

CONSERVATION EASEMENT

THIS INSTRUMENT is made by the *(new owner)*, Grantor, in favor of the City of Rosemount, a Minnesota municipal corporation, Grantee.

Recitals

- A. Grantor is the fee owner of the property described on Exhibit A attached hereto, which property is located in Dakota County, Minnesota (the "Property").
- B. Grantor desires to grant to the Grantee an easement, according to the terms and conditions contained herein.

Terms of Easement

1. Grant of Easement. For good and valuable consideration, receipt of which is acknowledged by Grantor, Grantor grants and conveys to the Grantee the following easement:

A perpetual, non-exclusive easement for flowage and conservation purposes over, under, across and through that part of the Property described as follows:

The westerly 350.00 feet of Outlot B, White Lake Acres, according to the recorded plat thereof, Dakota County, Minnesota

(the "Easement Area").

2. Scope of Easement. Grantor, for itself, its successors and assigns, declares and agrees that the following prohibitions shall continue in perpetuity in the Easement Area:
- a. Constructing, installing or maintaining anything made by man.

- b. Cutting or removing trees or other vegetation. Notwithstanding the foregoing, trimming trees to maintain their health, removing diseased trees and removing selected trees to allow sunlight to penetrate to limited parts of the Easement Area may be permitted, but only when approved by the Grantee.
- c. Excavating or filling within the Easement Area.
- d. Applying chemicals for destruction or retardation of vegetation, unless first approved by the Grantee.
- e. Depositing of waste or debris.
- f. Applying herbicides, pesticides and insecticides.
- g. Applying fertilizers.
- h. Conducting activities detrimental to the preservation of the scenic beauty, vegetation and wildlife in the Easement Area.
- i. Removing, damaging, destroying or defacing any monuments or markers placed to delineate the Easement Area.

3. Grantor, for itself, its successors and assigns, grants to the Grantee the affirmative right, but not the obligation, to do the following in the Easement Area:

- a. Enhance the slope, trees, vegetation and natural habitat at no cost to the Grantor.
- b. Enter upon the Easement Area at any time to enforce compliance with the terms of this Conservation Easement.
- c. Take such other action as the Grantee deems necessary or advisable in its sole discretion to enforce compliance with the terms of this Conservation Easement.
- d. Install and maintain monuments or markers delineating the Easement Area.

4. Warranty of Title. The Grantor warrants that it is the owner of the Property as described above and has the right, title and capacity to convey to the Grantee the Conservation Easement herein.

5. Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the Easement Area or Property prior to the date of this instrument.

6. Binding Effect; Enforceability. The terms and conditions of this instrument shall run with the land and be binding on the Grantors, and Grantor's heirs, successors and assigns. This Conservation Easement is enforceable by the City of Rosemount acting through its City Council.

STATE DEED TAX DUE HEREON: NONE

Dated this _____ day of _____, 2009.

GRANTOR

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____ and _____, the _____ and _____ of _____, a _____, on behalf of _____, Grantor.

Notary Public

NOTARY STAMP OR SEAL

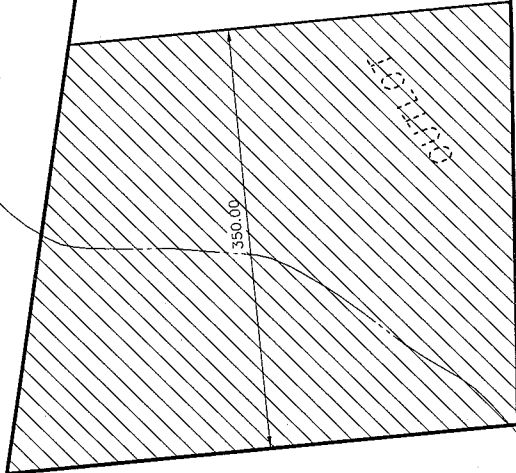
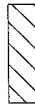
THIS INSTRUMENT DRAFTED BY:

126TH ST W

BACARDI AVE

WHITE LAKE ACRES

PROPOSED CONSERVATION EASEMENT
AREA= 139,446 SQ FT



Proposed Conservation Easement Legal Description:

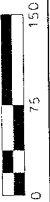
The westerly 350.00 feet of Outlot B, White Lake Acres, according to the recorded plat thereof, Dakota County, Minnesota.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

STEVEN V. ISCHE
DATE: 2/19/09
REG. NO. 22703

**Conservation Easement
Parcel Sketch
Outlot B, White Lake Acres
Rosemount, Minnesota**

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701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416
www.wsbing.com



763-541-4800 • Fax 763-541-1700