1406241

STATE OF MINNESOTA, COUNTY OF HENNEPIN Certified to be a true and correct copy of the original on file and of record in my office

JUN 30 1993

QUIT CLAIM
FLOWAGE AND CONSERVATION EASEMENT
AND WAIVER OF DAMAGES

R Dan Carlson, Registrar of Titles

THIS INDENTURE, made and entered into this 5 day of November, 19 84 by and between John C. Brooks

heirs, assigns, successors (hereinafter collectively referred to as the Grantor(s)) and the City of Orono, its successors and assigns, a micipal corporation under the laws of the State of Minnesota (hereinafter referred to as the Grantee).

WITNESSETH, Grantor(s), for and in consideration of the sum of C e Dollar (\$1.00) and other valuable consideration, hereby quit claim to Grantee the right, to restrict and Grantor(s) agree to limit and collide the use, improvement and development, under the conditions and contained; the following described Land in the County Rennegin and State of Minnesota:

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TRANSFER ENTERED DEPARTMENT OF PROPERTY TAXATION

DEC 8 1980

as follows:

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1. Grantor(s) hereby covenant and agree(s):

A. No structure shall be constructed, erected, or placed upon, above, or beneath the Land including without limitation fences, fireplaces, steps, hardcover or roads of any nature whatsoever, or any other structure or improvement inconsistent with the natural state of the Land, except for docks or piers across said wetlands to the open water of French Lake.

- B. No trees, shrubs or other vegetation shall be destroyed, cut or removed from the Land, except as authorized by written consent of Grantee.
- C. No earth, loam, peat, gravel, soil on any other natural material or substance shall be moved or removed from the Land and there shall be no dredging or excavation of any nature whatsoever or any change of the topography of the Land without written consent of Grantee.
- D. No soil, sand, gravel or other substance or material as landfill shall be placed, dumped or stored upon the Land and no waste, trash or garbage shall be placed, dumped or stored upon the Land.

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- E. No use shall be made of the Land except uses, if any, which will not change or alter the natural condition of the Land, and no use which would tend to change the drainage, flood control, water conservation, erosion control, soil conservation, fish and wildlife habitat characteristics shall be made of the Land or the water situated thereon.
- F. Grantee may enter upon the Land for the purposes of inspection and enforcement of the covenants contained herein and to cause to be removed from the Land without any liability any structures, uses, materials, substances, or unnatural matter inconsistent with the covenants contained herein and the natural state of the Land.
- 2. Grantor(s) hereby quit claim to Grantee, a perpetual flowage easement and right and privilege to trespass with water over and upon any or all of the Land.
- 3. Grantor(s) herein do hereby remiss, release, acquit and forever discharge, forever, the Grantee and any and all of its officers and employees of and from any and all claims, demands or causes of action of any kind or nature whatsoever which may arise or accrue by virtue of any flowage or trespass with water within terms of these agreements.

In addition to any other remedy the Grantee may have, the covenants and restrictions contained herein may be enforced by injunction.

Crantor(s) do not intend that the public should have any interest in the above land by virtue of this indenture or otherwise, except as hereinabove set forth.

All the provisions hereof shall run with the land and shall extend to and bind the heirs, successors, representatives, grantees or assigns of the respective parties hereto.

STATE OF MINNESOTA)

COUNTY CF HENNEPIN)

On this 5 day of Nov , 1980, before me, a Notary Public within and for said County and State, personally appeared Miderice S. Stock and who executed the foregoing instrument, and acknowledged that they executed said instrument as their own free act and deed.

ECHYARD E, ANDERSON
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Contarazion Expires Fub. 18, 1983

88.

Notary Public

State Deed Tax Due Hereon: Exempt

This instrument was drafted by: POPMAN, MAIK, SCHNOBRICE, XAUTHAN & DOTY, Ltd. 4344 IDE Center, Minneapolis, Minneapta 55402 (612) 335-9331 1406241

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To 601985

OFFICE OF THE REGISTRAR
OF TITLES
HENNEPIN COUNTY. MINNESOTA
CERTIFIED FILED ON

DEC 8 - 1980

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NO FEE REQUIRED