

UTILITY EASEMENT

THIS INSTRUMENT is made by Carolyn M. Rasmussen, a single person, (“**Grantor**”) in favor of the City of Pipestone, a Minnesota municipal corporation, Grantee (“**City**”).

Recitals

- A. Grantor is the fee owner of the certain real property located at or near the intersection of State Highway 23 and 8th Avenue NE in Gray Township, Pipestone County, Minnesota, (PID 08.007.1300) legally described in the attached Exhibit A (“**Property**”).
- B. Grantor desires 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 Grantor, Grantor grants and conveys 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. Grantor warrants that she is the fee owner of the Property and that she has 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 Grantor, and her successors and assigns.

STATE DEED TAX DUE HEREON: NONE

[Signatures follow on next page]

Dated this ____ day of _____, 2025.

GRANTOR

Carolyn M. Rasmussen

STATE OF MINNESOTA)
) ss.
COUNTY OF PIPESTONE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Carolyn M. Rasmussen, a single person, as Grantor.

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

All that part of the South Half (S½) and all that part of the South Half of the Northwest Quarter (S½ NW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota; which lies south of the former right of way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company and North and East of the former right of way of the Chicago, Milwaukee, St. Paul and Pacific Railway Company and North and East of the former right of way of the Chicago, Rock Island and Pacific Railway Company, TOGETHER WITH an easement for ingress and egress described in a Warranty Deed dated April 28, 2003, and filed for record July 11, 2003, as Document No. 190315 in the Office of the Pipestone County, Minnesota, Recorder,

EXCEPTING THEREFROM the right of way of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railway Company;

ALSO EXCEPTING THEREFROM all that part of said tract which lies East of the following described line, to-wit: Commencing at a point on the South line of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., 1,690 feet West of the Southeast corner of said Section Seven (7), thence North and parallel with the East line of said Section Seven (7) to a point on the South line of the former right of way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company and there terminating;

ALSO EXCEPTING THEREFROM that part of the South Half (S½) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, commencing at the South quarter corner of said Section 7; thence South 89 degrees 48 minutes 11 seconds East (assumed bearing) along the south line of the Southeast Quarter (SE¼) of Section 7, a distance of 958.68 feet; thence North 00 degrees 35 minutes 40 seconds East a distance of 159.62 feet to the point of beginning; thence North 54 degrees 20 minutes 53 seconds West, along the northeasterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, a distance of 1,087.04 feet to an iron stake with P.S. 22461 CAP; thence North 00 degrees 09 minutes 33 seconds East, along or near the center line of Pipestone County Judicial Ditch Number One (1), a distance of 1,860.37 feet to the South right of way line of the Chicago, St. Paul, Minneapolis and Omaha Railroad; thence South 85 degrees 55 minutes 34 seconds East along said south right of way a distance of 30.37 feet to an iron stake with P.S. 22461 CAP; thence continuing South 88 degrees 51 minutes 29 seconds East along said South right of way line a distance of 873.65 feet to an iron stake with P.S. 22461 CAP; thence South 00 degrees 35 minutes 40 seconds East a distance of 2,477.60 feet to the point of beginning;

ALSO EXCEPTING THEREFROM a tract of land in the Southwest Quarter (SW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Beginning at the intersection of the East line of the Chicago, Rock Island and Pacific Railway right of way with the North line of the present laid out and constructed Trunk Highway No. 47 where said intersection occurs in said Southwest Quarter (SW¼); thence East along the North line of said Highway 375 feet; thence due North 200 feet; thence West parallel with the North line of said Highway to the intersection of the East line of said railway right of way; thence South and East along the East line of said right of way to the point of beginning (as described in a deed recorded June 17, 1940, in Book 127 of Deeds on Page 589);

ALSO EXCEPTING THEREFROM a tract of land in the Southwest Quarter (SW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Commencing at a point on the North line of the present Trunk Highway No. 47, 375 feet East of the intersection of said north line with the East right of way line of the Chicago, Rock Island and Pacific Railway; thence due North 200 feet; thence East and parallel with the North line of said Highway No. 47, 217.8 feet; thence South 200 feet; thence West on said North line 217.8 feet to the point of beginning (as described in a deed recorded November 10, 1954, in Book 159 of Deeds on Page 442);

ALSO EXCEPTING THEREFROM a tract of land in the Southwest Quarter (SW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Commencing at a point on the North line of the present Trunk Highway No. 47, 592.8 feet East of the intersection of said North line with the East right of way line of the Chicago, Rock Island and Pacific Railway; thence due North 200 feet; thence East and parallel with the North line of Highway No. 47, 217.8 feet; thence South 200 feet; thence West on said North line 217.8 feet to the point of beginning (as described in a deed recorded December 14, 1954, in Book 159 of Deeds on Page 463);

ALSO EXCEPTING THEREFROM: a tract of land in the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Beginning at a point on the North right of way line of the present Trunk Highway No. 30 810.6 feet East of the East right of way line of the Chicago, Rock Island and Pacific Railway (now Burlington Northern Railway); thence North perpendicular to said North right of way line of Trunk Highway No. 30 for 200 feet; thence East and parallel with the North right of way line for 66 feet; thence South 200 feet to said North right of way line; thence West on said North right of way line 66 feet to the point of beginning (as described in a deed recorded April 24, 1974, in Book 215 of Deeds on Page 241);

ALSO EXCEPTING THEREFROM: a tract of land in the Southwest Quarter (SW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Commencing at a point on the North line of the present Trunk Highway No. 47, 876.6 feet East of the East right of way line of the Chicago, Rock Island and Pacific Railway; thence due North 200 feet; thence East and parallel with the North line of said Trunk Highway No. 47 for 217.8 feet; thence South 200 feet; thence West on said North line 217.8 feet to the point of beginning (as described in a deed recorded April 9, 1956, in Book 167 of Deeds on Page 25);

ALSO EXCEPTING THEREFROM: a tract of land in the Southwest Quarter (SW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Commencing at a point on the North line of the present Trunk Highway No. 47, 1,094.4 feet East of the intersection of said North line with the East right of way line of the Chicago, Rock Island and Pacific Railway; thence due North 200 feet; thence East and parallel with the North line of said Highway No. 47, 217.8 feet; thence South 200 feet to said North highway line; thence West on said North line 217.8 feet to the point of beginning (as described in a deed recorded February 9, 1956, in Book 159 of Deeds on Page 634);

ALSO EXCEPTING THEREFROM: a tract of land in the Southwest Quarter (SW¼) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Beginning at the intersection of the East line of the Chicago, Rock Island and Pacific Railway right of way with the North line of Trunk Highway No. 47 (currently Minn. Highway No. 30) as now laid out and constructed; thence East along the North line of said Highway No. 30 a distance of 1,312.2; thence North 100 feet; thence East and parallel with the North line of said Highway No. 30 for 60 feet; thence South 100 feet to the North line of said Highway No. 30; thence West 60 feet to the point of beginning (as described in a deed recorded August 26, 1971, in Book 207 of Deeds on Page 255);

ALSO EXCEPTING THEREFROM: a tract of land in the South Half (S½) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Beginning at the intersection of the East line of the Chicago, Rock Island and Pacific Railway (now Burlington Northern) with the North line of Trunk Highway No. 30 as now laid out and constructed; thence East along the North line of said Highway No. 30 a distance of 1,372.2 feet; thence North 100 feet; thence West 60 feet; thence North 100 feet; thence East 235 feet; thence South 200 feet to the North line of said Highway No. 30; thence West along said north line 175 feet to the point of beginning (as described in a deed recorded July 30, 1974, in Book 207 of Deeds on Page 525);

ALSO EXCEPTING THEREFROM: a tract of land in the South Half (S½) of Section Seven (7), Township One Hundred Six (106) North, Range Forty-five (45) West of the Fifth P.M., County of Pipestone, State of Minnesota, described as follows: Commencing at a point 200 feet North of the North line of Trunk Highway No. 30 (formerly Trunk Highway No. 47); and 375 feet east of the intersection of said North line with the East right of way line of the Chicago, Rock Island and Pacific Railway; thence North 200 feet; thence East and parallel with the North line of said Trunk Highway No. 30 to the West right of way line of the Chicago, Milwaukee, St. Paul & Pacific Railway; thence Southeasterly along said West right of way line to a point 200 feet North of said north right of way line of Trunk Highway No. 30, thence West to the point of beginning (as described in a deed recorded July 28, 1966, in Book 201 of Deeds on Page 103).

EXHIBIT B

Legal Description of the Easement Area

A strip of land 10.00 feet in width in the Southwest Quarter of the Northwest Quarter of Section 7, Township 106 North, Range 45 West, Pipestone County, Minnesota. The centerline of said strip is described as follows:

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.

The sidelines of said easement shall terminate on the north at the southerly railroad right of way line of the former Chicago, St. Paul, Minneapolis, and Omaha Railway and on the south at the northeasterly line of Lot 1, Block Two CRAWFORD'S ADDITION to the City of Pipestone according to the recorded plat on file and of record in the Office of the Pipestone County Recorder.

EXHIBIT C

Depiction of the Easement Area

