:

Town Law Center PLLP (JMH)  
1250 Wayzata Boulevard E, Unit #1065  
Wayzata, MN 55391  
(612) 361-7041

## EXHIBIT A

### Legal Description of the Property

A tract of land in the Northwest Quarter (NW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West, described as follows: Beginning at a point on the North right-of-way line of the C. St. P. M. & O. Ry. and 100 feet east of the west line of said Section 7; thence northerly and parallel to said west line of Section 7 to the south right of way line of Trunk Highway No. 23; thence northeasterly along said right of way line to Trunk Highway No. 23 for a distance of 676 feet; thence southerly for a distance of 515 feet to a point on the north line of the right-of-way of the C. St. P. M. & O. Ry. 592 feet east of the west line of said Section 7; thence westerly along said right-of-way for a distance of 492 feet to the point of beginning, containing an area of 3.3 acres, more or less, EXCEPT the following described property: That part of the Northwest Quarter (NW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., Pipestone County, Minnesota, described as follows: Commencing at the Northwest corner of said Section 7; thence South (assumed bearing) along the West line of said Northwest Quarter a distance of 2046.37 feet to the centerline intersection of Trunk Highway No. 23 and the actual point of beginning of the tract of land to be herein described; thence continue South a distance of 87.30 feet to the northerly right-of-way line of the Chicago, St. Paul, Milwaukee and Omaha Railroad; thence South 83 degrees 01 minutes 45 seconds East along said northerly right-of-way line a distance of 350.74 feet; thence North a distance of 62 feet to the centerline of Pipestone County Judicial Ditch No. 1; thence westerly and northwesterly along said centerline a distance of 260 feet, more or less, to a point on the centerline of Trunk Highway No. 23, said point being distant 262.00 feet and on a line bearing North 56 degrees 47 minutes 20 seconds East from the actual point of beginning; thence South 56 degrees 47 minutes 20 seconds West a distance of 262.00 feet to the actual point of beginning; EXCEPT, the northwesterly 75 feet thereof for Trunk Highway No. 23; and EXCEPT, the Westerly 100 feet thereof for U.S. Highway No. 75. Subject to easements and restrictions of record. The above described tract contains 0.71 of an acre, more or less,

AND

A tract of land in the Northwest Quarter (NW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West, described as follows: Beginning at a point on the north right-of-way line of the C. St. P. M. & O. Ry. 592 feet east of the west line of Section 7; thence easterly along said right-of-way line for a distance of 2668 feet to the north-south quarter line of said Section 7; thence northerly along said quarter line for a distance of 62 feet to the present center line of Judicial Ditch No. 1, Pipestone County, Minnesota; thence westerly along said center line of Judicial Ditch No. 1, for a distance of 2668 feet; thence southerly for a distance of 62 feet to the point of beginning, containing an area of 3.8 acres, more or less.

## **EXHIBIT B**

### Legal Description of the Easement Area

All that part of the following described tract of land:

A tract of land in the Northwest Quarter (NW1/4) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West, described as follows: Beginning at a point on the North right-of-way line of the C. St. P. M. & O. Ry. and 100 feet east of the west line of said Section 7; thence northerly and parallel to said west line of Section 7 to the south right of way line of Trunk Highway No. 23; thence northeasterly along said right of way line to Trunk Highway No. 23 for a distance of 676 feet; thence southerly for a distance of 515 feet to a point on the north line of the right-of-way of the C. St. P. M. & O. Ry. 592 feet east of the west line of said Section 7; thence westerly along said right-of-way for a distance of 492 feet to the point of beginning.

Which lies within 5.00 feet on both sides of the following described line:

Commencing at the Northwest corner said Section 7 Township 106 North, Range 45 West; thence South 00 degrees 10 minutes 18 seconds East, along the west line of the Northwest Quarter of said Section 7, a distance of 1576.81 feet; thence North 89 degrees 49 minutes 42 seconds East, a distance of 513.00 feet to the point of beginning of the line to be described; thence South 44 degrees 12 minutes 06 seconds East, a distance of 181.89 feet; thence southerly, a distance of 45.60 feet along a tangential circular curve concave westerly having a radius of 50.00 feet and a central angle of 52 degrees 15 minutes 15 seconds; thence South 08 degrees 03 minutes 09 seconds West, tangent to said curve, a distance of 670.45 feet; thence southwesterly, a distance of 45.49 feet along a tangential circular curve concave westerly having a radius of 100.00 feet and a central angle of 26 degrees 03 minutes 42 seconds; thence South 34 degrees 06 minutes 51 seconds West, tangent to said curve, a distance of 119.56 feet; thence southerly, a distance of 117.11 feet along a tangential circular curve concave easterly having a radius of 153.00 feet and a central angle of 43 degrees 51 minutes 18 seconds; thence South 09 degrees 44 minutes 28 seconds East, a distance of 72.76 feet; thence southerly, a distance of 26.51 feet along a tangential circular curve concave westerly having a radius of 125.00 feet and a central angle of 12 degrees 08 minutes 59 seconds; thence South 02 degrees 24 minutes 31 seconds West, tangent to said curve, a distance of 5.00 feet and said line there terminating.

# EXHIBIT C

## Depiction of the Easement Area

