

SUPPLEMENTAL
RIGHT-OF-WAY EASEMENT
PERPETUAL

#189924

THIS INDENTURE, made this Eighth day of August 1962, by and between the CITY OF RED WING, MINNESOTA, a municipal corporation, hereinafter called the City, and the UNITED STATES OF AMERICA, hereinafter called the Government,

WITNESSETH:

WHEREAS, under the provisions contained in Title I, River and Harbor Act, approved 14 July 1960 (Public Law 86-645, Second Session), the Government, acting by and through the Secretary of the Army, is authorized to improve and enlarge the existing industrial harbor at Red Wing, Minnesota, in accordance with the plan set forth in House Document No. 32, 86th Congress, First Session, subject, however, to the condition, among other things, that the City, acting as the local cooperating agency, provides, without cost to the Government, all lands, easements, rights-of-way and spoil disposal areas necessary for the construction of the project and for the subsequent maintenance thereof by the Government, and

WHEREAS, the District Engineer, U.S. Army Engineer District, St. Paul, Minnesota, has approved a request by the City to extend the dredging area further easterly, as shown outlined in red on the map marked Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, the City is the owner in fee simple of a certain tract of land situated in Goodhue County, Minnesota, as shown outlined in red on the said Exhibit "A", and

WHEREAS, the said tract of land is needed by the Government in connection with the further improvement and enlargement of the said industrial harbor.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and the benefits to be derived by the City as the result of the additional dredging operations, the City, acting by and through its duly authorized representative, does hereby grant, bargain, sell, and convey unto the Government and its assigns a perpetual right and easement to enter upon, occupy, excavate, dig, cut away, and remove all or any part of the said tract, necessary for the said construction or maintenance thereof, described as follows:

Tract 100E-2

That portion of Section 30, Township 113 North, Range 14 West, 5th P.M., City of Red Wing, Goodhue County, Minnesota, more particularly described as follows:

Commencing for the purpose of locating the point of beginning in Government Lot 2, said Section 30, at the center of manhole located at the intersection of Main and Jefferson Streets in said City of Red Wing, said manhole being North 77°-54' West (assumed bearing), 724.5 feet from the center of manhole at the intersection of Main and Jackson Streets, City of Red Wing; thence North 3°-04' East, 604.4 feet to the point of beginning of tract to be described; thence North 33°-05' East, 315.1 feet; thence South 60°-12' East, 93.5 feet; thence South 00°-35' West, 239.5 feet; thence West, 218.0 feet; thence North 77°-28' West, 40.0 feet, more or less, to the point of beginning, containing 1.10 acres, more or less, as shown on Exhibit "A" attached hereto and made a part hereof.

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RESERVING, however, to the City, its successors, and assigns, all such rights and privileges in said tract of land as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Government.

TO HAVE AND TO HOLD, the said right and easement unto the Government and its assigns, for the purpose aforesaid, Forever. And the said City, for itself, its successors, and assigns, does hereby covenant with the Government that it has good and sufficient right to sell and convey the right and easement as aforesaid and that it will warrant and defend the title of the same to the Government and its assigns against the lawful claims and demands of all persons.

The City does hereby fully release and discharge the Government, its officers, agents, servants, and contractors from all liability for any and all damages done or caused to be done to said premises.

IN TESTIMONY WHEREOF, the said City, acting by and through its duly authorized representative, has caused this instrument to be executed in its name, and its corporate seal affixed thereto, on the day and year first above written.

CITY OF RED WING, MINNESOTA

By Demetrius G. Jelatis
DEMETRIUS G. JELATIS, Mayor

ATTEST:
H. E. Nordholm
H. E. NORDHOLM
City Clerk
City of Red Wing, Minnesota

(Seal).

WITNESSES:
Judith M. Roldt
A. G. Forcan

STATE OF MINNESOTA
COUNTY OF GOODHUE

ss.

On this 15th day of August 1962, before me, a Notary Public within and for said County, personally appeared Demetrius G. Jelatis, to me personally known, who being by me duly sworn, did say that he is the Mayor of the City of Red Wing, Minnesota, and that the seal affixed to the foregoing instrument is the seal of said City and that the said instrument was signed and sealed in behalf of said City by authority of its governing body and that the said Demetrius G. Jelatis acknowledged said instrument to be the free act and deed of said City of

Red Wing, Minnesota.

(Notri Seal)

Charles Richardson CHARLES RICHARDSON
Notary Public Goodhue County, Minn.
My Commission Expires April 8, 1967.

