



## Department of Public Works

Kenneth G. Haider, P.E., Director and County Engineer

1425 Paul Kirkwold Drive

Arden Hills, MN 55112-3933 • (651) 266-7100 • Fax (651) 266-7110

E-mail: Public.Works@co.ramsey.mn.us

April 27, 2007

Ms. Maria Perez  
Engineer Technician  
Rice Creek Watershed District  
4325 Pheasant Ridge Dr., NE #611  
Blaine, MN 55449-4539

RE: Ditch Easement A/R JD 1, Branch 2 (RCWD Permit 05-133)

Maria,

I had our notary initial the change.

James E. Tolaas, P.E.  
Project Engineer

JET:pkt

Enclosure: Easement

**Received**  
APR 30 2007  
RICE CREEK  
Watershed District

**PERMANENT DRAINAGE, PONDING AND DITCH MAINTENANCE**  
**EASEMENT**

Whitewater Properties I, LLC, a Limited Liability Corporation organized under the laws of Minnesota, GRANTOR, does hereby grant and convey a perpetual easement for drainage and ponding to the Rice Creek Watershed District, a Political Subdivision of the State of Minnesota with powers set forth at Minnesota Statutes Chapters 103B and 103D, GRANTEE, under the terms set forth herein.

**WITNESSETH**

WHEREAS, GRANTOR is the owner in fee of certain real property (the "Burdened Property") located in Anoka County, Minnesota, designated by Anoka County Property Identification No. 34.31.23.43.0001 and legally described:

That part of the South Half of the Southeast Quarter of Section 34, Township 31 North, Range 23 West, lying Westerly of a line described as commencing at a point on the North line of Section 5, Township 30 North, Range 23 West, distant 523.15 feet West of the Northeast corner thereof; thence run Northerly at an angle of 89 degrees 40 minutes with said North Section line (measured from West to North) for 466.40 feet; thence deflect to the right on a 6 degree 00 minute curve (delta angle 27 degrees 04 minutes 06 seconds) for 451.14 feet; thence on tangent to said curve for 380.90 feet; thence deflect to the left on a 6 degree 00 minute curve (delta angle 27 degrees 44 minutes 10 seconds) for 462.27 feet and there terminating, according to the Government Survey thereof, Anoka County, Minnesota. Subject to roads and easements of record.

WHEREAS, GRANTOR and GRANTEE desire to provide for an easement in perpetuity over a portion of the Burdened Property in favor of GRANTEE for the purpose of maintaining Anoka County Ditch 1, Branch 2 across the Burdened Property.

*RAMSEY JUDICIAL PKT*

WHEREAS, GRANTOR warrants that it has the full power to convey this easement according to its terms, and that the Easement Area is free and clear of all encumbrances.

NOW THEREFORE, in consideration of the premises, for one dollar and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by GRANTOR, the parties agree as follows.

1. GRANTOR hereby grant to Grantee an easement in perpetuity on and under that real property located within the Burdened Property graphically illustrated in attached Exhibit A and legally described as follows (the "Easement Area"):

Commencing at the northeast corner of Section 5, Township 30 North, Range 23 West; thence on an assumed bearing of North 89 degrees 51 minutes 38 seconds West along the north line of said Section 5 (also being the south line of the Southeast Quarter of Section 34, Township 31 North, Range 23 West) a distance of 523.15 feet; thence North 0 degrees 11 minutes 38 seconds West, 466.40 feet; thence northeasterly 451.14 feet along the arc of a tangential curve concave to the southeast having a central angle of 27 degrees 04 minutes 06 seconds and a radius of 954.93 feet; thence North 26 degrees 52 minutes 28 seconds East, 294.16 feet; thence North 63 degrees 07 minutes 32 seconds West, 60.00 feet to the point of beginning; thence North 35 degrees 00 minutes 00 seconds West, 91.80 feet; thence northwesterly 143.57 feet along the arc of a tangential curve concave to the southwest having a central angle of 54 degrees 50 minutes 20 seconds and a radius of 150.00 feet to the north line of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89 degrees 50 minutes 20 seconds West, along said north line, a distance of 378.88 feet; thence South 0 degrees 09 minutes 40 seconds West, 100.00 feet; thence South 89 degrees 50 minutes 20 seconds East, 378.88 feet; thence southeasterly 47.86 feet along the arc of a tangential curve concave to the southwest having a central angle of 54 degrees 50 minutes 20 seconds and a radius of 50.00 feet; thence South 35 degrees 00 minutes 00 seconds East, 145.26 feet; thence North 26 degrees 52 minutes 28 seconds East, 113.39 feet to the point of beginning.

Said "Easement Area" containing 59,313 square feet (1.362 acres) more or less.

2. The easement in perpetuity granted herein is for flowage within the Easement Area and allows GRANTEE to use the Easement Area to construct, maintain, inspect, repair and reconstruct a ditch or buried tile to convey water across the Burdened Property.

3. For the purposes described in paragraph 2, GRANTEE may operate motorized and non-motorized vehicles and equipment; store equipment and materials; temporarily stockpile spoils, sediments and debris; place and erect temporary structures; and all other activities necessary or convenient for those purposes. GRANTEE shall pay for or repair any damage to the Burdened Property caused by its activity on the Easement Area under this easement. GRANTEE may cross and recross the Burdened Property at reasonable times and locations in order to conduct any activity authorized under this Easement.

4. GRANTOR may use the Easement Area for any purpose that does not diminish the hydraulic capacity of the ditch or tile and does not interfere with activity of GRANTEE under this Easement.

5. This Easement is perpetual without being rerecorded; shall run with and burden the Burdened Property; and shall be binding on GRANTOR's representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, this Easement is executed as of the  
2 day of May, 2006.

GRANTOR: I, LLC  
WHITEWATER PROPERTIES, INC. Pkt  
A MINNESOTA CORPORATION

By: Limited Liability  
C. Mulls  
Its: Chief Manager

GRANTEE  
RICE CREEK WATERSHED DISTRICT

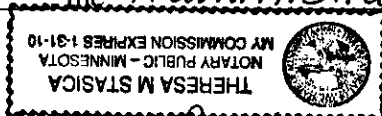
By: [Signature]  
Its: Minister

#### ACKNOWLEDGMENT

STATE OF MINNESOTA )  
COUNTY OF Ramsey ) ss

The foregoing instrument was acknowledged before me this 2 day of May,  
2006, by Jerome A. Miller, Chief Manager of Whitewater Properties I,  
X LLC and Steve Hobbs the Administrator of

the Rice Creek Watershed District.



Theresa M. Stasica  
Pamela K Thompson  
NOTARY PUBLIC

This instrument was drafted by:  
Ramsey County Public Works  
1425 Paul Kirkwold Drive  
Arden Hills, MN 55117

S.A.P.: 02-632-14  
S.A.P.: 62-01-11  
Parcel No.16  
Permanent Drainage/Ponding Easement  
PID No.34.31.23.43.0001

# PARCEL 16

Whitewater Properties, Inc.  
Property Address:  
Unassigned  
Blaine, MN 55449

SCALE: 1" = 160'

## RIGHT OF WAY NEEDS:

### ANOKA COUNTY:

PERMANENT EASEMENT = 36,328 sq ft  
TEMPORARY EASEMENT = 27,236 sq ft

### CITY OF BLAINE:

PERMANENT EASEMENT = 94,577 sq ft  
TEMPORARY EASEMENT = 19,017 sq ft

### RICE CREEK WATERSHED:

DRAINAGE EASEMENT = 59,371 sq ft

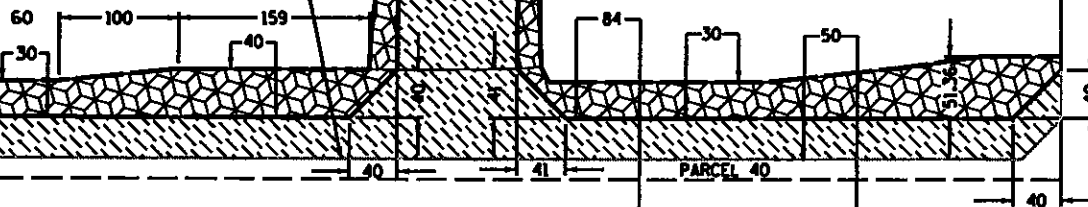
SW 1/4 - SE 1/4  
OF SEC.  
34

## LEGEND

- PERMANENT ROADWAY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- DRAINAGE EASEMENT

THE W. LINE OF THE SW 1/4  
OF SE 1/4 OF SEC. 34

INPLACE R/W PER ANOKA  
COUNTY HIGHWAY  
RIGHT-OF-WAY PLAT NO. 39



THE S. LINE OF THE SW 1/4 OF SE 1/4 OF SEC. 34

WEST 35W SERVICE DRIVE



PHONE: 651/490-2000  
3535 YADNAIS CENTER DR.  
ST. PAUL, MN 55110

FILE NO.  
ARAMSE0503.00  
DATE:  
02/01/2006

COUNTY ROAD J IMPROVEMENTS  
RIGHT OF WAY NEEDS - PIN 343123430001  
ANOKA COUNTY, MINNESOTA

EXHIBIT A  
Parcel No.  
16

**PARCEL 16 (page 5 of 5)**

Whitewater Properties, Inc.  
Property Address:  
Unsigned  
Blaine, MN 55449

**RIGHT OF WAY NEEDS:**

ANOKA COUNTY:  
PERMANENT EASEMENT = 36,328 sq ft  
TEMPORARY EASEMENT = 27,236 sq ft

CITY OF BLAINE:  
PERMANENT EASEMENT = 94,577 sq ft  
TEMPORARY EASEMENT = 19,017 sq ft

RICE CREEK WATERSHED:  
DRAINAGE EASEMENT = 59,371 sq ft



SCALE: 1" = 60'

12/24/49 PM

02/01/2006

map Id 16.5of5

x:\p\ramse\050300\row\row Impacts\p\shits\ramse05031\_rw.dgn

DRAINAGE EASEMENT

CONSTRUCTION LIMITS

CONSTRUCTION LIMITS

521  
905.22

INPLACE R/W



**COUNTY ROAD J ROADWAY IMPROVEMENTS**  
**RIGHT OF WAY NEEDS - PIN 343123430001**

**EXHIBIT**  
**A**

**Exhibit B**  
**Parcel No. 16R**  
**County Road J Improvements**  
**2/3/06**

**Owner:**        **Whitewater Properties I, LLC**

**P.I.N. :**        **34-31-23-43-0001**

**Description of Easement:**

A permanent easement for drainage and utility purposes over, under and across the following described parcel:

That part of the South Half of the Southeast Quarter of Section 34, Township 31 North, Range 23 West, lying Westerly of a line described as commencing at a point on the North line of Section 5, Township 30 North, Range 23 West, distant 523.15 feet West of the Northeast corner thereof; thence run Northerly at an angle of 89 degrees 40 minutes with said North Section line (measured from West to North) for 466.40 feet; thence deflect to the right on a 6 degree 00 minute curve (delta angle 27 degrees 04 minutes 06 seconds) for 451.14 feet; thence on tangent to said curve for 380.90 feet; thence deflect to the left on a 6 degree 00 minute curve (delta angle 27 degrees 44 minutes 10 seconds) for 462.27 feet and there terminating, according to the Government Survey thereof, Anoka County, Minnesota. Subject to roads and easements of record.

Said permanent easement for drainage and utility purposes being that part of the above described parcel which lies within the following described area:

Commencing at the northeast corner of Section 5, Township 30 North, Range 23 West; thence on an assumed bearing of North 89 degrees 51 minutes 38 seconds West along the north line of said Section 5 (also being the south line of the Southeast Quarter of Section 34, Township 31 North, Range 23 West) a distance of 523.15 feet; thence North 0 degrees 11 minutes 38 seconds West, 466.40 feet; thence northeasterly 451.14 feet along the arc of a tangential curve concave to the southeast having a central angle of 27 degrees 04 minutes 06 seconds and a radius of 954.93 feet; thence North 26 degrees 52 minutes 28 seconds East, 294.16 feet; thence North 63 degrees 07 minutes 32 seconds West, 60.00 feet to the point of beginning; thence North 35 degrees 00 minutes 00 seconds West, 91.80 feet; thence northwesterly 143.57 feet along the arc of a tangential curve concave to the southwest having a central angle of 54 degrees 50 minutes 20 seconds and a radius of 150.00 feet to the north line of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89 degrees 50 minutes 20 seconds West, along said north line, a distance of 378.88 feet; thence South 0 degrees 09 minutes 40 seconds West, 100.00 feet; thence South 89 degrees 50 minutes 20 seconds

East, 378.88 feet; thence southeasterly 47.86 feet along the arc of a tangential curve concave to the southwest having a central angle of 54 degrees 50 minutes 20 seconds and a radius of 50.00 feet; thence South 35 degrees 00 minutes 00 seconds East, 145.26 feet; thence North 26 degrees 52 minutes 28 seconds East, 113.39 feet to the point of beginning.

Said permanent easement containing 59,313 square feet (1.362 acres) more or less.