

Permanent Trail Easement and Temporary Construction Easement

ERP Stinson Associates LLC, a Delaware Limited Liability Company ("ERP"), Grantor and Owner of the parcel of land described in the attached description and exhibit ("**Subject Property**"), Minneapolis, Minnesota, hereby grants to the **City of Minneapolis ("City")**, Grantee, a permanent easement for trail purposes and a temporary construction easement for construction purposes over, under and across the Subject Property, as indicated in the attached Description and Exhibit. The temporary construction easement shall terminate upon the completion of the **NE Diagonal Trail Project ("Project")** on the Subject Property, anticipated to be December 31, 2007.

ERP affirms its ownership and is in possession of the Subject Property, and has the lawful right and authority to convey and grant these easements.

ERP hereby grants to the City, its officers, agents, employees, and assigns, the right to construct Project improvements on the Subject Property and enter upon the Subject Property to the extent necessary to construct the above mentioned Project or advisable by the City Engineer, as indicated in the attached description and exhibit. The permanent and temporary easements are granted on the condition that the City will complete the following work associated with the Project, at the City's sole cost and expense.

- Reconstruct concrete curb and gutter within Subject Property's parking lot associated with Project construction;
- Sawcut and remove existing bituminous pavement and remove existing concrete sidewalk located along west edge of ERP property within Hennepin County right-of-way;
- Construct concrete curb and gutter with drainage curb cuts along the west edge of ERP parking lot (approx. 305 LF);
- Construct concrete sidewalk and furnish and install bicycle rack and bollards at the existing building entrance located near the northwest corner of building;
- Remove and reconstruct three concrete access driveways to Subject Property at existing locations;
- Restore sidewalk removal areas and other disturbed areas with sod in performance of said Project;
- Repair or replace any damage caused by construction in performance of said Project.

The City, their successors and assigns, hereby release ERP, its officers, agents, and employees, from any and all actions, claims or demands, of any nature whatsoever for any damages to ERP property and City's adjoining property, including personal property thereon, by reason of such work and improvements so performed by the City, except as are caused by the negligence of ERP, its officers, agents and employees.

CITY OF MINNEAPOLIS TRAIL GRADING & IMPROVEMENTS
CITY OF MINNEAPOLIS PROJECT NO. 9846
NORTHEAST DIAGONAL TRAIL

DESCRIPTION for TRAIL EASEMENT EXHIBIT 1

April 18, 2006

Revised June 12, 2006

SHEET 1 OF 3

PIN: 18-029-23-33-0010

*Property Address: 2610 323 Stinson Boulevard, NE
Minneapolis, MN*

OWNER: ERP STINSON ASSOCIATES LLC

A permanent easement for trail purposes and a temporary easement for construction purposes over, under, and across a portion of the following described property:

All that part of Stinson Boulevard and Traffic Street as dedicated in the recorded plat of MINNEAPOLIS INDUSTRIAL DISTRICT, Hennepin County, Minnesota described as follows: Beginning at a point on the west line of BLOCK 13, said MINNEAPOLIS INDUSTRIAL DISTRICT, said point being 470.00 feet south of the north line of said BLOCK 13 as measured at right angles to said north line; thence South 89 degrees 24 minutes 18 seconds West, assumed bearing, and parallel with said north line for 48.00 feet; thence South 02 degrees 31 minutes 56 seconds West for 49.37 feet; thence South 01 degrees 15 minutes 00 seconds West for 219.30 feet; thence South 01 degrees 07 minutes 18 seconds West for 186.50 feet; thence South 64 degrees 45 minutes 39 seconds East for 44.22 feet; thence southeasterly for 18.46 feet along a tangential curve, concave to the northeast, radius 371.07 feet and central angle of 2 degrees 51 minutes 04 seconds to the intersection with the southerly extension of the west line of said BLOCK 13; thence North 0 degrees 12 minutes 18 seconds East along said west line and its southerly extension for 481.85 feet to the point of beginning.

The description was transcribed from Hennepin County Document No. 7150725, a City of Minneapolis Resolution 99R-228, "Vacating the Easterly portion of Stinson Boulevard between Traffic Street and Stinson Boulevard" as recorded on July 22, 1999 in the Office of the County Recorder, Hennepin County, Minnesota.

Description of the Permanent Easement

Said permanent easement is all that part of the above-described property which lies westerly of LINE A and its extensions described as follows: Commencing at the

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northwest corner of said property; thence North 89 degrees 24 minutes 18 seconds East on an assumed bearing, along the northerly line of said property, for 10.94 feet to the actual point of beginning of said LINE A to be described; thence South 07 degrees 41 minutes 17 seconds West for 107.40 feet to the westerly line of said property and there terminating.

Description of the Temporary Easement

A temporary easement for construction purposes over, under and across all that part of the said property which lies easterly of said LINE A and which lies westerly of a line drawn parallel with and distant 8.00 feet easterly from said LINE A.

The sidelines of said temporary easement are to be prolonged or shortened to terminate on the northerly and westerly lines of the above-described property.

Said temporary construction easement shall expire upon the completion of the NE Diagonal Trail Project ("Project") on the Subject Property, anticipated to be December 31, 2007.