

Receipt# 224811

EAS \$46.00  
CRV Not Required  
Exempt from Tax

3947069



Return to:  
JOHNSON/TURNER  
56 E BROADWAY AVE #206  
FOREST LAKE MN 55025

Certified Filed and/or recorded on:

5/23/2013 3:32 PM

3947069

Office of the County Recorder  
Washington County, Minnesota  
*Jennifer Wagenius, County Recorder*  
*Kevin Corbid, Auditor Treasurer*

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**Return to:**  
Johnson & Turner, P.A.  
Attn: David K. Snyder  
56 East Broadway Avenue, Suite 206  
Forest Lake, MN 55025

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**PUBLIC UTILITY  
EASEMENT AND AGREEMENT**

**PERMANENT  
PUBLIC UTILITY  
EASEMENT AND AGREEMENT**

THIS INDENTURE, made this 19<sup>th</sup> day of April, 2013, by and between  
**TAMMY DIEDRICH AND GERHARD RIEDER**, joint tenants, parties of the first part; and the  
**CITY OF LAKE ELMO**, Washington County, Minnesota, party of the second part.

WITNESSETH:

WHEREAS, the above-named party of the first part is the owner in fee simple of the real estate being located in the City of Lake Elmo, County of Washington and State of Minnesota, being described as follows:

**The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, according to the United States Government Survey thereof and situate in Washington County, Minnesota.**

That for and in consideration of the sum of **SIXTEEN THOUSAND ONE HUNDRED FORTY-ONE AND 71/100 DOLLARS (\$16,141.71)**, and other good and valuable consideration, the receipt of which is hereby acknowledged, the party of the first part has this day bargained and sold, and by these presents do bargain, sell and transfer unto the **CITY OF LAKE ELMO** its successors and assigns the following:

A perpetual easement for public utility purposes with the right to enter upon the real estate hereinafter described at any time that the **CITY OF LAKE ELMO** may see fit, and construct, maintain and repair any lines, equipment, materials, or other items for public municipal utility purposes, for the purpose of maintaining, repairing or replacing the said municipal utility facilities

over, across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of said public utilities, drainage and related facilities, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering in the location, construction and maintenance of said public drainage and utilities.

That said public utility easement located in the City of Lake Elmo, County of Washington, State of Minnesota, and is described as follows, to-wit:

A perpetual easement for public utility purposes over, under and across the following described property:

**Over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said perpetual easement lies northerly and easterly of the following described line:**

**Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 40.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.64 feet; thence South 87 degrees 08 minutes 18 seconds East a distance of 187.72 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 483.28 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 424.06 feet to the south line of said north 474.06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.**

TO HAVE AND TO HOLD, said perpetual easement unto the City of Lake Elmo, its successors and assigns, forever.

The parties of the first part do hereby covenant with the **CITY OF LAKE ELMO**, that they are lawfully seized and possessed of the real estate above described.

IN WITNESS WHEREOF, the said parties have caused this instrument to be executed the day and year first above written.

IN PRESENCE OF:

PARTIES OF THE FIRST PART:

Tammy Diedrich  
Tammy Diedrich

Gerhard Rieder  
Gerhard Rieder

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF WASHINGTON   )

On this 16<sup>th</sup> day of April, 2013, before me, a Notary Public, in and for said County and State, appeared Tammy Diedrich and Gerhard Rieder, joint tentants, to me personally known, who being by me first duly sworn, did say that they acknowledged said instrument to be the free act and deed of said Tammy Diedrich and Gerhard Rieder.



Joan Ziertman  
Notary Public

PARTY OF THE SECOND PART:

CITY OF LAKE ELMO

By: [Signature]  
Its Mayor

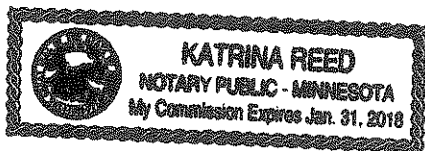
By: [Signature]  
Its Administrator

Approved as to form:

By: [Signature]  
Lake Elmo City Attorney

STATE OF MINNESOTA           )  
  ) ss.  
COUNTY OF WASHINGTON       )

On this 19 day of April, 2013, before me, a notary public within and for said County and State, personally appeared MIKE PEARSON and DEAN ZULEGER to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and Administrator of the CITY OF LAKE ELMO, by authority of the City Council of the City of Lake Elmo, and said Mayor and Administrator acknowledged said instrument to be the free act and deed of said City of Lake Elmo.



[Signature]  
Notary Public

THIS INSTRUMENT DRAFTED BY:  
DAVID K. SNYDER  
JOHNSON & TURNER, P.A.  
56 East Broadway Avenue, Suite 206  
Forest Lake, MN 55025  
(651) 464-7292

# PERPETUAL & TEMPORARY EASEMENT EXHIBIT

~for~ City of Lake Elmo

LAKE ELMO INFRASTRUCTURE IMP.  
I-94 to 30th Street

TKDA Project No. 13857.000

Parcel PIN No. 36-029-21-32-0002

Owner: Tammy Diedrich and Gerhard Rieder

## EXISTING PROPERTY DESCRIPTION

(Per Doc. No. 3193933)

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

## PROPOSED PERPETUAL AND TEMPORARY EASEMENT DESCRIPTION

A perpetual easement for utility purposes over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said perpetual easement lies northerly and easterly of the following described line:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 40.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.64 feet; thence South 87 degrees 08 minutes 18 seconds East a distance of 187.72 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 463.26 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 424.06 feet to the south line of said north 474.06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.

Together with a temporary easement for construction purposes over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said temporary easement lies northerly and easterly of the following described line, except that part herebefore described as perpetual easement:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 90.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.65 feet; thence South 79 degrees 36 minutes 58 seconds East a distance of 190.69 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 408.06 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 349.06 feet to the south line of said north 474.06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.

## LEGEND

- DENOTES PARCEL PROPERTY LINE
- DENOTES PERPETUAL EASEMENT
- DENOTES TEMPORARY EASEMENT
- DENOTES ADJACENT PROPERTY LINE
- DENOTES SECTION LINE
- DENOTES PROPOSED PERPETUAL UTILITY EASEMENT
- DENOTES PROPOSED TEMPORARY CONSTRUCTION EASEMENT

## PROPERTY & EASEMENT AREAS:

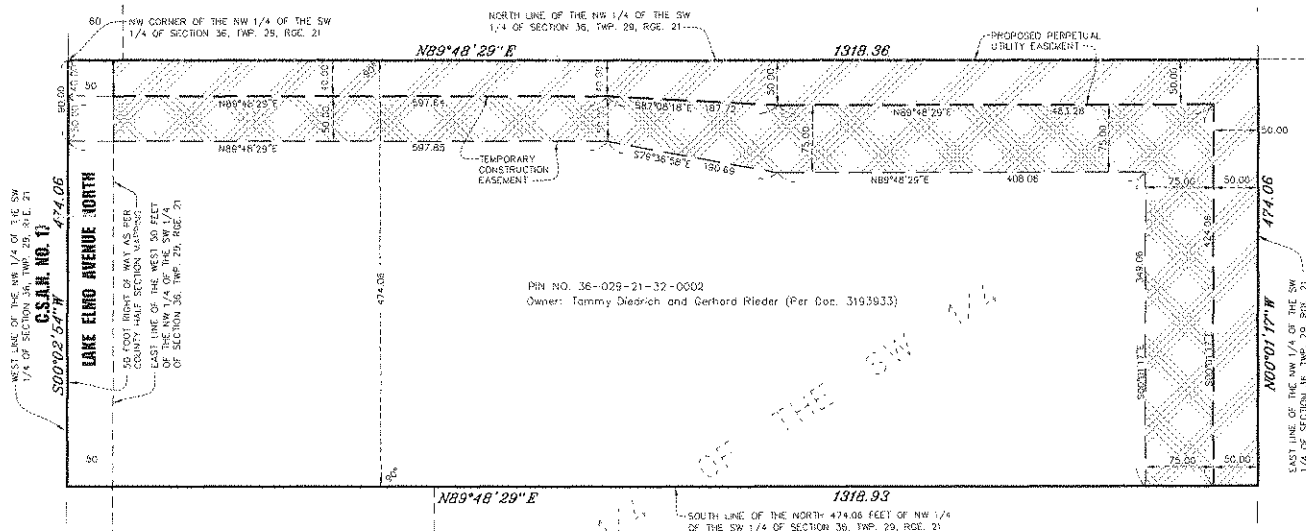
TOTAL AREA OF PARCEL: 625,117 S.F.  
AREA EXCLUDING CSAH NO. 17: 601,414 S.F.

TOTAL AREA OF PERPETUAL EASEMENT: 78,209 S.F.  
TOTAL AREA OF TEMPORARY EASEMENT: 101,520 S.F.

TEMPORARY EASEMENT TO EXPIRE: \_\_\_\_\_

## SURVEY NOTES

- No field survey work was completed for this survey.
- Bearings shown are on Washington County Coordinate System, NAD83 (1986).
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.



**E. G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: JEN	JOB NO: 110812	DATE: 03/15/13
CHECK BY: DWO	SCANNED	
1		
2		
3		
NO	DATE	DESCRIPTION
BY		

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Daniel W. Obermiller*  
DANIEL W. OBERMILLER  
Date: 3/15/13 License No. 25341

Survey\CAD\11proj\110812\110812.dwg 3/15/2013 10:14:29 AM CDT

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RETURN TO:  
DAVID K. SNYDER  
Johnson & Turner, P.A.  
56 East Broadway Avenue, Suite 206  
Forest Lake, MN 55025

**TEMPORARY CONSTRUCTION  
EASEMENT AND AGREEMENT**

THIS INDENTURE, made this 19<sup>th</sup> day of April, 2013, by and between  
**TAMMY DIEDRICH AND GERHARD RIEDER**, joint tenants, parties of the first part; and  
the **CITY OF LAKE ELMO**, a municipal corporation organized under the laws of the State of  
Minnesota, party of the second part.

WITNESSETH:

WHEREAS, the above-named parties of the first part are the owners in fee simple of the  
real estate hereinafter described.

That for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and  
valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part  
have this day bargained and sold, and by these presents do bargain, sell and transfer unto the  
**CITY OF LAKE ELMO**, its successors and assigns the following:

A temporary construction easement, including the right to enter upon the real estate hereinafter described and grade and excavate land for the purpose of constructing municipal utilities, and the further right to remove bushes, trees, undergrowth, and other obstructions interfering in the location and construction of said public utilities.

That said easement located in the County of Washington, State of Minnesota, is described as follows, to-wit:

**A temporary easement for construction purposes over, under and across that part of the north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota, except the west 50 feet thereof. Said temporary easement lies northerly and easterly of the following described line:**

**Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 90.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.85 feet; thence South 79 degrees 36 minutes 58 seconds East a distance of 190.69 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 408.06 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 349.06 feet to the south line of said north 474.06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.**

TO HAVE AND TO HOLD, said temporary easement unto the City of Lake Elmo, Washington County, Minnesota, its successors and assigns, until December 31, 2014, at which time said easement shall expire.

The parties of the first part do hereby covenant with the City of Lake Elmo, that they are lawfully seized and possessed of the real estate above described.

It is understood and agreed that the party of the second part will restore said land to as good or better a condition as it was prior to the time of any excavation for public water and sewer and storm sewer utilities or any other purpose, however the party of the second part will



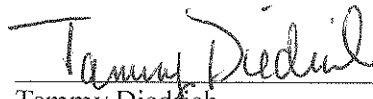
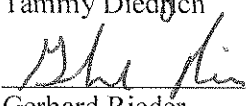
not be required to restore any fencing that it is necessary to remove or becomes damaged during the process of any excavation.

It is further understood and agreed that the party of the second part will forthwith re-seed all areas, where necessary, on said lands from which it is necessary to remove or damage the turf thereon, during the process of any excavation.

IN WITNESS WHEREOF, the said parties have caused this instrument to be executed the day and year first above written.

IN PRESENCE OF:


PARTIES OF THE FIRST PART:

  
\_\_\_\_\_  
Tammy Diedrich  
  
\_\_\_\_\_  
Gerhard Rieder

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF WASHINGTON    )

On this 16<sup>th</sup> day of April, 2013, before me, a Notary Public, in and for said County and State, appeared Tammy Diedrich and Gerhard Rieder, joint tenants, to me personally known, who being by me first duly sworn, did say that they acknowledged said instrument to be the free act and deed of said Tammy Diedrich and Gerhard Rieder.



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

PARTY OF THE SECOND PART:

CITY OF LAKE ELMO

By: [Signature]  
Its Mayor

By: [Signature]  
Its Administrator

Approved as to form:

By: [Signature]  
Lake Elmo City Attorney

STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF WASHINGTON        )

On this 19 day of April, 2013, before me, a notary public within and for said County and State, personally appeared MIKE PEARSON and DEAN ZULEGER, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and Administrator of the CITY OF LAKE ELMO, by authority of the City Council of the City of Lake Elmo, and said Mayor and Administrator acknowledged said instrument to be the free act and deed of said City of Lake Elmo.



[Signature]  
Notary Public

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DAVID K. SNYDER  
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Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 50.00 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 29 seconds East a distance of 597.85 feet; thence South 79 degrees 36 minutes 58 seconds East a distance of 190.69 feet; thence North 89 degrees 48 minutes 29 seconds East a distance of 408.06 feet; thence South 00 degrees 01 minutes 17 seconds East a distance of 349.06 feet to the south line of said north 474.06 feet of the Northwest Quarter of the Southwest Quarter and said line there terminating.

## LEGEND

- DENOTES PARCEL PROPERTY LINE
- DENOTES PERPETUAL EASEMENT
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- DENOTES PROPOSED PERPETUAL UTILITY EASEMENT
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## PROPERTY & EASEMENT AREAS:

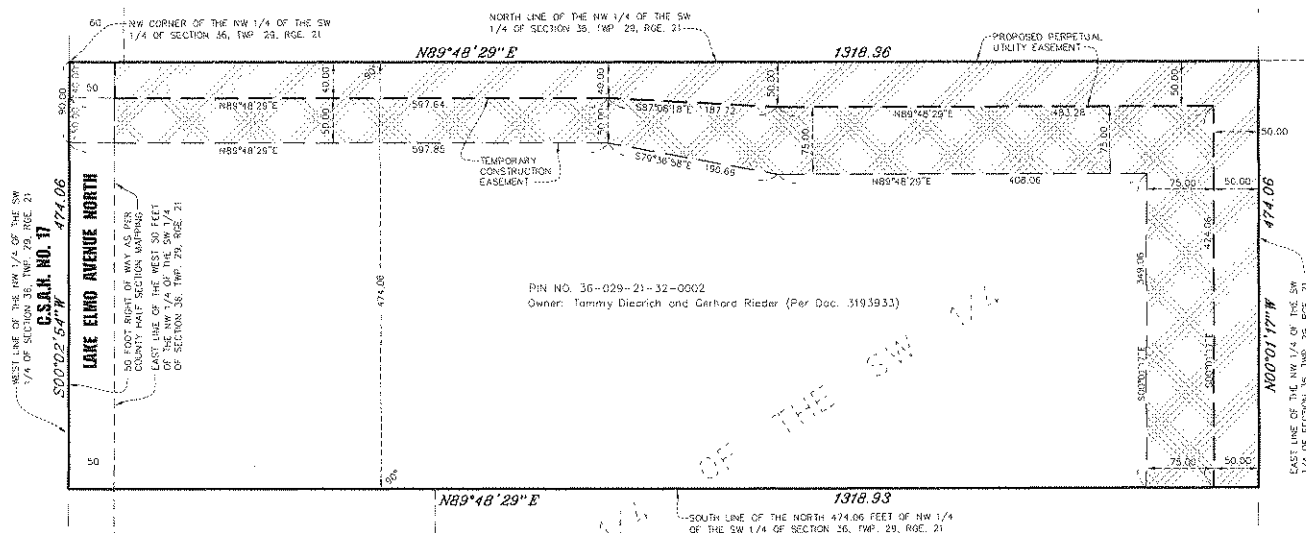
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AREA EXCLUDING CS&H NO. 17: 501,414 S.F.

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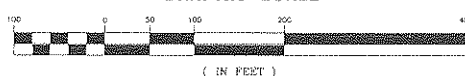
TEMPORARY EASEMENT TO EXPIRE: \_\_\_\_\_

## SURVEY NOTES

- No field survey work was completed for this survey.
- Bearings shown are on Washington County Coordinate System, NAD83 (1983).
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.



## GRAPHIC SCALE



**E. G. RUD & SONS, INC.**  
EST. 1977  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com

DRAWN BY: JEN	JOB NO: 1108120	DATE: 03/15/13
CHECK BY: DNO	SCANNED	
1		
2		
3		
NO	DATE	DESCRIPTION
BY		

SurveyCAD(Ltrpce)\1108120\108120.dwg 3/15/2013 10:14:29 AM CBT

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Daniel W. Obermiller*  
DANIEL W. OBERMILLER  
Date: 3/15/13 License No. 25341