

DECLARATION OF RESIDENTIAL BUILDING RESTRICTION

This Declaration creates a restriction on the right to construct a residential building on the Burdened Parcel described below and is made on the dates indicated below.

RECITALS

SINCE Roger R. Borgmeier, Trustee of the Roger R. Borgmeier Trust and Patricia E. Borgmeier, Trustee of the Patricia E. Borgmeier Trust [Trusts] are conveying the property described below to **Chad M. Borgmeier**, a married person, by means of a Contract for Deed dated _____, 2025; and

SINCE, the real property being transferred to Chad M. Borgmeier is described on Exhibit A [Benefitted Parcel]:

SINCE Roger R. Borgmeier, Trustee of the Roger R. Borgmeier Trust and Patricia E. Borgmeier, Trustee of the Patricia E. Borgmeier Trust are retaining 133.01 acres of real estate as described on the attached Exhibit B [Retained Parcel];

SINCE the Trusts are transferring the residential development right to the Benefitted Parcel from that portion of the Retained Parcel described as the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) Section 26, Township 108 North, Range 26 West, Blue Earth County, Minnesota [Burdened Parcel]; and

SINCE the Resolution of the Mankato Township Board recorded as Document Number _____ in the Blue Earth County Land Records Office requires a deed restriction which will restrict the right to construct a residential building on the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) Section 26, Township 108 North, Range 26 West, Blue Earth County, Minnesota [Burdened Parcel]; and

SINCE the parties named above are willing to consent to this transfer and place a residential development restriction on the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) Section 26, Township 108 North, Range 26 West, Blue Earth County, Minnesota [Burdened Parcel];

DECLARATION OF DEED RESTRICTION COVENANT

NOW, THEREFORE, Roger R. Borgmeier, Trustee of the Roger R. Borgmeier Trust and Patricia E. Borgmeier, Trustee of the Patricia E. Borgmeier Trust, and Chad M. Borgmeier, a married person, do hereby declare that the real property legally described as the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) Section 26, Township 108 North, Range 26 West, Blue Earth County, Minnesota [Burdened Parcel] shall be held, transferred, sold and conveyed subject to the covenants and restrictions stated below.

COVENANTS AND RESTRICTIONS

1. **No Residential Dwelling on Burdened Parcel.** Pursuant to the Mankato Township Land Use Ordinances, the placement or construction of any building that is designed for residential occupancy on the Burdened Parcel, or otherwise meets the definition of a "dwelling" as defined in the Mankato Township Land Use Ordinance is prohibited until the time that the Burdened Parcel meets the Density Regulations for Dwellings standards set forth in the Mankato Township Land Use Ordinance, Minnesota Statutes, Minnesota Rules or other applicable law as amended, or until the Burdened Parcel may be annexed into a municipality or is connected to municipal sewer or water services.
2. **Removal of Restriction on the Burdened Parcel.** If the Burdened Parcel does meet the Density Regulations for Dwellings standards set forth in the Mankato Township Land Use Ordinance, Minnesota Statutes, Minnesota Rules or other applicable law, or the property is annexed into a municipality or is provided with municipal sewer or water services, then the owner of the Burdened Parcel shall have the right to file a document terminating this Declaration and releasing all or a portion of the Burdened Parcel from this deed restriction in accordance with the law.
3. **Deemed Satisfaction of Requirements to Create Deed Restriction.** Any and all requirements of the laws of the State of Minnesota to be satisfied in order for the provisions of this Declaration to constitute a deed restriction and covenant running with the land shall be deemed to be satisfied in full, and any requirements or privileges of the estate are intended to be satisfied, or in the alternate, an equitable servitude has been created to insure that these covenants and restrictions run with the land. Each deed or other instrument executed after this Declaration conveying the Burdened Parcel or any portion of the Burdened Parcel (excluding instruments granting security interests, such as mortgages) shall expressly provide that the conveyance is subject to this Declaration. The restrictions contained in this Declaration shall survive and be effective regardless of whether the deed or other instrument executed after this Declaration conveying the Burdened Parcel or any portion of the Burdened Parcel provides that the conveyance is subject to this Declaration.

4. **Enforcement.** If the Burdened Parcel encumbered by this Declaration is found to be out of compliance with the terms of this Declaration, Mankato Township may take any action, including legal, equitable or administrative action, in law or equity, which may appear necessary or desirable to enforce performance and observance of any obligation, agreement, or restriction contained in this Declaration.
5. **Annexation.** If any portion of the Burdened Parcel is annexed into a municipal corporation, that municipal corporation shall succeed to the rights of Mankato Township, and the density regulations for determination of release or modification of the restrictions in this Declaration shall be those of the annexing municipal corporation under its' applicable zoning ordinance.
6. **Law That Governs.** The laws and regulations of the State of Minnesota and of the local government unit shall govern the terms and enforcement of this Declaration. Any litigation regarding this Declaration shall occur in the District Court in Blue Earth County, Minnesota.
7. **Severable Provisions.** If any provision of this Declaration is held to be illegal, invalid or unenforceable under any present or future law:
 - 7.1. That provision will be fully severable;
 - 7.2. This Declaration will be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Declaration;
 - 7.3. The remaining provisions of this Declaration will remain in full force and effect and will not be affected by the illegal, invalid or unenforceable provision or by its severance from this Declaration.
8. **No Public Grant or Dedication.** Nothing contained in this Declaration shall be deemed to be a gift or dedication of any portion of the real estate to the general public, or for any public use or purpose whatsoever.
9. **Amendment.** This Declaration may be amended or terminated only by a written instrument executed by the owners of the Benefitted Parcel and the Burdened Parcel and consented to in writing by Mankato Township or the successor local government unit.
10. **Captions and Capitalized Terms.** The captions preceding the text of each article and section are included only for convenience of reference. Captions shall be disregarded in the construction and interpretation of the Declaration. Capitalized terms do not necessarily have any connection to the meaning that might otherwise be attached to those terms in a context outside of this Declaration.


Chad M. Borgmeier

STATE OF MINNESOTA)
COUNTY OF Blue Earth) ss.

This instrument was acknowledged before me on November 10, 2025, by
Chad M. Borgmeier, a married person.

Notary Public



**Roger R. Borgmeier, Trustee of
the Roger R. Borgmeier Trust**

**Patricia E. Borgmeier, Trustee of
the Patricia E. Borgmeier Trust**

State of Minnesota)
County of Blue Earth) ss.
)

The foregoing instrument was acknowledged before me on November 10, 2011, by **Roger R. Borgmeier, Trustee of the Roger R. Borgmeier Trust and Patricia E. Borgmeier, Trustee of the Patricia E. Borgmeier Trust.**

Notary Public



This document drafted by:

Karl O. Friedrichs
Friedrichs Law Office, P.A.
624 South Second Street
Mankato, Minnesota 56001
507-345-7503

DESCRIPTION

That part of the Northeast Quarter of Section 26, Township 108 North, Range 26 West, Blue Earth County, Minnesota, described as:

Beginning at the Center of said Section 26; thence North 89 degrees 46 minutes 25 seconds East, (Minnesota County Coordinate System - Blue Earth County Zone - 1996), along the east-west centerline of said Section 26, a distance of 914.70 feet; thence North 00 degrees 13 minutes 35 seconds West, a distance of 679.87 feet; thence North 84 degrees 00 minutes 00 seconds West, a distance of 100.00 feet; thence North 57 degrees 00 minutes 00 seconds West, a distance of 150.00 feet; thence North 82 degrees 00 minutes 00 seconds West, a distance of 50.00 feet; thence South 86 degrees 00 minutes 00 seconds West, a distance of 150.00 feet; thence North 83 degrees 00 minutes 00 seconds West, a distance of 50.00 feet; thence North 69 degrees 00 minutes 00 seconds West, a distance of 250.00 feet; thence North 45 degrees 00 minutes 00 seconds West, a distance of 70.00 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 100.00 feet; thence North 59 degrees 00 minutes 00 seconds West, a distance of 70.00 feet; thence South 89 degrees 33 minutes 33 seconds West, a distance of 103.19 feet to the north-south centerline of said Section 26; thence South 00 degrees 26 minutes 27 seconds East, along said centerline, a distance of 1052.59 feet to the point of beginning.

EXCEPT the following described:

All that part of the Northeast Quarter (NE1/4) of Section Twenty-six (26) described as follows: Beginning at the center of said Section 26, thence East (assumed bearing) on the East and West one quarter line of said Section 26, a distance of 631.12 feet, thence North 336 feet; thence North 82 degrees 20 minutes West, 218 feet; thence South 40 degrees 00 minutes West 21 feet; thence North 86 degrees 00 minutes West 400.45 feet to the North and South one quarter line of said Section 26; thence South 00 degrees 28 minutes West on said one quarter line 377 feet to the place of beginning.

Exhibit A

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CERTIFICATE OF SURVEY BLUE EARTH COUNTY, MINNESOTA



**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

PART OF THE NE 1/4 OF SECTION 26, TOWNSHIP 108
NORTH, RANGE 26 WEST, BLUE EARTH COUNTY,
MINNESOTA

FOR: BORGMEIER, CHAD

SDB140597H

JOB NUMBER: 25X.140597.000

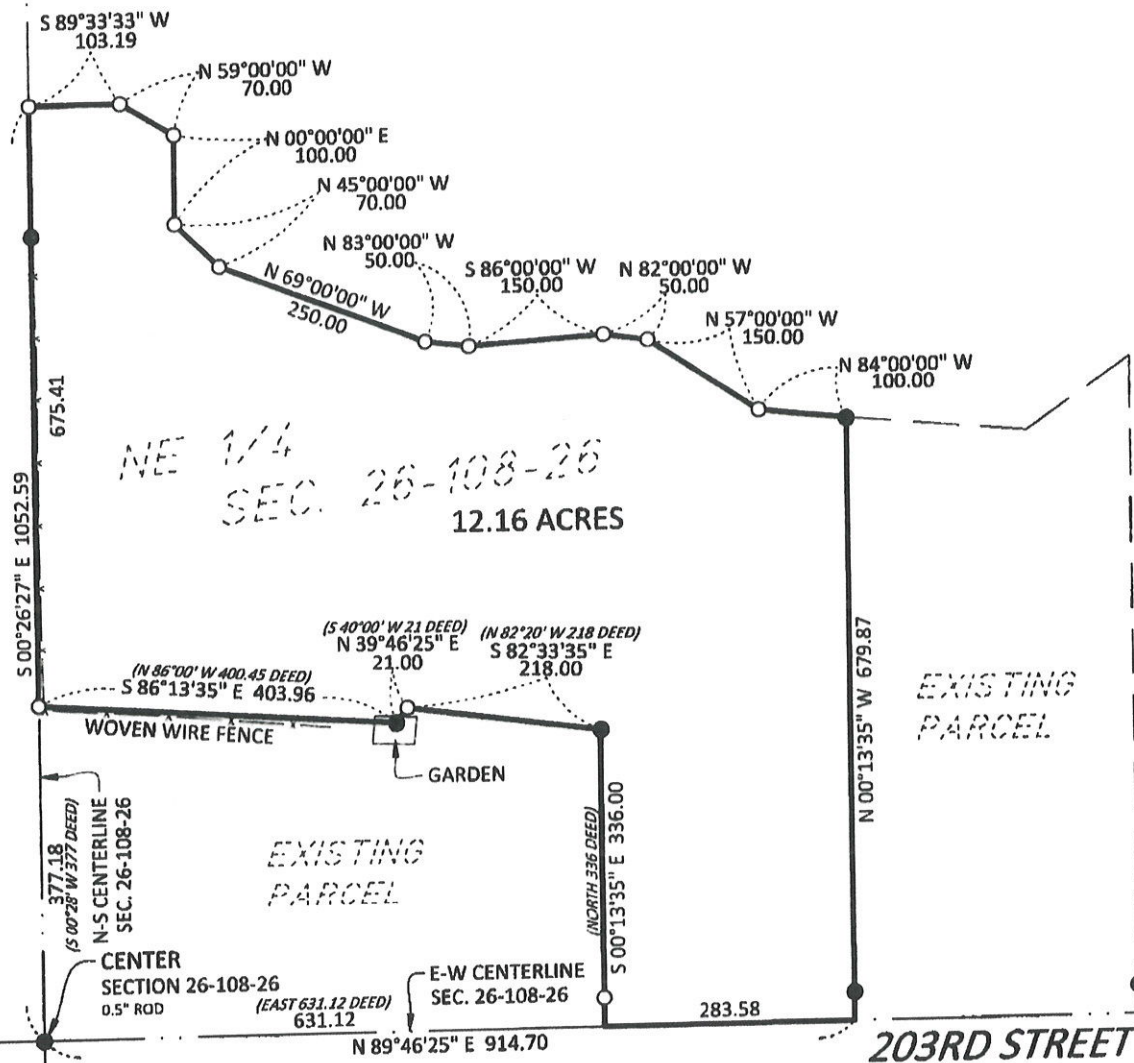
FIELD BOOK:

DRAWN BY: CDT

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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.

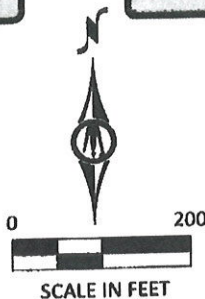
Michael M. Eichers
License Number 46564

10/16/2025
Date

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

Horizontal Datum: Blue Earth County
Coordinate System (1996 Ad.)



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MINNESOTA

FOR: BORGMEIER, CHAD

SDB140597H

JOB NUMBER: 25X.140597.000

FIELD BOOK:

DRAWN BY: CDT

1.0 S26-T108N-R26W-(10)

DESCRIPTION

The Northeast Quarter of Section 26, Township 108 North, Range 26 West, Blue Earth County, Minnesota, except the following described tracts:

Beginning at the Center of said Section 26; thence North 89 degrees 46 minutes 25 seconds East, (Minnesota County Coordinate System - Blue Earth County Zone - 1996), along the east-west centerline of said Section 26, a distance of 914.70 feet; thence North 00 degrees 13 minutes 35 seconds West, a distance of 679.87 feet; thence North 84 degrees 00 minutes 00 seconds West, a distance of 100.00 feet; thence North 57 degrees 00 minutes 00 seconds West, a distance of 150.00 feet; thence North 82 degrees 00 minutes 00 seconds West, a distance of 50.00 feet; thence South 86 degrees 00 minutes 00 seconds West, a distance of 150.00 feet; thence North 83 degrees 00 minutes 00 seconds West, a distance of 50.00 feet; thence North 69 degrees 00 minutes 00 seconds West, a distance of 250.00 feet; thence North 45 degrees 00 minutes 00 seconds East, a distance of 100.00 feet; thence North 59 degrees 00 minutes 00 seconds West, a distance of 70.00 feet; thence South 89 degrees 33 minutes 33 seconds West, a distance of 103.19 feet to the north-south centerline of said Section 26; thence South 00 degrees 26 minutes 27 seconds East, along said centerline, a distance of 1052.59 feet to the point of beginning.

AND

The South 300 feet of the East 726 feet of the East half of the Northeast Quarter (NE1/4) of Section Twenty-six (26), Township 108 North, Range 26 West.

AND

That part of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Twenty-six (26), Township 108 North, Range 26 West, Blue Earth County, Minnesota, described as: Commencing at an iron pipe designating the East Quarter corner of Section Twenty-six (26); thence North 89 degrees, 42 minutes, 18 seconds West, (assumed bearing), along the East - West center line of Section Twenty-six (26) a distance of 1426.67 feet to the point of beginning; thence continuing North 89 degrees, 42 minutes, 18 seconds West, along said East - West center line, 319.24 feet; thence North 00 degrees 17 minutes, 42 seconds East 679.87 feet; thence South 84 degrees 28 minutes 36 seconds East, 201.92 feet; thence North 55 degrees 53 minutes 15 seconds East, 143.22 feet; thence South 00 degrees, 17 minutes, 42 seconds East, 742.40 feet to the point of beginning.

Exhibit B

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PART OF THE NE 1/4 OF SECTION 26, TOWNSHIP 108
NORTH, RANGE 26 WEST, BLUE EARTH COUNTY,
MINNESOTA

FOR: BORGMEIER, CHAD

SDB140597H

JOB NUMBER: 25X.140597.000

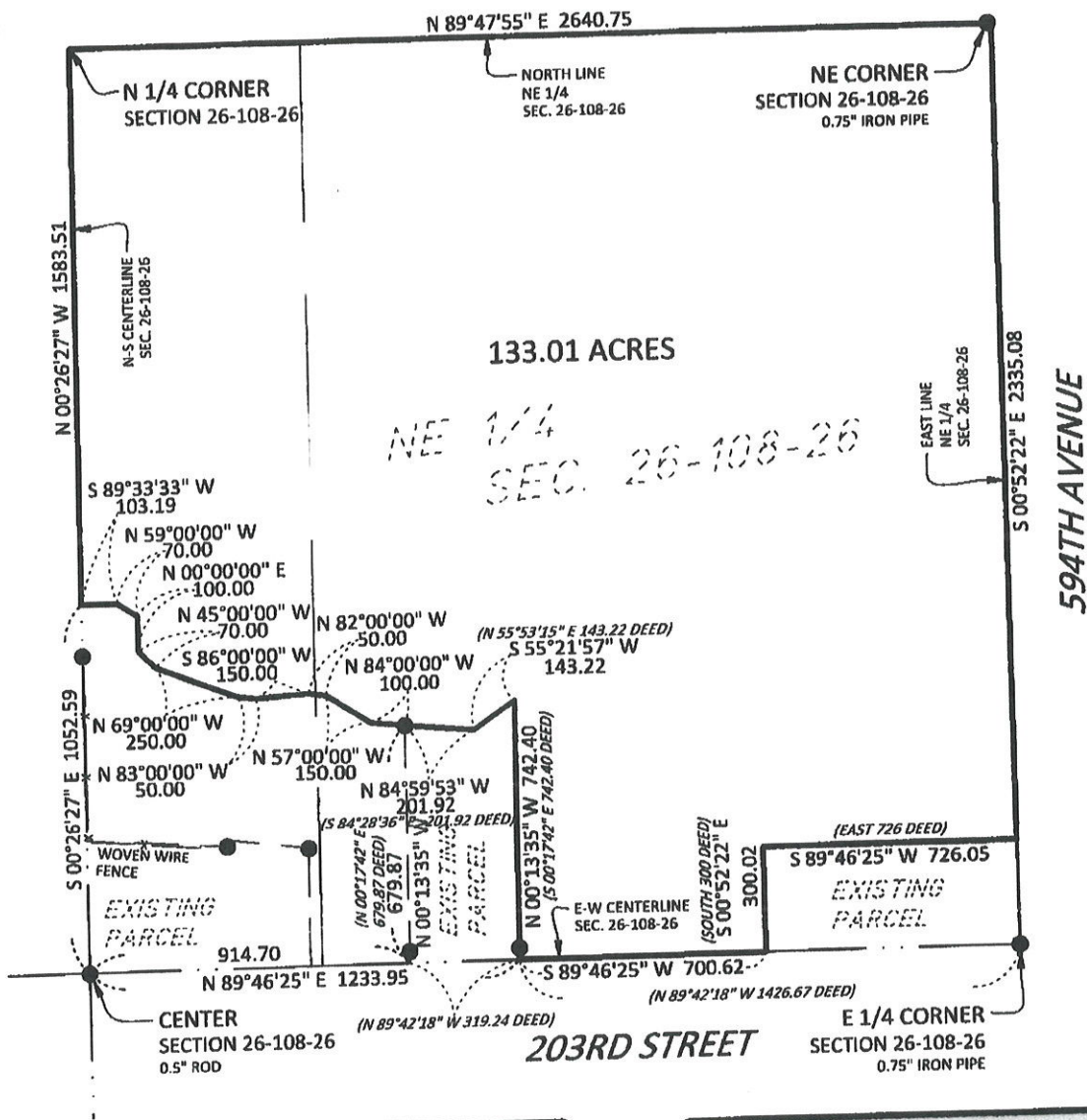
FIELD BOOK:

DRAWN BY: CDT

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H:\BORGMECH PR\25X140597000\CAD\140597-V-BNDY2.dwg 10/16/2025 8:33 AM



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.

Michael M. Eichers

Michael M. Eichers
License Number 46564

10/16/2025
Date



0 500
SCALE IN FEET

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

Horizontal Datum: Blue Earth County
Coordinate System (1996 Adj.)

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NORTH, RANGE 26 WEST, BLUE EARTH COUNTY,
MINNESOTA

FOR: BORGMEIER, CHAD

SD8140597H

JOB NUMBER: 25X.140597.000

FIELD BOOK:

DRAWN BY: CDT

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