



OFFICE OF COUNTY RECORDER  
Olmsted County, Minnesota

I hereby certify that this document was filed in this office  
on 4/1/2013 at 9:30 AM and was duly  
recorded as document number **A- 1316596**

W MARK KRUPSKI - Co Recorder, by \_\_\_\_\_ Deputy

Well Certificate: \_\_\_\_\_ Received \_\_\_\_\_ Not Required

Abstr. - yes \_\_\_\_\_ no \_\_\_\_\_

Fees: **\$46.00**

Received from/return to:

**MILLER LEGAL STRATEGIC PLAN. CTR  
2518 SUPERIOR DRIVE NW  
SUITE 100  
ROCHESTER MN 55901**

*See Sheet*

[This space reserved for

**DECLARATION OF DRIVEWAY AND  
UTILITY EASEMENT**

WHEREAS, Wayne M. Decklever and Rose Decklever, husband and wife,  
hereinafter referred to as "Decklever", are the fee owners of that certain parcel of real  
property more particularly described on the attached Exhibit "A", hereinafter "Tract One";  
and

WHEREAS, Mary Susan Dahlin, a married person, is the fee owner of that certain  
parcel of real property more particularly described on the attached Exhibit "B", hereinafter  
"Tract Two"; Daniel F. Dahlin is the husband of Mary Susan Dahlin; and Mary Susan  
Dahlin and Daniel F. Dahlin, wife and husband, are hereinafter collectively referred to as  
"Dahlin", and

WHEREAS, Wayne M. Decklever and Rose Decklever, husband and wife,  
hereinafter referred to as "Decklever", are also the fee owners of that certain parcel of real  
property more particularly described on the attached Exhibit "C", hereinafter "Tract  
Three"; and

*3/29/13  
D. J. Miller  
8304 Miller*

Declaration of Driveway and Utility Easement

*Legal Strategic*

WHEREAS, the parties wish to establish a driveway and utility easement to provide access for ingress and egress to and from Tract One, Tract Two and Tract Three and for the installation of utilities to serve Tract One, Tract Two and Tract Three, which easement area is more particularly described on the attached Exhibit "D", hereinafter, "Easement Area".

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the undersigned hereby declare as follows:

1. Decklever and Dahlin hereby grant and declare a perpetual nonexclusive easement over and across that part of Tract One and Tract Two more particularly described on the attached Exhibit "D", for driveway and utility purposes as hereinafter described.
2. The driveway may be used by the parties hereto, and their respective heirs, successors, assigns, invitees and guests for the purpose of ingress and egress to and from Tract One, Tract Two and Tract Three.
3. The Easement Area may also be used for the installation, location, maintenance and repair of utility lines to serve any dwellings ever located upon Tract One, Tract Two and Tract Three, or any subdivided parcels thereof.
4. No owner of Tract One, Tract Two or Tract Three, or any subdivided parcels thereof, shall make use of the driveway, nor permit any invitee or guests to make use of the driveway, so as to block the driveway or interfere with the use of the driveway by any other party or any invitee or guest or any other person or entity who has been given the right to use the driveway area.

5. Except as otherwise set forth herein, the costs of installation, maintenance, repair, replacement and improvement of the driveway, including snow removal, shall be borne by the owners of Tract One, and their successors and assigns as defined below.

Dahlin, their heirs successors and assigns, may use said driveway for purposes of ingress and egress to and from Tract Two but shall be limited to no more than two access points from the easement area to provide access to Tract Two. Only in the event that Dahlin, their heirs, successors or assigns, actually use the driveway for ingress and egress to and from Tract Two or any subdivided parcels thereof shall the owner of Tract Two or any subdivided parcels thereof have any obligation to share the costs of maintenance, repair or improvement of the driveway.

Decklever, their heirs successors and assigns, may use said driveway for purposes of ingress and egress to and from Tract Three. Only in the event that Decklever, their heirs, successors or assigns, actually use the driveway for ingress and egress to and from Tract Three shall the owner of Tract Three have any obligation to share the costs of maintenance, repair or improvement of the driveway.

6. In the event that any parcel owner constructs a separate driveway, and elects to abandon the use of the driveway, such parcel owner's obligation to share in the expense of maintenance, repair, replacement and improvement shall be suspended during the time such parcel owner does not use the driveway, but any easements granted herein shall not be affected thereby.

7. The parties hereby acknowledge that Decklever may subdivide Tract One into multiple buildable tracts that will be served by the driveway and utility easement created pursuant to this agreement. The parties further acknowledge and agree that Decklever may, at their sole discretion, unilaterally amend this Declaration of Driveway and Utility Easement to extend the driveway and utility easement on Tract One without

the need for Dahlin or any future owner of Tract Three, or their respective successors or assigns to join therein.

8. In the event Tract One or Tract Two, or both, are subdivided into multiple tracts and one or more dwellings are constructed thereon, or on any subdivided parcels thereof, and the driveway and utility easement serves such dwellings or is extended to serve such tracts, the owner(s) of such tracts upon which such dwellings are constructed shall share in the cost of the maintenance, repair, replacement and improvement, including snow removal, of said driveway and extensions thereof for so long as such owners use the driveway for ingress and egress to and from said dwelling(s). In the event the driveway and utility easements shall ever be used by the owner of Tract Three either for ingress and egress to and from Tract Three, the owner of Tract Three shall share in the cost of the maintenance, repair, replacement and improvement, including snow removal, of said driveway. The costs of maintenance, repair, replacement and improvement, including snow removal, of any segment of the Driveway that serves only one tract shall be the sole and exclusive responsibility of the owner of the particular tract served by the segment. Such costs for any particular segment of the Driveway that serves more than one tract shall be borne proportionately based on the length of the segment, by the owners of the tracts that are served by that particular segment. In the event the driveway shall ever be connected to a public right of way at both ends, then and in that event the owners of all the tracts served by the driveway shall share equally the costs of maintenance, repair, replacement and improvement, including costs for snow removal therefrom.

9. In the event of a dispute concerning the use of the Easement Area, the driveway or the costs of installation, repair, maintenance, replacement or improvement thereof or snow removal therefrom, such dispute shall be settled by binding arbitration in accordance with the rules of the American Arbitration Association. The costs of enforcing the decision of the Arbitrator shall be borne by the owner against whom the arbitrator's decision is made.

10. Daniel F. Dahlin, as the spouse of Mary Susan Dahlin, joins in the execution of this agreement solely to consent to the terms and conditions of this agreement and to subordinate any and all marital rights he may have or claim in Tract Two or any subdivided parcels thereof to the terms and conditions of this agreement and assumes no other responsibilities incidental to Tract Two arising from this agreement.

11. This agreement shall be binding on the parties hereto, their successors and assigns and shall run with the land.

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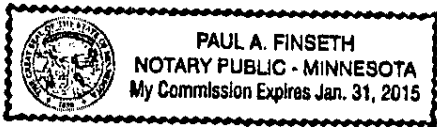


Mary Susan Dahlin  
Mary Susan Dahlin

Daniel F. Dahlin  
Daniel F. Dahlin

State of Minnesota )  
  )ss  
County of Olmsted )

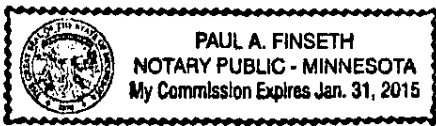
Subscribed and sworn to before me this 12<sup>TH</sup> day of MARCH, 201~~2~~<sup>3</sup>, by Mary Susan Dahlin, spouse of Daniel F. Dahlin, who executed the foregoing instrument as her free act and deed. PAW



Paul A. Finseth  
Notary Public

State of Minnesota )  
  )ss  
County of Olmsted )

Subscribed and sworn to before me this 20<sup>TH</sup> day of JUNE, 2012, by Daniel F. Dahlin, spouse of Mary Susan Dahlin, who executed the foregoing instrument as their free act and deed.



Paul A. Finseth  
Notary Public

This Instrument Drafted By:  
Timothy J. Hansen, Attorney at Law  
2518 Superior Drive NW, Suite 100  
Rochester, MN 55901  
(507) 252-0123

## EXHIBIT "A"

## TRACT ONE

## DECKLEVER PROPERTY

The North 40 acres of the SW ¼ of Section 3, Township 107, Range 15, Olmsted County, Minnesota

And

That part of the North 100 acres of the NE¼, Section 3, T107N, R15W, lying west of the township road, except the following described three tracts of land:

Tract "A"

That part of the NE¼, Section 3, T107N, R15W, described as follows: Beginning at the northwest corner of the NE¼ of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE¼, 1730.03 feet to the center line of the Township Road; thence south 77 degrees 07 minutes 16 seconds East along said center line 850.18 feet; thence South 31 degrees 34 minutes 02 seconds East along said center line 388.38 feet; thence South 89 degrees 41 minutes 02 seconds West parallel with the north line of said NE¼, 714.89 feet; thence North 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 140.00 feet; thence North 00 degrees 18 minutes 58 seconds West 283.72 feet; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 488.80 feet to the west line of said NE¼; thence North 00 degrees 11 minutes 24 seconds West along said west line 361.37 feet to the point of beginning.

Tract "B"

That part of the NE¼, Section 3, T107N, R15W, described as follows: Commencing at the northwest corner of the NE¼ of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE¼, 1730.03 feet to the center line of the Township Road; thence South 12 degrees 07 minutes 16 seconds East along said center line 850.18 feet; thence South 11 degrees 34 minutes 02 seconds East along said center line 388.38 feet for a point of beginning; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 714.89 feet; thence North 89 degrees 41 minutes 02 seconds West 140.00 feet; thence South 89 degrees 41 minutes 02 seconds West 283.72 feet; thence North 89 degrees 41 minutes 02 seconds East 283.72 feet; thence South 89 degrees 41 minutes 02 seconds West 140.00 feet; thence North 89 degrees 41 minutes 02 seconds East 140.00 feet; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 700.00 feet to the center line of the Township Road; thence North 11 degrees 34 minutes 02 seconds West along said center line 241.70 feet to the point of beginning.

Tract "C"

That part of the NE¼ and of the SE¼, Section 3, T107N, R15W, described as follows: Commencing at the northwest corner of the NE¼ of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE¼, 1730.03 feet to the center line of the Township Road; thence South 12 degrees 07 minutes 16 seconds East along said center line 850.18 feet; thence South 11 degrees 34 minutes 02 seconds East along said center line 388.38 feet for a point of beginning; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 714.89 feet; thence North 89 degrees 41 minutes 02 seconds West 140.00 feet; thence South 89 degrees 41 minutes 02 seconds West 283.72 feet; thence North 89 degrees 41 minutes 02 seconds East 283.72 feet; thence South 89 degrees 41 minutes 02 seconds West 140.00 feet; thence North 89 degrees 41 minutes 02 seconds East 140.00 feet; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 700.00 feet to the center line of the Township Road; thence North 11 degrees 34 minutes 02 seconds West along said center line 241.70 feet to the point of beginning.

And

## EXHIBIT "A"

## TRACT ONE

## DECKLEVER PROPERTY

That part of the NW ¼ of Section 3 and the NE ¼ of Section 4, Township-107 North, Range 15 West, Olmsted County, Minnesota described as follows: Commencing at the Northeast corner of the NW ¼ of said Section 3 and running thence due West along the North line thereof a distance of 2548 feet to a point in the center of the South middle branch of the Zumbro River; thence along the center of said South middle branch of said river South 0 degrees 56 minutes East a distance of 251.6 feet; thence South 65 degrees 7 minutes West a distance of 249.35 feet; thence South 78 degrees 46 minutes West a distance of 132.4 feet; thence North 78 degrees 35 minutes West a distance of 152.68 feet; thence South 77 degrees 45 minutes West a distance of 209.2 feet; thence North 88 degrees 26 minutes West a distance of 216.8 feet; thence South 70 degrees 25 minutes West a distance of 99.8 feet; thence South 35 degrees 55 minutes West a distance of 134.03 feet; thence South 20 degrees 24 minutes West a distance of 136.55 feet; thence South 50 degrees 36 minutes East a distance of 60.04 feet; thence South 74 degrees 24 minutes East a distance of 142.76 feet; thence South 36 minutes 44 minutes East a distance of 111.68 feet; thence South 4 degrees 33 minutes West a distance of 192.7 feet; thence South 10 degrees 33 minutes East a distance of 218.9 feet; thence South 35 degrees 15 minutes East a distance of 231.45 feet; thence South 78 degrees East a distance of 77 feet; thence North 764 degrees 19 minutes East a distance of 180.10 feet; thence South 43 degrees East a distance of 86.65 feet; thence South 35 degrees 45 minutes East a distance of 123.78 feet; thence South 31 degrees 42 minutes East a distance of 133.17 feet; thence South 53 degrees West a distance of 124 feet; thence South 24 degrees 26 minutes West a distance of 168.34 feet; thence South 14 degrees 15 minutes West a distance of 136.60 feet; thence South 34 degrees 20 minutes East a distance of 84.65 feet thence South 21 degrees 15 minutes East a distance of 105.36 feet; thence South 84 degrees 30 minutes East a distance of 98.15 feet; thence North 43 degrees 45 minutes East a distance of 88.2 feet; thence South 72 degrees 23 minutes East a distance of 107.3 feet; thence south 30 degrees 47 minutes East a distance of 330.25 feet; thence South 43 degrees 35 minutes East a distance of 294 feet, more or less to the south line of said NW ¼; thence East along the South line of said NW ¼ a distance of 2392.6 feet to the southeast corner thereof; thence North along the East line of said NW ¼ a distance of 2624 feet to the place of beginning. The above surveyed description formerly described as: The NW ¼ of Section 3, except such portions thereof in the Northwest corner lying on the North and West bank of the South Middle Branch of the Zumbro River; ALSO All that part of the E ¼ NE ¼ of Section 4, Township 107 North, range 15 West, lying South and East of the center of the South Middle Branch of the Zumbro River, a portion thereof being also described by metes and bounds as follows: (measurements of which do not close), to-wit: Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 4 and running thence South 10 chains; thence West 5 chains and 50 links; thence North 43 ¼ degrees East 4 chains and 50 links; thence North 37 degrees West 7 chains and 50 links; and thence East 7 chains and 50 links to the place of beginning. EXCEPTING from the above described premises the following: that part of the Northwest Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Beginning at a point in the North line of said Northwest Quarter of Section 3, a distance of 833.29 feet westerly from the Northeast corner of said Northwest Quarter of Section 3; thence North 88 degrees 22'23" West, along said North line of Northwest Quarter (for purposes of this described bearings are assumed), a distance of 360.70 feet; thence South 45 degrees 32'07" West, 384.31 feet; thence South 39 degrees 53'29" West, 498.60 feet; thence South 23 degrees 42'01" West, 168.78 feet; thence South 0 degrees 12'30" West, 400.56 feet; thence South 89 degrees 36'54" East 327.81 feet; thence North 0 degrees 12'01" East 33.00 feet; thence North 8 degrees 06'15" East 472.52 feet; thence North 36 degrees 07'12" East 559.08 feet; thence South 69 degrees 04'38" East, 433.97 feet; thence North 3 degrees 55'56" East, 542.87 feet to said point of beginning; together with and subject to an easement for driveway purposes 20 feet wide, lying 10 feet on each side of all the courses in the above description which have a South-West bearing; containing 13.36 acres more or less.

## EXHIBIT "A"

## TRACT ONE

## DECKLEVER PROPERTY

AND EXCEPT THAT PART OF THE Northwest Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Commencing at the northeast corner of the Northwest Quarter of said Section 3; thence North 88 degrees 22 minutes 23 seconds West (assumed bearing) along the north line of said Northwest Quarter, a distance of 1193.99 feet; thence South 45 degrees 32 minutes 07 seconds West, a distance of 584.31 feet; thence South 39 degrees 53 minutes 29 seconds West, a distance of 483.53 feet to the point of beginning of the land to be described; thence continue South 39 degrees 53 minutes 39 seconds West, a distance of 45.07 feet; thence South 23 degrees 42 minutes 01 second West, a distance of 168.78 feet; thence South 00 degrees 12 minutes 30 seconds West a distance of 327.87 feet; thence South 89 degrees 14 minutes 02 seconds West, a distance of 661.81 feet to the west line of the Northwest Quarter of said Section 3, thence North 01 degrees 47 minutes 24 seconds East, along said west line a distance of 339.55 feet; thence North 11 degrees 36 minutes 56 seconds East, a distance of 157.33 feet; thence North 89 degrees 14 minutes 02 seconds East, a distance of 698.22 feet to the point of beginning. AND that part of the Northeast Quarter of Section 4, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Commencing at the northeast corner of the Northwest Quarter of Section 3, Township 107 North, Range 15 West, thence North 88 degrees 22 minutes 23 seconds West, (assumed bearing), along the north line of said Northwest Quarter, a distance of 1193.99 feet; thence South 45 degrees 32 minutes 07 seconds West, a distance of 584.31 feet; thence South 39 degrees 59 minutes 20 seconds West, a distance of 498.60 feet; thence South 23 degrees 42 minutes 01 second West, a distance of 168.78 feet; thence South 00 degrees 12 minutes 30 seconds West, a distance of 327.87 feet; thence South 89 degrees 14 minutes 02 seconds West, a distance of 661.81 feet to the east line of the Northeast Quarter of said Section 4 being the point of beginning of the land to be described; thence North 01 degree 47 minutes 24 seconds East, along said east line a distance of 339.55 feet; thence South 11 degrees 36 minutes 56 seconds West, a distance of 347.29 feet to the intersection with a line bearing South 89 degrees 14 minutes 02 seconds West, from the point of beginning; thence North 89 degrees 14 minutes 02 seconds East, a distance of 59.32 feet to the point of beginning.

And

**PARCEL A:** That part of the S 1/4 of the SW 1/4 of Section 34, Township 108 North, Range 15 West of the 5<sup>th</sup> Principal Meridian, described as follows: Commencing at the southwest corner of said Section 34; thence East, assumed bearing, along the south line of said Section 34 a distance of 563.86 feet to the point of beginning of the land to be described; thence East along said south line a distance of 757.59 feet to the center line of the public road; thence North 46 degrees 18'00" East along said center line a distance of 301.70 feet; thence North 59 degrees 35'30" East along said center line a distance of 346.00 feet; thence North 56 degrees 37'30" East along said center line a distance of 202.27 feet to the west line of Lot 1, Block 7 of the plat of Genoa, Olmsted County, Minnesota; thence North 00 degrees 26'00" West along said west line of Lot 1, Block 7, and the west line of Lot 8, Block 6 a distance of 128.31 feet to a point in the westerly extension of the center line of Main Street, (as platted in the Village of Genoa) thence North 85 degrees 18'00" West along said center line extension a distance of 300 feet more or less to the center line of the Zumbro River; thence westerly along said Zumbro River center line to the east line of the West 20 acres of said S 1/4; thence South 01 degree 05'36" East along said east line 480 feet more or less to the point of beginning.

**PARCEL B:** That part of the Village of Genoa located in Section 34, of Township 108 North of Range 15 west described as follows: That part of Lots 1 and 2, lying northerly of a line drawn from the northwest corner of Lot 3, South 57 degrees 18 minutes 30 seconds West to west line of Lot 1, all located in Block 7, and other lands.

**EXHIBIT "B"**

**TRACT TWO**

**DAHLIN PROPERTY**

That part of the North One-Half of the Northeast Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows:

Beginning at the northwest corner of the Northeast Quarter of said Section 3; thence N89°41'02"E, assumed bearing, along the north line of said Northeast Quarter, 1730.83 feet to the center line of the Township Road; thence S12°07'16"E, along said center line, 850.18 feet; thence S11°34'02"E, along said center line, 286.56 feet; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 718.60 feet; thence N89°22'20"W, 715.97 feet; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 140.00 feet; thence N00°18'58"W, 383.72 feet; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 488.80 feet to the west line of said Northeast Quarter; thence N00°11'24"W, along said west line, 361.37 feet to the point of beginning.

EXHIBIT "C"

TRACT THREE

DECKLEVER HOMESTEAD PROPERTY

That part of the Northeast Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows:

Commencing at the northwest corner of the Northeast Quarter of said Section 3; thence N89°41'02"E, assumed bearing, along the north line of said Northeast Quarter, 1730.83 feet to the center line of the Township Road; thence S12°07'16"E, along said center line, 850.18 feet; thence S11°34'02"E, along said center line, 353.85 feet for a point of beginning; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 750.00 feet; thence N59°22'20"W, 419.72 feet; thence S50°25'29"W, 283.48 feet; thence S60°01'47"E, 330.00 feet; thence N89°41'02"E, 234.05 feet; thence S55°30'18"E, 192.69 feet; thence N89°41'02"E, parallel with the north line of said Northeast Quarter, 700.00 feet to the center line of the Township Road; thence N11°34'02"W, along said center line, 244.70 feet to the point of beginning. Being subject to an easement for the Township Road right of way over the easterly boundary thereof.

Containing 6.93 acres, more or less.

Together with and subject to a 33.00 foot private easement for ingress and egress running over and across that part of the Southeast Quarter of the Northeast Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota. Said easement extends 16.50 feet to the north and south of the following described centerline:

Commencing at the northwest corner of the Northeast Quarter of said Section 3; thence N89°41'02"E, assumed bearing, along the north line of said Northeast Quarter, 1730.83 feet to the center line of the Township Road; thence S12°07'16"E, along said center line, 850.18 feet; thence S11°34'02"E, along said center line, 598.55 feet for a point of beginning of the center line to be described; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 700.00 feet and there terminating.

## EXHIBIT "D"

### DRIVEWAY AND UTILITY EASEMENT

(Page 1 of 2)

A 66.00 foot private roadway easement lying in the North One-Half of the Northeast Quarter of Section 3 and in the Northwest Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota. Said easement extends 33.00 feet to the left and 33.00 feet to the right of the following described centerline:

Commencing at the northeast corner of the Northeast Quarter of said Section 3; thence S89°41'02"W, assumed bearing, along the north line of said Northeast Quarter, 893.81 feet to the center line of a Township Road; thence S12°07'16"E, along said centerline, 850.18 feet; thence S11°34'02"E, along said centerline, 320.20 feet for a point of beginning of the centerline to be described; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 531.41 feet; thence northwesterly 395.87 feet along a curve, concave to the northeast, central angle of 30°56'37", radius of 733.00 feet and chord of said curve bears N74°50'39"W, 391.08 feet; thence N59°22'20"W, 382.21 feet; thence northwesterly 255.34 feet along a curve, concave to the southwest, central angle of 30°56'37", radius of 472.79 feet and chord of said curve bears N74°50'39"W, 252.25 feet; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 489.72 feet to a point on the west line of said Northeast Quarter hereafter referred to as point "A"; at said point "A", the easement width extends within the circumference of a circle having a radius of 75.00 feet; thence from the afore mentioned point "A" the 66.00 foot easement continues S89°41'02"W, 14.00 feet; thence southwesterly 502.65 feet along a curve, concave to the southeast, central angle of 64°00'00", radius of 450.00 feet and chord of said curve bears S57°41'02"W, 476.93 feet; thence S25°41'02"W, 104.04 feet; thence southwesterly 493.67 feet along a curve, concave to the northwest, central angle of 62°51'24", radius of 450.00 feet and chord of said curve bears S57°06'44"W, 469.29 feet; thence S88°32'26"W, 774.21 feet and there terminating.

AND

A private roadway easement lying in the North One-Half of the Northeast Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows:

Commencing at the northeast corner of the Northeast Quarter of said Section 3; thence S89°41'02"W, assumed bearing, along the north line of said Northeast Quarter, 893.81 feet to the center line of a Township Road; thence S12°07'16"E, along said centerline, 850.18 feet; thence S11°34'02"E, along said centerline, 320.20 feet; thence S89°41'02"W, parallel with the north line of said Northeast Quarter, 531.41 feet; thence northwesterly 395.87 feet along a curve, concave to the northeast, central angle of 30°56'37", radius of 733.00 feet and chord of said curve bears N74°50'39"W, 391.08 feet; thence N59°22'20"W, 382.21 feet; thence N30°37'40"E, 33.00 feet for a point of beginning; thence N59°22'20"W, 140.00 feet; thence S89°41'02"W, 140.00 feet; thence

**EXHIBIT "D"**

**(Page 2 of 2)**

southeasterly, not tangent to the last described curve, 273.16 feet along a curve, concave to the southwest, central angle of  $30^{\circ}56'37''$ , radius of 505.79 feet and chord of said curve bears  $S74^{\circ}50'39''E$ , 269.85 feet to the point of beginning.