

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

THIS EASEMENT AGREEMENT (“Easement”) is made, granted and conveyed this ____ day of _____, 2022, by and between St. Croix Lutheran High School Association, a Minnesota nonprofit corporation (“Landowner”), and the City of West St. Paul, a Minnesota municipal corporation (“City”). Landowner in consideration of the sum of One Dollar and other good and valuable consideration to it in hand paid by the City, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the City, its successors and assigns, this Easement.

PROPERTY DESCRIPTION

Landowner owns real property in Dakota County, Minnesota, legally described as follows:

Lot 1, Block 1, St. Croix Lutheran High School Addition, Dakota County, Minnesota.

Abstract Property
PID: 42-65600-01-010

(“Landowner’s Property”).

TEMPORARY EASEMENT DESCRIPTION

The Landowner does hereby grant and convey unto the City, its successors and assigns, the following:

A temporary construction easement for grading, sloping and construction purposes in accordance with the plans and specifications provided by the City, and all such purposes ancillary, incident or related thereto (“Temporary Easement”) under, over, across, through and upon the real property legally described on Exhibit A and likewise depicted on Exhibit B (“Temporary Easement Area”), attached hereto and incorporated herein by reference.

The Temporary Easement shall terminate on October 1, 2024.

The rights of the City also include the right of the City, its contractors, agents and servants:

- (a) To enter upon the Temporary Easement Area at all reasonable times for the purposes of construction, reconstruction, inspection, repair, replacement, grading, sloping, and restoration relating to the purposes of the Temporary Easement; and
- (b) To maintain the Temporary Easement Area.

The City shall not be responsible for any costs, expenses, damages, demands, obligations, penalties, attorneys' fees and losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, petroleum, pollutants, and contaminants which may have existed on, or which relate to, the Temporary Easement Area or the Landowner's Property prior to the date hereof.

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise.

The Landowner, for itself and its successors and assigns, does hereby warrant to and covenant with the City, its successors and assigns, that it is well seized in fee of the Landowner's Property described above, the Temporary Easement Area described on Exhibit A and depicted on Exhibit B and has good right to grant and convey the Temporary Easement herein to the City.

This Easement is binding upon the heirs, successors, executors, administrators and assigns of the parties hereto.

This Easement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

EXEMPT FROM STATE DEED TAX

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**CITY:
CITY OF WEST ST. PAUL**

By: _____
David J. Napier
Mayor

By: _____
Nathan Burkett
City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this ____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared David J. Napier and Nathan Burkett to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and the City Manager of the City of West St. Paul, the Minnesota municipal corporation named in the foregoing instrument, and that it was signed on behalf of said municipal corporation by authority of its City Council and said Mayor and City Manager acknowledged said instrument to be the free act and deed of said municipal corporation.

Notary Public

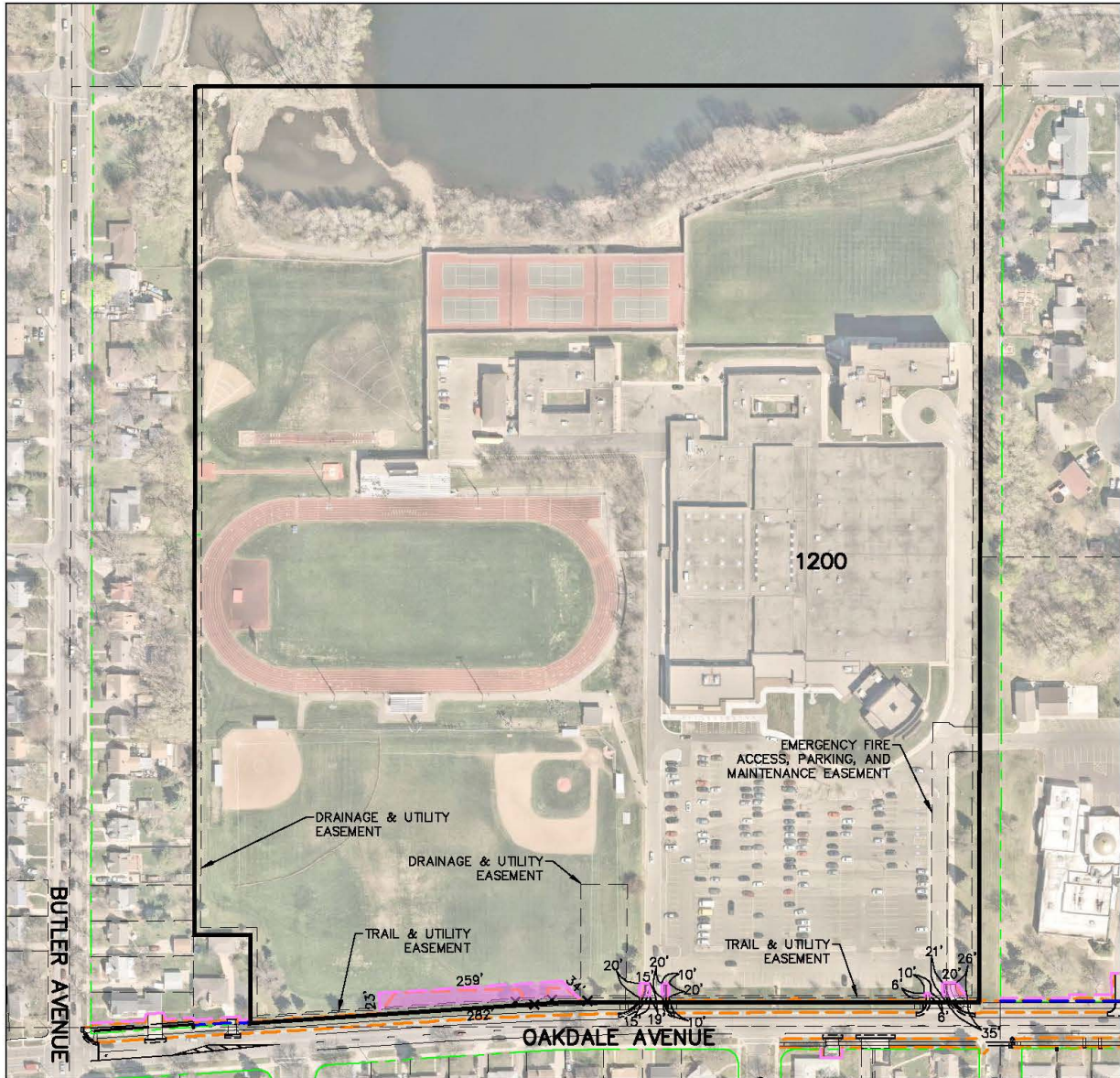
**This Instrument Was Drafted By
And After Recording Return To:**
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121
(651) 451-1831

EXHIBIT A
LEGAL DESCRIPTION OF TEMPORARY EASEMENT AREA

A temporary construction easement lying under, over, across, through and upon Landowner's Property.

Said easement lies east of the west 7.00 feet of said Lot 1 and west of the following described line: Commencing at the south west corner of said Lot 1, thence South 89 degrees 50 minutes 59 seconds East, assumed bearing along the south line of said Lot 1, 7.00 feet to the point of beginning; thence North 00 degrees 06 minutes 10 seconds West, 16.44 feet; thence North 54 degrees 10 minutes 58 seconds East, 25.62 feet; thence North 00 degrees 06 minutes 10 seconds West, 20.00 feet; thence South 89 degrees 53 minutes 50 seconds West, 20.80 feet; thence North 00 degrees 06 minutes 10 seconds West, 16.64 feet; thence South 89 degrees 56 minutes 21 seconds East, 5.98 feet; thence North 00 degrees 06 minutes 08 seconds West, 10.00 feet; thence North 89 degrees 56 minutes 21 seconds West, 5.98 feet; thence North 00 degrees 06 minutes 10 seconds West, 360.14 feet; thence South 89 degrees 50 minutes 59 seconds East, 20.00 feet; thence North 00 degrees 06 minutes 10 seconds West, 10.00 feet; thence North 89 degrees 50 minutes 59 seconds West, 20.00 feet; thence North 00 degrees 06 minutes 10 seconds West, 17.00 feet; thence South 89 degrees 50 minutes 59 seconds East, 20.00 feet; thence North 00 degrees 06 minutes 10 seconds West, 15.00 feet; thence North 89 degrees 50 minutes 59 seconds West, 20.00 feet; thence North 00 degrees 06 minutes 10 seconds West, 84.41 feet; thence North 43 degrees 06 minutes 03 seconds East, 34.29 feet; thence North 03 degrees 47 minutes 17 seconds West, 258.69 feet; thence South 86 degrees 12 minutes 43 seconds West, 23.00 feet to the east line of said west 7.00 feet.

EXHIBIT B
DEPICTION OF TEMPORARY EASEMENT AREA







OWNER ST CROIX LUTHERAN HIGH SCHOOL ASSOCIATION








PARCEL Z

PROJECT NO. 23-2 & 73-34

PID 42-65600-01-010

PERMANENT TRAIL EASEMENT (SQ. FT.)		0
TEMPORARY EASEMENT (SQ. FT.)		7359
DRAINAGE AND UTILITY EASEMENT (SQ. FT.)		0
RETAINING WALL EASEMENT (SQ. FT.)		0

LEGEND

-  DENOTES PARCEL LINE
-  DENOTES EXISTING R/W LINE
-  DENOTES PERMANENT EASEMENT LINE
-  DENOTES TEMPORARY EASEMENT LINE
-  LIMITS OF CONSTRUCTION
-  FOUND MONUMENT
-  TREE REMOVAL
OUTSIDE OR WITHIN 2' OF RIGHT OF WAY

OAKDALE AVENUE TRAIL AND SIDEWALK IMPROVEMENTS
 WEST ST. PAUL, MN

