

**Doc No 4296883 08/22/2006 03:00 PM**  
Certified filed and or recorded on above date:

Office of the Registrar of Titles  
Hennepin County, Minnesota  
Michael H. Cunniff, Registrar of Titles  
TransID 248667

New cert

Cert  
856344

Deputy 55  
Fees  
\$1.50 AF  
\$10.50 STATEFEE  
\$34.00 TDOC FEE  
\$0.00 TSUR  
\$2.00 COPY  
\$48.00 Total

**COPY**

**TRANSFER ENTERED**  
**HENNEPIN COUNTY TAXPAYER SERVICES**

**AUG 22 2006**

HENNEPIN COUNTY MINN.  
 BY *[Signature]* DEPUTY

**ACCESS, CONSTRUCTION, DRAINAGE AND UTILITIES EASEMENT**

THIS INDENTURE, made this 15<sup>th</sup> day of August, 2006, by and between Conley Brooks, Jr. and Carol G. Brooks, husband and wife, hereinafter referred to as "Grantors", and the City of Orono, a Minnesota municipal corporation, hereinafter referred to as "Grantee".

WITNESS, that Grantors, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration given by Grantee, the receipt of which is acknowledged by Grantors, do hereby grant, bargain, sell and convey to Grantee, its successors and assigns, a permanent easement over that part of Lot 24, Country Club Estates, according to plat thereof of record in the office of the County Recorder, Hennepin County, Minnesota, described as follows and as shown on the survey drawing attached hereto as Exhibit A:

Commencing at the Southeast corner of said Lot 24; thence along the southerly line of said Lot 24, being also the northerly right of way line of Ferndale Road, North 55 degrees 52 minutes 43 seconds West, assumed bearing, a distance of 26.60 feet to the Point of Beginning of said Easement herein described; thence across said Lot 24, North 31 degrees 26 minutes 08 seconds East, a distance of 95.51 feet; thence North 58 degrees 33 minutes 52 seconds West, a distance of 50.00 feet; thence South 31 degrees 26 minutes 08 seconds West, a distance of 96.63 feet to said southerly line of Lot 24 and said northerly right of way line of Ferndale Road; thence along said southerly line of Lot 24, being a curve, concave to the southwest, whose elements are: central angle of 06 degrees 35 minutes 58 seconds, radius of 317.22 feet, arc length of 36.54 feet and a chord bearing of South 61 degrees 19 minutes 13 seconds East, a chord distance of 36.52 feet; thence continuing along said southerly line, South 55 degrees 52 minutes 43 seconds East, a distance of 13.54 feet

to the Point of Beginning (containing 4,767 sq. ft. or 0.1094 acres of land) (hereinafter the "Easement Area"),

subject to and together with the specific purposes, terms and conditions set forth below.

1. The principal purpose of this easement is for the maintenance, repair and reconstruction of the sanitary sewer lift station and lift station control panel under and on the northerly portion of the Easement Area as shown on Exhibit A. The secondary purpose of the easement is for all necessary and appropriate access to the said sanitary sewer lift station and lift station control panel over the existing asphalt driveway on the Easement Area. Therefore, the Grantee shall have the full and free right and authority to enter upon the Easement Area to construct, reconstruct, install, maintain, operate and repair, the sanitary sewer lift station, main or line, water main or line, and any and all pertinences including drainage control structures, incidental and related thereto (all of which may hereinafter be referred to collectively as the "Improvements").

2. The Grantee agrees that entry upon the Easement Area for the purposes hereinabove shall be subject to the obligation to minimize disturbance of the pond, natural areas and the asphalt driveway on the Easement Area as shown on Exhibit A, and to repair any damage done to such pond, natural areas and/or asphalt driveway occasioned by Grantee's entry or work.

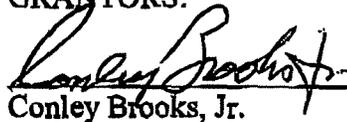
3. The Improvements permitted hereunder are largely underground utilities and Grantee agrees to minimize the size and number of above ground Improvements so as to maintain the single-family residential character of the Easement Area.

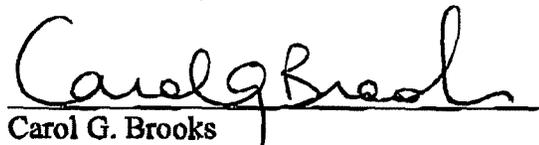
4. In addition to any other lawful remedy Grantee and the Grantor may have, the purposes, terms and conditions hereof may be enforced by injunction, mandatory or prohibitive.

5. Grantors covenant that they are in fee title to the above property; have a lawful right and authority to convey and grant this easement; and that the land is free from all encumbrances except mortgage(s) of record.

IN WITNESS WHEREOF, the Grantors have executed this document on the day and year set forth above.

GRANTORS:

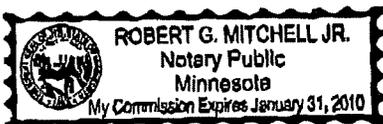
  
Conley Brooks, Jr.

  
Carol G. Brooks

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

This instrument was acknowledged before me this 15<sup>th</sup> day of August, 2006 by Conley Brooks, Jr., husband of Carol G. Brooks.

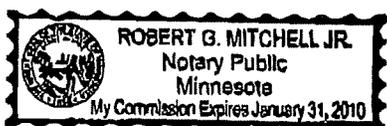
Robert G. Mitchell Jr.  
NOTARY PUBLIC



STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

This instrument was acknowledged before me this 15<sup>th</sup> day of August, 2006 by Carol G. Brooks, wife of Conley Brooks, Jr.

Robert G. Mitchell Jr.  
NOTARY PUBLIC



State Deed Tax Due Hereon:

This instrument was drafted by:  
Lindquist & Vennum P.L.L.P. (RGM)  
4200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone: 612-371-3262

CITY OF ORONO, MINNESOTA  
 BROOKS PROPERTY - 980 FERNDALE ROAD  
 Easement Description and Sketch

1 of 1

Date: 8/23/06  
 Drawn by: [Signature]  
 Checked by: [Signature]  
 Title: [Signature]  
 255 West Century St  
 55101-1011  
 Mr. Paul Orton  
 Phone: 952-475-1111

**DESCRIPTION:**

Permanent Access, Construction, Drainage and Utility Easement

Commencing at the Southeast corner of said Lot 24, thence along the southerly line of said Lot 24, being also the northerly right of way line of Ferndale Road, North 55 degrees 52 minutes 43 seconds West, easement bearing, a distance of 26.00 feet to the Point of Beginning of said Easement herein described; thence across said Lot 24, North 31 degrees 26 minutes 06 seconds East, a distance of 95.51 feet; thence North 58 degrees 30 minutes 52 seconds West, a distance of 50.00 feet; thence South 31 degrees 26 minutes 06 seconds West, a distance of 98.63 feet to said southerly line of Lot 24 and said northerly right of way line of Ferndale Road; thence along said southerly line of Lot 24, being a curve, concave to the southeast, whose elements are: central angle of 08 degrees 35 minutes 08 seconds, radius of 317.22 feet, arc length of 36.54 feet and a chord bearing of South 61 degrees 15 minutes 13 seconds East, a chord distance of 36.52 feet; thence continuing along said southerly line, South 05 degrees 52 minutes 43 seconds East, a distance of 13.54 feet to the Point of Beginning.

Containing 4,767 sq. ft. or 0.1094 acres of land.

**LEGEND:**

- Permanent Access, Construction, Drainage and Utility Easement
- Disk Found
- Lift Station
- Lift Station Control Panel
- Electric Power Pole
- Sanitary Sewer Manhole
- Mailbox

