

DECLARATION OF PUBLIC ROADWAY EASEMENT

1. **Declarant.** The Housing and Redevelopment Authority in and for the City of Ramsey, a body politic and corporate under the laws of the state of Minnesota (the "HRA") makes this Declaration of Public Roadway Easement (the "Declaration of Easement") as of the date set forth in Section 2 below.

2. **Effective Date.** This Declaration of Easement is effective as of the ____ day of _____, 2011.

3. **Recitals.**

3.1 **Recital One.** The HRA is the owner of the real property legally described on the attached **Exhibit A** (the "F&C Property");

3.2 **Recital Two.** The City of Ramsey, a municipal corporation and political subdivision of the State of Minnesota (the "City") is the owner of the real property legally described on the attached **Exhibit B** (the "City Property").

3.3 **Recital Three.** The F&C Property and the City Property are referred to collectively in this Declaration of Easement as the "Property."

3.4 **Recital Four.** The HRA is selling the F&C Property to F & C Ramsey, LLC, an Indiana limited liability company ("F&C") pursuant to that certain Purchase Agreement among and between F&C, the City and the HRA dated January 31, 2011 (the "Purchase Agreement").

3.5 **Recital Five.** Pursuant to Section 6(b)(ii)(F) of the Purchase Agreement, the HRA is to convey the F&C Property to F&C subject an appurtenant, exclusive easement over a portion of the F&C Property for public vehicular and pedestrian ingress and egress between the City Property and Sunwood Drive. The public may use the easement 24 hours a day, every day without restriction.

4. **Declaration of Access Easement.** The City hereby declares a perpetual, exclusive easement over and across the real property legally described on **Exhibit C-1** (the "Easement Property") and depicted on **Exhibit C-2** for the construction, maintenance and repair of a public roadway and the use of such public roadway by the public for vehicular and pedestrian ingress and egress between the City Property and adjacent public rights of way. The easement is referred to herein as the "Public Roadway Easement."

5. **Benefitted Property.** The Public Roadway Easement is appurtenant to the City Property and is for the use and benefit of the City and the public.

6. **Construction Obligations.** [Needed?/Discuss]

7. **Maintenance of the Roadway Improvements.** [Discuss]

8. **Enforcement.** F&C, the City and any future owner of all or any portion of the Property have the right to enforce the terms of this Declaration of Easement in a legal or equitable action brought in a court of competent jurisdiction, and the prevailing party in any such action is entitled to recover from the opposing party the prevailing parties attorney's fees and costs.

9. **Run With Title.** The Public Roadway Easement runs with title to the City Property and inures to the benefit of and is binding upon all the owners of the City Property and the F&C Property, their heirs, successors and assigns.

EXHIBIT A

Legal Description of F&C Property

Lot 3, Block 1, COR ONE, Anoka County, Minnesota according to the recorded plat thereof.

EXHIBIT B

Legal Description of City Property

Lot 2, Block 1, COR ONE, Anoka County, Minnesota according to the recorded plat thereof.

EXHIBIT C-1

EXHIBIT C-2