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RECEIVED
JAN 9 2017
Rice Creek
Watershed District

RESOLUTION NO. 2016-34

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS

RESOLUTION REAFFIRMING EASEMENT VACATION

Manager Bradley offered the following Resolution and moved its adoption, seconded by
Manager Waller:

WHEREAS, Bethel University ("Bethel") owns the property described in **Exhibit A** (the "Property");

WHEREAS, the Rice Creek Watershed District ("District") was previously the drainage authority for Ramsey County Ditch 12, a drainage system crossing the Property that was established in 1912 (the "System");

WHEREAS, Bethel granted an additional 100 feet of easement on either side of the System in 1981 (the "Easement") to the District for "County Ditch purposes";

WHEREAS, the Easement is recorded as Document No. 2103663 with the Ramsey County Recorder, a copy of which is attached in **Exhibit B**;

WHEREAS, on April 24, 1985 the System and Easement were abandoned by order of the District, recorded as Document No. 2261980 with the Ramsey County Recorder, a copy of which is attached in **Exhibit C**; and

WHEREAS, the 1985 abandonment did not specifically distinguish the Easement from the System, however, the intent of the District and Bethel was that the System and Easement both be abandoned and both the District and Bethel have treated the Easement as abandoned since 1985.

NOW, THEREFORE, the Rice Creek Watershed District Board of Managers resolves as follows:

1. The Board of Managers reaffirms the vacation of the Easement as part of the abandoning of the System.
2. The Board of Managers directs the District Administrator and its consultants to take all necessary action to reaffirm the proper vacation of the Easement, including recording this Resolution with the Ramsey County Recorder.

Y M

The question was on the adoption of the resolution and there were 4 yeas and 0 nays as follows:

	Yea	Nay	Absent	Abstain
WALLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAAKE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PREINER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution passed.

Michael Bradley
Michael Bradley, Secretary

Dated: Dec. 14th, 2016

* * * * *

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 14 day of December, 2016.

Michael Bradley
Michael Bradley, Secretary

ACKNOWLEDGEMENT

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

This instrument was acknowledged before me this 14 day of December, 2016, by Michael Bradley, as Secretary of the Rice Creek Watershed District Board of Managers.

Theresa M. Stasica
Notary Public

THIS INSTRUMENT DRAFTED BY:
Rinke Noonan (AAR)
1015 W. St. Germain St., Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
File No. 16266-0046

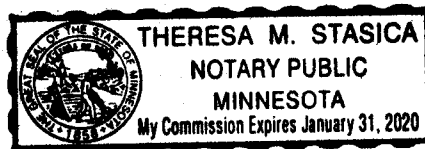


Exhibit A

Bethel Property Legal Description

The Northwest Quarter of Section 27 and the Southwest Quarter of Section 27, all in Township 30, Range 23, Ramsey County, Minnesota.

Exhibit B

Bethel Easement

Recorded Doc. #2103663.

EASEMENT

For and in consideration of the sum of One Dollar and other good and valuable consideration the BAPTIST GENERAL CONFERENCE, a not-for-profit corporation organized under the laws of the State of Illinois, Grantor, does hereby grant, bargain and sell, release and convey to RICE CREEK WATERSHED DISTRICT, a public corporation, Grantee herein, and to its successors and assigns a perpetual flowage easement one hundred feet in width, the same being fifty feet on each side of the center line described below for Ramsey County Ditch No. 12 extending from State Highway No. 51 (Snelling Avenue) to Valentine Lake excepting encroachment by existing buildings within the area of the easement, with the right to enter on said easement to repair and maintain said ditch.

The easement granted herein is over part of the Northwest Quarter (NW 1/4) and part of the Southwest Quarter (SW 1/4) in Section 27, Township 30, Range 23, in Ramsey County, Minnesota, the center line of said easement is described as set forth in Exhibit "A" which is attached hereto and made a part hereof.

This easement is granted to the said Rice Creek Watershed District pursuant to a grant to said district from the United States Environmental Protective Agency under Section 316 P.L. 92-500.

There is reserved to the grantor the right and privilege to use the above-described land at any time and in any manner and for any purpose not inconsistent with the easement herein granted, including further encroachment for buildings or building supports which do not, in fact, impede the flowage area.

Dated December 31st, 1980.

BAPTIST GENERAL CONFERENCE

By James L. Ruppel
Its Trustee President

and
By Paul V. DeLong
Its Trustee Secretary

No Deed Tax

ENTERED IN TRANSFER RECORDS
Jan. 13 1981
LOU McKENNA
Recorder, Ramsey County, Minnesota
[Signature]

6303 \$60.00 -

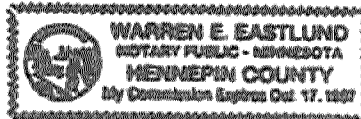
2103663
JAN 13 11 24 AM '81

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

On this 31st day of December, 1980, before me, a notary public within and for said County, personally appeared Joseph L. Cupp, Sr. and Carl V. Goding to me personally known, who, being each by me duly sworn did say that they are respectively the President and the Secretary of the Baptist General Conference, the corporation named in the foregoing instrument, that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Trustees; and said Joseph L. Cupp, Sr. and Carl V. Goding acknowledged said instrument to be the free act and deed of said corporation.

2103663


Notary Public



This instrument was drafted by
Warren E. Eastlund, Atty. at Law
Minneapolis, Minnesota

A 100.00 foot perpetual easement for County ditch purposes over, under and across the following described property:

The Northwest Quarter of Section 27 and the Southwest Quarter of Section 27, all in Township 30, Range 23, Ramsey County, Minnesota.

Said perpetual easement being 50.00 feet to the right and 50.00 feet to the left of the following described line. Said line is described as follows:

Commencing at the northeast corner of said Southwest Quarter; thence on an assumed bearing of South along the east line of said Southwest Quarter a distance of 862.82 feet to the point of beginning of the line to be described; thence North 15 degrees West a distance of 76.56 feet; thence North 85 degrees 23 minutes 07 seconds West a distance of 208.97 feet; thence northwesterly a distance of 137.16 feet along a tangential curve concave to the northeast having a radius of 161.59 feet and a central angle of 46 degrees 50 minutes 31 seconds; thence North 38 degrees 32 minutes 36 seconds West tangent to last curve a distance of 185.07 feet; thence northerly a distance of 147.41 feet along a tangential curve concave to the east having a radius of 157.88 feet and a central angle of 55 degrees 14 minutes 39 seconds; thence North 16 degrees 42 minutes 03 seconds East tangent to last curve a distance of 166.25 feet; thence northerly a distance of 62.57 feet along a tangential curve concave to the west having a radius of 79.70 feet and a central angle of 44 degrees 56 minutes 08 seconds; thence North 28 degrees 14 minutes 05 seconds West tangent to last curve a distance of 104.04 feet; thence westerly a distance of 95.09 feet along a tangential curve concave to the South having a radius of 63.24 feet and a central angle of 86 degrees 58 minutes 20 seconds; thence South 64 degrees 46 minutes 35 seconds West tangent to last curve a distance of 86.43 feet; thence westerly a distance of 112.24 feet along a tangential curve concave to the north having a radius of 128.22 feet and a central angle of 50 degrees 09 minutes 13 seconds; thence North 65 degrees 04 minutes 12 seconds West tangent to last curve a distance of 171.71 feet and said line there terminating.

A 90.00 foot perpetual easement for County ditch purposes over, under and across the first above described property. Said perpetual easement being 40.00 feet to the right and 50.00 feet to the left of the following described line. Said line is described as follows:

Beginning at the terminus of the above described line; thence westerly a distance of 95.09 feet along a tangential curve to the south (being tangential with the above described line) having a radius of 204.67 feet and a central angle of 40 degrees 15 minutes and said line there terminating.

A 100.00 foot perpetual easement for County ditch purposes over, under and across the first above described property. Said perpetual easement being 50.00 feet to the right and 50.00 feet to the left of the following described line. Said line is described as follows:

Beginning at the terminus of the last above described line; thence South 74 degrees 40 minutes 48 seconds West, a distance of 105.05 feet; thence westerly a distance of 125.18 feet along a tangential curve concave to the north having a radius of 188.44 feet and a central angle of 38 degrees 03 minutes 43 seconds; thence North 67 degrees 15 minutes 29 seconds West tangent to last curve a distance of 313.75 feet to a point on the north line of said Southwest Quarter distant 1011.75 feet east of the northwest corner thereof; thence North 67 degrees 15 minutes 29 seconds West a distance of 50 feet to the southeasterly shore line of Valentine Lake and said line there terminating.

The side lines of said easements are prolonged or shortened to terminate on said southeasterly shore line of Valentine Lake and on said east line of the Southwest Quarter of Section 27.

EXHIBIT A

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10/15/19

2103663

*Count
Baptist
to
Rice*

STATE OF MINNESOTA		SS
County of Ramsey		
Office of the County Recorder		
This is to certify that the within instrument was filed for record in this office at St. Paul on the <u>13</u> day of <u>May</u> A.D. 19 <u>21</u> at <u>12:00</u> o'clock P.M. and that the same was recorded in Ramsey County Records as Doc. No. <u>2103663</u> .		
EUGENE H. GIBBONS COUNTY RECORDER		
By _____		

*Return to: F. J. Ramsey
907 Avenue of Honor Bldg
St. Paul, Minn.
55101*

Exhibit C

Abandonment Order

Recorded Doc. #2261980.

file Co. Ditch 12

RICE CREEK WATERSHED DISTRICT

FINDINGS OF FACT, CONCLUSIONS
AND ORDER FOR ABANDONMENT OF
COUNTY DITCH NO. 12

2261980

50.14 52 9 12 14

The above-entitled matter came on for public hearing on April 24, 1985, before the Board of Managers of the Rice Creek Watershed District pursuant to the Petition for Abandonment of County Ditch No. 12 submitted to the District by the City of Shoreview, Minnesota and by the City of Arden Hills, Minnesota that the Board of Managers determine and adjudge that said County Ditch No. 12 is no longer a public benefit or utility and determine that the same is and hereby be abandoned and vacated. And it appearing that said Petition was duly filed herein and that due and lawful publication thereof has been duly made for a period of three weeks prior to the public hearing hereof and that more than 10 days have elapsed since the last publication thereof and that the procedural requirements of Minnesota Statutes Sections 106.661 and 112.48 have been lawfully and duly complied with. Appearing in favor of the Petition were MAYOR WOODBURN and CITY ENGR. J. FENENDAEL, witnesses on behalf of the Cities of Arden Hills and Shoreview, respectively, and Bruce W. Burton, attorney for Woodbridge Properties, Inc. NO - ONE appeared in opposition.

NOW, AFTER SAID DUE PUBLIC HEARING, said Board of Managers of the Rice Creek Watershed District hereby makes the following:

FINDINGS OF FACT

1. County Ditch No. 12, Ramsey County, Minnesota, is a ditch project which affects lands exclusively within the City of Arden Hills, Minnesota and the City of Shoreview, Minnesota, said lands being more fully described upon Exhibit A attached hereto and made a part hereof.
2. That all of the lands and property assessed for the benefits of said County Ditch No. 12 are described upon said Exhibit A.
3. That the entire area serviced by said County Ditch No. 12 within the Rice Creek Watershed District is affected, being more particularly those areas upon which the easement for said County Ditch No. 12 has been created as shown upon the map of said County Ditch No. 12 attached hereto as Exhibit B and made a part hereof.

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0861972

4. That the need and necessity for such abandonment is that said County Ditch No. 12 is no longer of public benefit and utility to the lands formerly served thereby, which have generally been abandoned for agriculture, and that said Ditch has ceased to function and its restoration is not practical by reason of the completion of major storm sewer systems as established by said City of Shoreview, Minnesota and City of Arden Hills, Minnesota serving said lands described upon Exhibits A and B; and the continued presence of the easement for said Ditch has become an impediment to the further productive development of the lands upon which said easement is located.

5. That the abandonment of said County Ditch No. 12 will be conducive to the public health, convenience and welfare, including without limitation the removal of the easement therefrom from those locations throughout the lands described upon said Exhibits A and B where permanent buildings and other improvements have been erected upon said unused easement, where unmaintained portions or segments of said Ditch without inlets or outlets continue to exist, and where new development and improvements within the municipalities is deterred by reason of the existence of the Ditch Easement upon the proposed development sites.

CONCLUSIONS

1. That said County Ditch No. 12 is no longer a public benefit and utility because of (i) installation of major storm sewers by the aforesaid Cities in the drainage area initially served by said County Ditch No. 12; (ii) by reason of the general abandonment for agricultural uses of the lands formerly served thereby; and (iii) said Ditch has ceased to perform its function and its restoration is not practical.

2. That the abandonment and vacation herein of said County Ditch No. 12 is being sought and completed in accord with Minnesota Statutes Sections 106.661 and 112.48 in order to permit the more effective and efficient development of the lands within the area formerly serviced by said County Ditch No. 12 and to remove as an encumbrance of record the easements created for said Ditch.

3. That said abandonment is conducive to the public health, convenience and welfare.

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NOW, THEREFORE, IT IS HEREBY ORDERED that said Petition for Abandonment of County Ditch No. 12 be and is hereby granted and that the resolution of this Board of Managers of the Rice Creek Watershed District abandoning and vacating hereby the easement for said County Ditch No. 12 is hereby entered accordingly.

BOARD OF MANAGERS OF RICE CREEK WATERSHED DISTRICT

By E. A. Peterson
Its President

Dated: April 24, 1985.

Return Drafted by
Frank J. Murray
Attorney for Rice Creek Watershed District
734 Minnesota Bldg.
St. Paul, Mn. 55101
222-5549

RECEIVED BY AUDITOR
April 25 1985
J. J. McKENNA
Auditor, Valley County, Minnesota
By D. Berger

EXHIBIT A

LANDS ASSESSED FOR CONSTRUCTION OF COUNTY DITCH NO. 12, RAMSEY
COUNTY MINNESOTA:

PARCEL A:

The Southwest 1/4 of the Northwest 1/4, Section 26,
Township 30, Range 23;

PARCEL B:

The Northwest 1/4 of the Southeast 1/4, Section 27,
Township 30, Range 23;

PARCEL C:

The East 1/2 of the Southeast 1/4, Section 27, Township
30, Range 23;

PARCEL D:

The Southwest 1/4 of the Southeast 1/4, Section 27,
Township 30, Range 23;

PARCEL E:

The North 60 acres of the Southwest 1/4, Section 26,
Township 30, Range 23;

PARCEL F:

The North 55 acres of the South 100 acres of the
Southwest 1/4, Section 26, Township 30, Range 23;

PARCEL G:

The South 45 acres of the Southwest 1/4, Section 26,
Township 30, Range 23;

PARCEL H:

Lexington Avenue Right-of-Way lying within the South-
east 1/4, Section 27, Township 30, Range 23.

AND THE Northwest 1/4 of the Southeast 1/4, Section 26, Township 30,
Range 23.

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COUNTY DITCH No. 12

SECS 28, 27, 25, 24, 23.

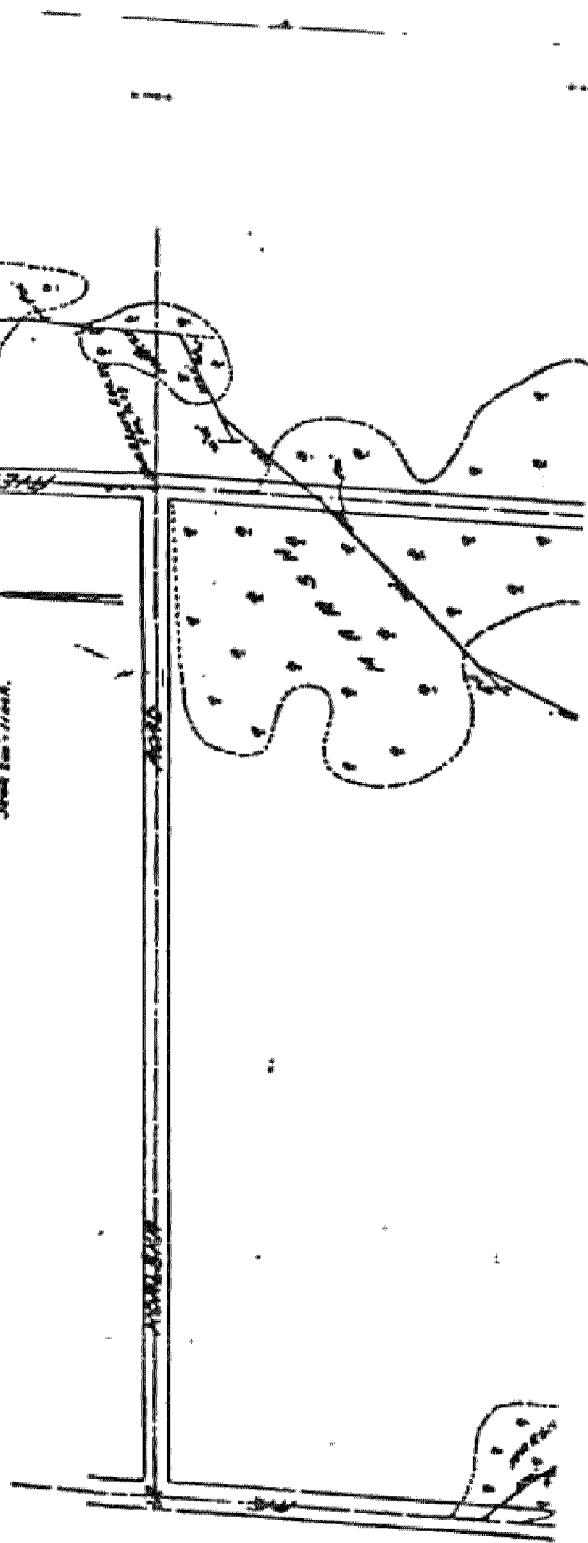
Small section.

1112

1112

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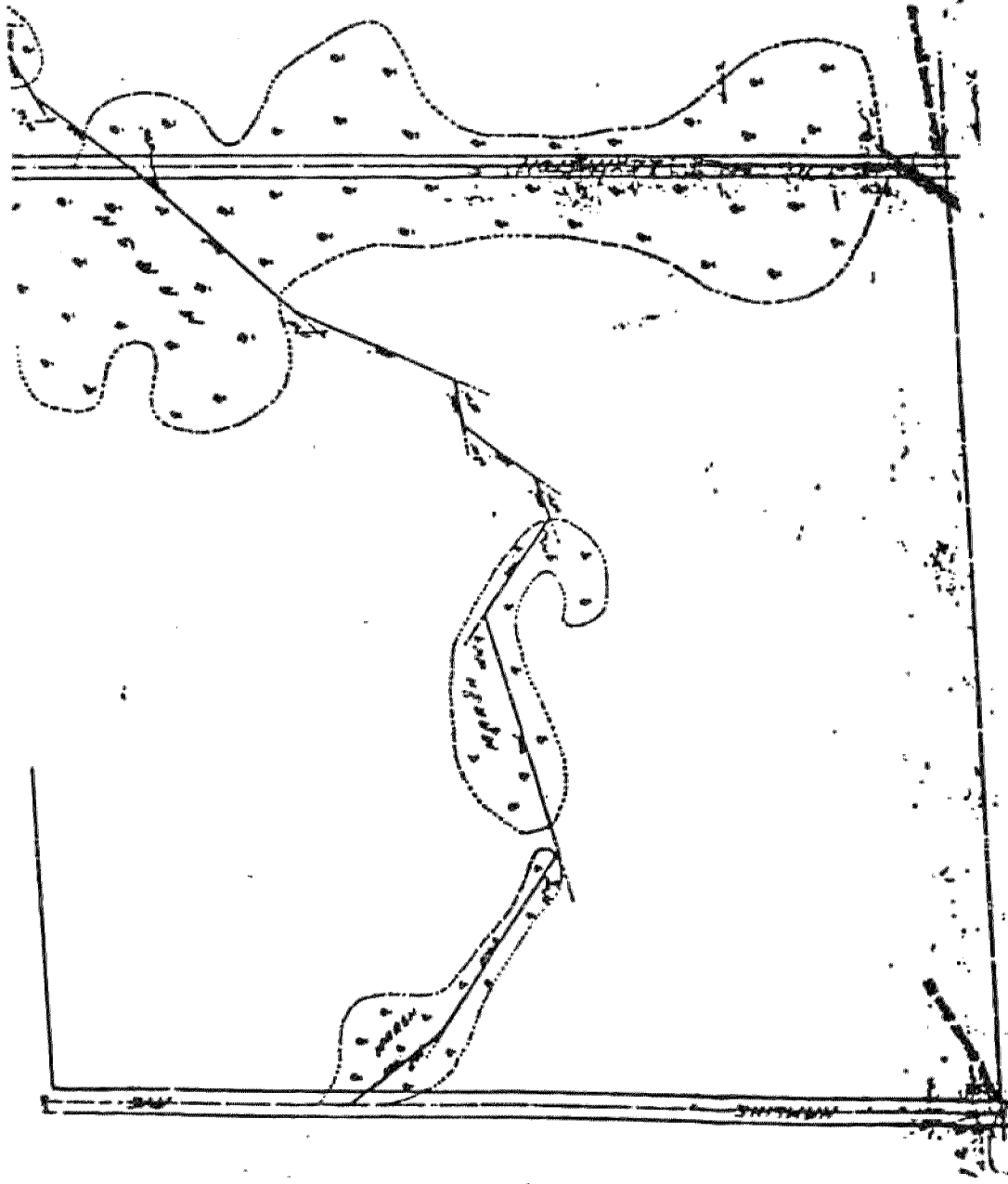
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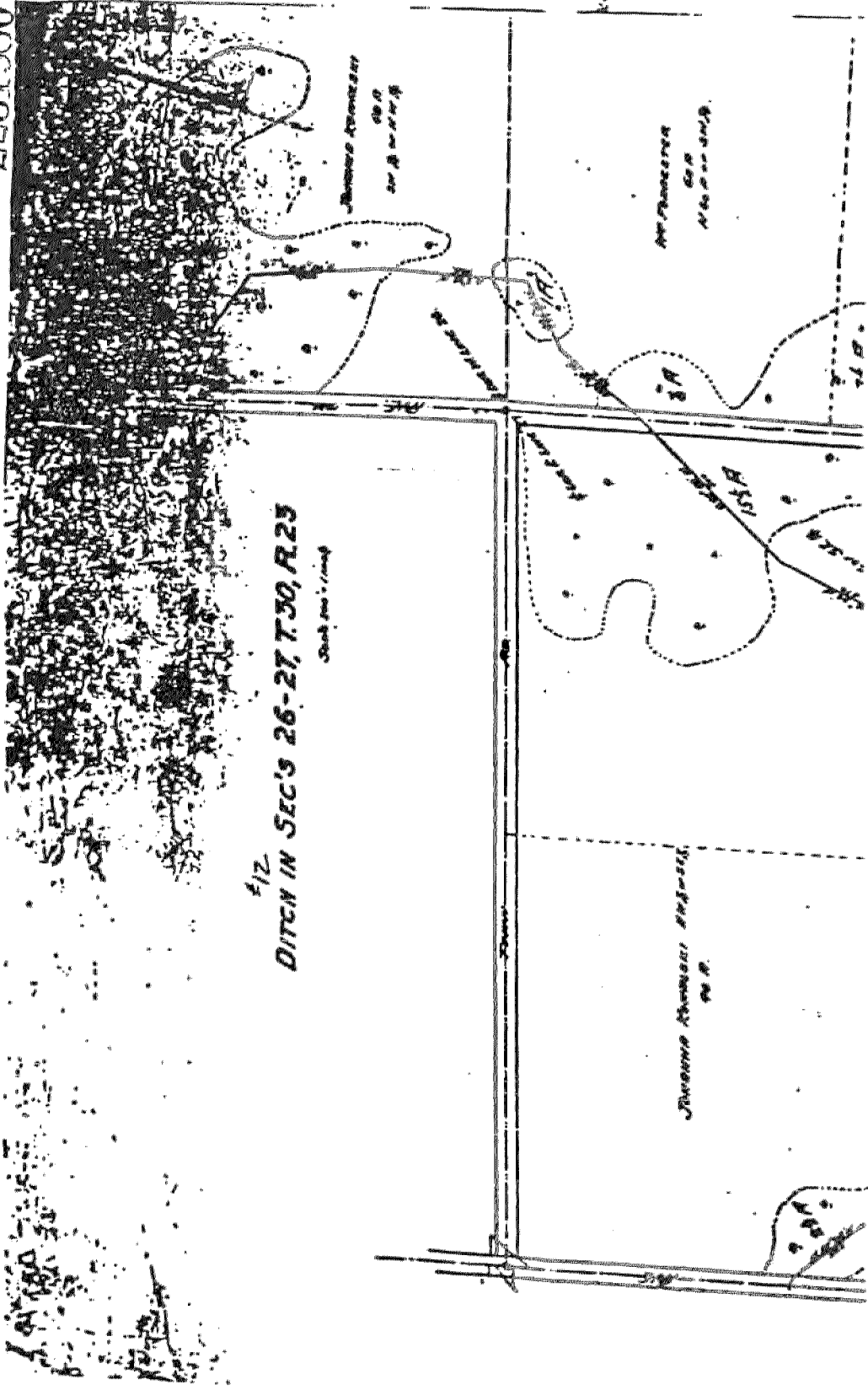
EXHIBIT

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xxx
R

2261980

~~X~~
Order
Reid
to
Public

STATE OF MINNESOTA) ss
 County of Ramsey)
 Office of the County Recorder

we do hereby certify that the within instrument
 is a true and correct copy of the original instrument
 as the same was recorded in the office of the County
 Recorder at St. Paul, Minnesota, on the 26th day of
 August, 1982, and that the same was duly
 recorded in the office of the County Recorder
 at St. Paul, Minnesota, on the 26th day of
 August, 1982.

EUGENE M. GIBSONS
 COUNTY RECORDER

By *Eugene M. Gibsons*