



**BOLTON
& MENK**

Real People. Real Solutions.

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MEMORANDUM

Date: October 1, 2020
To: Honorable Mayor Dan Mandich and Members of the City Council
City of Coleraine, Minnesota
From: Joseph Pelawa, Engineer
Subject: Road and Utility Easement: Business Park Road

Requesting Council Action for the following:

- Approval of Attached road and utility easement along north property line of parcel jointly owned by the City of Coleraine and City of Bovey. Lift station parcel northeast corner of Hwy 169 and 2nd Ave.
 - Purpose of this easement is to provide access from 2nd Ave. to the land locked City of Bovey property to the east.
 - This will allow the City of Bovey and KMDA to improve business access and development of these lands.

If you have any questions, please feel free to contact me at (218) 830-2636 or joseph.pelawa@bolton-menk.com.

JDP/jp

EASEMENT

THIS AGREEMENT made as of this _____ day of _____, 2020, by and between City of Coleraine, a Municipal Corporation, City of Bovey, a Municipal Corporation (Grantors) the City of Bovey, a municipal Corporation, (Grantee)

WITNESSETH, Grantor owns the following land located in Itasca County, State of Minnesota Third Street in the City of Bovey.

Grantee desires to obtain the right to a permanent easement use as follows:

Exhibit A

As easement for ingress and egress over the property for roadway purposes.

NOW THEREFORE, in consideration of the payment to Grantee of the sum of One Dollar and Sixty-Five cents and other good and valuable consideration (\$1.65), Grantor grants to Grantee the right privilege, and permission for a easement to the above property.

Said easement is granted subject to the following terms and conditions.

Grantee agrees to assume any and all liabilities for injury to or death of personal loss or destruction of or damages to property in any manner arising out of or growing out of the existence, condition, operation or use of the easement and every part thereof.

Grantee hereby releases and discharges Grantor of an from any and all claims, demands, suits, action, causes of action, damages, losses, recoveries, judgement cost and expenses whatsoever, which shall or may be caused or occasioned by or result from (or alleged to have been caused or occasioned by or to have resulted from) the existence, condition, or use or operation of or on the easement.

This agreement shall insure to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS, WHEREOF, the parties hereunto have caused this instrument to be executed under their respective signatures herein duly authorized, as of the above date.

Grantor (Mayor – Dan Mandich)

Dated: _____

Clerk (Briana Anderson)

Dated: _____

Grantor (Mayor – Robert Stein)

Dated: _____

Clerk (Tara DeGuiseppe)

Dated: _____

Grantee (Mayor – Robert Stein)

Dated: _____

(Clerk – Tara DeGuiseppe)

Dated: _____

EXHIBIT A

SHEET 2 OF 2

EASEMENT AREA

A 66.00 foot wide perpetual easement over, under and across the following described property:

That part of the Southeast quarter of the Northwest quarter (SE1/4 of NW1/4) of Section Thirty-two (32) Township Fifty-six (56) North, Range Twenty-four (24) West, described as follows:

Assuming the East-West 1/4 line of said Section 32 to be a true East and West line, beginning at a point 555 feet west and 40 feet north of the Center 1/4 corner of said Section 32, which point is on the north right of way line of State Aid Road No. 10 and is the beginning of the following described lot; running thence north 500 feet; thence west approximately 220 feet to the east right of way line of Trunk Highway No. 169 as presently located; thence in a southwesterly direction along the east right of way of T. H. No. 169 approximately 500 feet to its intersection with the north right of way line of State Aid Road No. 10; thence east 250 feet to the point of beginning; containing approximately 2.70 acres.

Said 66.00 foot easement lies southerly of, parallel with and adjoining the following described line:

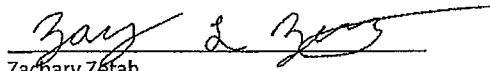
Commencing at the northeast corner of said Southeast Quarter of the Northwest Quarter; thence South 02 degrees 22 minutes 01 second West, assumed bearing, along the east line of said Southeast Quarter of the Northwest Quarter, 500.00 feet; thence South 89 degrees 23 minutes 00 seconds West 627.82 feet; thence South 02 degrees 36 minutes 26 seconds West 281.80 feet to the north line of the tract described in Document Numbers 10144 and 10145; thence North 89 degrees 24 minutes 48 seconds East, along said north line and its easterly extension, 55.00 feet to the point of beginning of the line to be described; thence South 89 degrees 24 minutes 48 seconds West, along said north line of 255.00 feet and said line there terminating.

SURVEYOR'S NOTE

1. Per Document No. 63151, a driveway easement from the City of Bovey to Julie Vekich is located along the north line of the tract described in Document Numbers 10144 and 10145. The easement location is graphically shown but not described.

SURVEYOR'S CERTIFICATION

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


Zachary Zetah
License Number 52694

08/27/2020
Date

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CERTIFICATE OF EASEMENT

BUHL, MINNESOTA

PART OF THE SE1/4-NW1/4
SECTION 32, TOWNSHIP 56, RANGE 24
ITASCA COUNTY
MINNESOTA
FOR: CITY OF BOVEY
CITY OF COLERAINE



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

CITY OF BOVEY

EASEMENT AREA

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Commencing at the northeast corner of said Southeast Quarter of the Northwest Quarter; thence South 02 degrees 22 minutes 01 second West, assumed bearing, along the east line of said Southeast Quarter of the Northwest Quarter, 500.00 feet; thence South 89 degrees 23 minutes 00 seconds West 627.82 feet; thence South 02 degrees 36 minutes 26 seconds West 281.80 feet to the north line of the tract described in Document Numbers 10144 and 10145; thence North 89 degrees 24 minutes 48 seconds East, along said north line and its easterly extension, 55.00 feet to the point of beginning of the line to be described; thence South 89 degrees 24 minutes 48 seconds West, along said north line of 255.00 feet and said line there terminating.

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