

## FIRST AMENDED EXHIBIT A

Parcel No. 14 (Torrens Certificate of Title No. 1056073 (ID No. 22-029-24-42-0110; 22-029-24-42-0111; 22-029-24-42-0112; 22-029-24-42-0113):

Property Address: 408 Fourth Avenue No., Minneapolis, MN

### Description of Subject Property:

That part of Section 22, Township 29, Range 24, part of Blocks 4, 5, 9, 85 HOAG'S ADDITION TO MINNEAPOLIS, part of vacated 5th and 6th Streets North, and part of vacated 4th Avenue North, formerly Dakota Street, all described as follows:

Beginning at the intersection of a line drawn parallel with and 25 feet Southeastery from the centerline of the East bound track of the Burlington Northern Railroad and a line drawn 43 feet Northeastery from and concentric with a curve, hereinafter referred to as Curve "A", described as commencing at a point on the centerline of 2nd Avenue North distant 12.15 feet Northeastery from its intersection with the centerline of 7th Street North; thence Northwestery, deflecting 88 degrees 00 minutes 48 seconds, measured from Northeast to Northwest, from said centerline of 2nd Avenue North, a distance of 849.63 feet to the actual point of beginning of said Curve "A"; thence Northwestery 295.14 feet along a tangential curve concave to the Southwest, having a radius of 11,459.16 feet and a central angle of 01 degree 28 minutes 32 seconds and said Curve "A" there terminating; thence Southeastery along said line drawn concentric with said Curve "A" to its intersection with a radial line drawn Northeastery passing through the point of beginning of said Curve "A"; thence Southeastery tangent to said line drawn concentric with Curve "A" to the following described Line "A";

Line "A" is described as commencing at the most Southerly corner of the Northeastery 210 feet of said Block 4; thence Northwestery along the Southwestery line of said Northeastery 210 feet a distance of 258.36 feet; thence Southwestery, deflecting to the left 83 degrees 51 minutes 10 seconds, 105.6 feet, being the actual point of beginning of said Line "A"; thence Southwestery, deflecting to the left 06 degrees 06 minutes 50 seconds to the Northeastery line of said vacated 6th Street North; thence Southwestery deflecting to the right 17 degrees 29 minutes 10 seconds to the Southwestery line of said vacated 6th Street North; thence Southwestery, deflecting to the left 02 degrees 54 minutes 44 seconds a distance 156.74 feet to a point hereinafter referred to as Point "A"; thence Southwestery 5.49 feet along a non-tangential curve concave to the Northwest, having a radius of 5,779.58 feet and a chord which deflects 10 degrees 13 minutes 52 seconds to the left, from the last-described line; thence Southwestery, deflecting to the right 08 degrees 01 minutes 42 seconds from the chord of the last-described curve, a distance of 235 feet and said Line "A" there terminating.

Thence Northeastery along said Line "A" to said Point "A"; thence Northeastery along a curve concave to the Northwest, having a radius of 5,779.58 feet to a point on said Southwestery line of said vacated 6th Street North distant 30 feet Northwestery from its intersection with said Line "A"; thence Southeastery along said Southwestery line of vacated 6th Street North to said Line "A"; thence Northeastery along said Line "A" to the point of beginning of said Line "A"; thence Northeastery to a point on the Northeastery line of said Block 4 distant 268.14 feet Northwestery from the most Easterly corner of said Block 4; thence Northeastery to a point on the Southwestery line of said Block 85 distant 267.56 feet Northwestery from the most Southerly corner of said Block 85; thence Northeastery to a point on the Northeastery line of said Block 85 distant 265.87 feet Northwestery from the most Easterly corner of said Block 85; thence Northwestery along the last-described Northeastery line to the most Northerly corner of said Block 85; thence Northwestery to the most Easterly corner of said Block 9; thence Northwestery along the Northeastery line of said Block 9 to said line drawn parallel with and 25 feet Southeastery from the centerline of the East bound track of the Burlington Northern Railroad; thence Southwestery along the last-described parallel line to the point of beginning.

Registered Property, as is evidenced by Certificate of Title No. 1056073, Hennepin County, Minnesota.

### Description of Takings:

A permanent easement for transportation purposes and related facilities, including, without limitation, rail, bus, bicycle, road and foot travel, the location of utility and communication facilities, including fiber optic lines, and for other future transportation and public facilities, over, under and across that part of Section 22, Township 29, Range 24, part of Blocks 4, 5, 9, 85,

HOAG'S ADDITION TO MINNEAPOLIS, part of vacated 5<sup>h</sup> and 6<sup>h</sup> Streets North, and part of vacated 4<sup>th</sup> Avenue North, formerly Dakota Street, all described as follows:

Beginning at the intersection of a line drawn parallel with and 25 feet Southeasterly from the centerline of the East bound track of the Burlington Northern Railroad (now known as BNSF Railway Company) as said centerline was located and established on November 1, 2000, and a line drawn 43 feet Northeasterly from and concentric with a curve, hereinafter referred to a Curve "A", described as commencing at a point on the centerline of 2<sup>nd</sup> Avenue North distant 12.15 feet Northeasterly from its intersection with the centerline of 7<sup>h</sup> Street North; thence Northwesterly, deflecting 88 degrees 00 minutes 48 seconds, measured from Northeast to Northwest, from said centerline of 2<sup>nd</sup> Avenue North, a distance of 849.63 feet to the actual point of beginning of said Curve "A", thence Northwesterly 295.14 feet along a tangential curve concave to the Southwest, having a radius of 11,459.16 feet and a central angle of 01 degree 28 minutes 32 seconds and said Curve "A" there terminating; thence Southeasterly along said line drawn concentric with said Curve "A" to its intersection with a radial line drawn. Northeasterly passing through the point of beginning of said Curve "A"; thence Southeasterly tangent to said line drawn concentric with Curve "A" to the following described Line "A",

Line "A" is described as commencing at the most Southerly corner of the Northeasterly 210 feet of said Block 4; thence Northwesterly along the Southwesterly line of said Northeasterly 210 feet a distance of 258.36 feet; thence Southwesterly, deflecting to the left 83 degrees 51 minutes 10 seconds 105.6 feet, being the actual point of beginning of said Line "A"; thence Southwesterly, deflecting to the left 06 degrees 06 minutes 50 seconds to the Northeasterly line of said vacated 6<sup>th</sup> Street North; thence Southwesterly deflecting to the right 17 degrees 29 minutes 10 seconds to the Southwesterly line of said vacated 6<sup>th</sup> Street North; thence Southwesterly, deflecting to the left 02 degrees 54 minutes 44 seconds a distance of 156.74 feet to a point hereinafter referred to as Point "A", thence Southwesterly 5.49 feet along a non-tangential curve concave to the Northwest, having a radius of 5,779.58 feet and a chord which deflects 10 degrees 13 minutes 52 seconds to the left, from the last described line; thence Southwesterly, deflecting to the right 08 degrees 01 minutes 42 seconds from the chord of the last-described curve, a distance of 235 feet and said Line "A" there terminating.

Thence Northeasterly along said Line "A" to said Point "A"; thence Northeasterly along a curve concave to the Northwest, having a radius of 5,779.58 feet to a point on said Southwesterly line of said vacated 6<sup>th</sup> Street North distant 30 feet Northwesterly from its intersection with said Line "A"; thence Southeasterly along said Southwesterly line of vacated 6<sup>th</sup> Street North to said Line "A"; thence Northeasterly along said Line "A" to the point of beginning of said Line "A"; thence Northeasterly to a point on the Northeasterly line of said Block 4 distant 268.14 feet Northwesterly from the most Easterly corner of said Block 4; thence Northeasterly to a point on the Southwesterly line of said Block 85 distant 267.56 feet Northwesterly from the most Southerly corner of said Block 85; thence Northeasterly to a point on the Northeasterly line of said Block 85 distant 265.87 feet Northwesterly from the most Easterly corner of said Block 85; thence Northwesterly along the last-described Northeasterly line to the most Northerly corner of said Block 85; thence Northwesterly to the most Easterly corner of said Block 9; thence Northwesterly along the Northeasterly line of said Block 9 to said line drawn parallel with and 25 feet Southeasterly from the centerline of the East bound track of the Burlington Northern

Railroad (now known as BNSF Railway Company) as said centerline was located and established on November 16, 2000; thence Southwesterly along the last-described parallel line to the point of beginning.

Being registered land as evidenced by Certificate of Title No. 1056073.

Which lies northeasterly of the following described line:

Beginning at the most westerly corner of said Block 9; thence southeasterly along the southwesterly line of said Block 9 to the most southerly corner of said Block 9; thence southeasterly to the most westerly corner of said Block 85; thence southeasterly along the southwesterly line of said Block 85 to the most southerly corner of said Block 85 and said line there terminating.

Said permanent easement lies within 9.00 feet northwesterly of and 14.00 feet southeasterly of the following described line:

Commencing at the most southerly corner of said Block 9; thence on an assumed bearing of North 45 degrees 00 minutes 09 seconds West, along the southwesterly line of said Block 9, a distance of 17.00 feet to the point of beginning of the line to be described; thence North 45 degrees 03 minutes 49 seconds East a distance of 134.75 feet and said line there terminating.

Together with a permanent easement for transportation purposes and related facilities, including, without limitation, rail, bus, bicycle, road and foot travel, the location of utility and communication facilities, including fiber optic lines, and for other future transportation and public facilities over, under and across the described property. Said easement lies within 9.00 feet northwesterly of and 15.00 feet southeasterly of the following described line:

Beginning at the terminus of the above described line; thence North 45 degrees 03 minutes 49 seconds East, along the prolongation of above described line a distance of 139.84 feet; thence northeasterly on a tangential curve concave to the northwest, said curve having a radius of 1015.00 feet and a central angle of 01 degrees 08 minutes 45 seconds for a distance of 20.30 feet; thence North 43 degrees 55 minutes 05 seconds East, tangent to said curve, a distance of 29.86 feet; thence northeasterly along a tangential curve concave to the southeast, said curve having a radius of 1000.00 feet and central angle of 00 degrees 53 minutes 16 seconds for a distance of 15.50 feet to the northeasterly line of said Block 9 and said described line there terminating.

Together with a 21.00 foot wide temporary easement for construction purposes lying southeasterly of and adjoining said permanent easements.

Said temporary easement to expire on: December 31, 2010.

The sidelines of said easements should be prolonged or shortened to intersect said southwesterly line and its southeasterly extension and said northeasterly line and its southeasterly extension of said Block 9.

According to the map or plat thereof on file and of record in the Office of the Registrar of Titles in and for Hennepin County, Minnesota.

Subject to an easement for highway purposes in favor of the State of Minnesota as contained in Final Certificate filed as County Recorder Document No. 4799825 and Amended Width Order No. 80683 (a certified copy of which is on file in Hennepin County District Court Torrens File No. 20230) over the northeasterly part of the above-described land, as more fully described therein;

Subject to an easement for bridge purposes in favor of the City of Minneapolis, over all of vacated Fifth Street North above described, pursuant to Order dated November 1, 1988 and filed December 1, 1988 as County Recorder Document No. 5482816;

Subject to an underground storm water and sewer easement agreement in favor of the City of Minneapolis, dated November 16, 1988, and filed March 23, 1988 as County Recorder Document No. 5518166;

Subject to an easement for public bridge in favor of the City of Minneapolis dated November 16, 1988 and filed March 23, 1989 as County Recorder Document No. 5518167 as to vacated Fifth Street North;

Subject to an easement for transmission line in favor of the County of Hennepin dated March 22, 1991 and filed April 17, 1991 as County Recorder Document No. 5769585.

Subject to an easement for underground storm sewer line in favor of the lands described on Exhibit B attached to County Recorder Document No. 6506644 over part of the above described Lots 1 and 10, Block 85, Lots 5 and 6, Block 4, and vacated Sixth Street North and vacated Fifth Street North, dated November 22, 1995, filed November 30, 1995 as County Recorder Document No. 6506644.

Subject to easements as shown and dedicated on record plat, if any.

### **Interests Being Encumbered**

The names of the parties having an interest in the above-described land and the nature of their interests to the best of Petitioner's knowledge based upon a review of records in the office of the County Recorder and Registrar of Titles in and for Hennepin County, Minnesota are set forth below. It is the intention of the Petitioner to encumber all interests in the above described real property, and to acquire all rights and possession thereof including, but not limited to, all of the interests of those parties named below.

Name	Nature of Interest
Land Partners II, LLLP, a Minnesota limited liability partnership	Fee Owner
Duddy, LLLP, a Minnesota limited liability partnership;	Easement
Hines Northstar Crossings Limited Partnership, a Texas limited partnership;	Optionee
Minikahda Ministorage IV, LLLP, a Minnesota limited liability limited partnership;	Easements
American Strategic Income Portfolio, Inc.-II, a Minnesota corporation	Mortgagee
City of Minneapolis	Assessments
Hennepin County	Real estate taxes and special assessments
All other parties known and unknown, including those listed herein as possible claimants, tenants, judgment creditors or holders of tax or other liens, having any right, title or interest in the premises herein, together with the unknown heirs or devisees, if any, of the parties named that may be deceased, together with the spouses of the parties named, if any	Possible holder of an interest

Parcel No. 15 (Torrens Certificate of Title No. 1032399 (PIN No. 22-029-24-42-0098 and No 22-029-24-13-0110):

Property Address: 328 North 4th Street Minneapolis, Minnesota (PID #22-029-24-13-0110)

Property Address: 333 Washington Avenue North, Minneapolis, Minnesota (PID #22-029-24-42-0098)

Description of Subject Property:

**Torrens Portion (as is evidenced by Certificate of Title No. 1032399)**

Those portions of Blocks 10, 57 and 58, Hoag's Addition to Minneapolis; and those portions of Blocks 57 and 58, Town of Minneapolis; and those portions of Blocks 19, 21 and 22 in Bradford and Lewis Addition to Minneapolis; Together with those portions of abandoned alleys, abandoned Fourth Avenue North, and abandoned Third Street North, all described as follows:

Lot 3, said Block 57; Lot 6, said Block 10; all in Hoag's Addition to Minneapolis;

Those portions of Lots 4 and 5, said Block 10, lying Southeasterly of a line drawn parallel with and 25 feet Southeasterly from the center line of the East bound track of the Burlington Northern Railroad, which lies Southwesterly of the Northeastly right-of-way of Interstate Highway No. 94;

The Northwestly 62 feet of said Block 58, the Southeasterly line of said Northwestly 62 feet is prolonged to terminate on the Northeastly line of said Block 58;

That part of Lot 10, Block 58, Town of Minneapolis, shown as Block 21 in the plat of Bradford and Lewis Addition to Minneapolis;

Together with that part of said abandoned Fourth Avenue North lying between a line drawn Northerly from the most Northerly corner of said Block 21, to the most Easterly corner of said Block 19 and the Northeastly right-of-way line of Interstate Highway No. 94;

Lots 1, 3 and 10; that part of Lot 2 lying Southeasterly of the Northwestly 23.3 feet of said Lot 2; that part of Lot 9 lying Southeasterly of the Northwestly 22 feet of said Lot 9; all in said Block 57, Town of Minneapolis;

Those portions of Lots 2, 15 and 16, Block 22, Bradford and Lewis Addition to Minneapolis, and that part of said Lot 5, Block 19, Hoags Addition to Minneapolis, lying Northeastly of the Northeastly right-of-way line of Interstate Highway No. 94, together with that part of adjoining abandoned Alleys in said Block 10 and 22, all which lie Southeasterly of a line hereinafter referred to as "Line A", described as follows:

Beginning at a point on the Southwesterly line of said Block 10 distant 29.27 feet Northwestly from the most Southerly corner of said Block 10; thence Northeastly along a straight line to a point on the Southwesterly line of said Block 22 distant 107.48 feet Northwestly from the most Southerly corner of said Block 22; thence Northeastly along the prolongation of last described line 105.27 feet; thence Northeastly along a non-tangential curve concave to the South having a radius of 1875.86 feet, the chord of said curve is measured 13 degrees 24 minutes 52 seconds to the right from said prolongation of the last described line to the Northeastly line of said Block 22 and said "Line A" there terminating.

Lot 12, Block 19; Lot 1, Block 22; all in Bradford and Lewis Addition to Minneapolis;

That part of abandoned Third Street North lying between "Line A" and a line described as beginning at the most Southerly corner of Lot 1, Block 57, Town of Minneapolis; thence along the Southwesterly extension of the Southeasterly line of said Lot 1 to the center line of said street; thence Northwestly along said center line to the Northeastly prolongation of a line drawn Northeastly from a point on the Southwesterly line of Block 58, Hoag's Addition to Minneapolis distant 293.1 feet Northwestly from the most Southerly corner of said Block 58 to a point on the Northwestly extension of the Northeastly line of said Block 58 distant 290.15 feet Northwestly from the most Easterly corner of said Block 58; thence Southwesterly along the last described line to said Northwestly extension and here terminating;

Together with that part of said abandoned Third Street North lying Northeastly of the center line of said street which lies between the Southwesterly extension of the Southeasterly line of the Northwestly 23.3 feet of Lot 2, said Block 57 and the Southwesterly extension of the Southeasterly line of Lot 3, Block 57, Town of Minneapolis to said center line and here terminating;

That part of the Northeastly half of the abandoned Alley in Block 57, Town of Minneapolis lying Northwestly of the Southwesterly extension of the Southeasterly line of the Northwestly 22 feet of Lot 9 in said Block 57, together with that part of the Southwesterly half of said abandoned Alley lying Northwestly of the Northeastly extension of the Southeasterly line of the Northwestly 23.3 feet of Lot 2, said Block 57.

## Abstract Portion

### PARCEL A

That part of Lots 4 and 5, Block 10, HOAG'S ADDITION TO MINNEAPOLIS, all in Hennepin County, Minnesota; which lies southeasterly of the hereinafter described line D and southerly of a line parallel with and distant 57 feet northerly of the following described line 1:

Line 1: Beginning at the point of intersection of the centerline of Second Avenue North with the centerline of Third Street North; thence run northwesterly on the centerline of Third Street North for 10.43 feet; thence deflect to the left on a tangential curve having a radius of 818.51 feet and a delta angle of 24 degrees 20 minutes 39 seconds for 347.77 feet; thence tangent to said curve for 605.89 feet; thence deflect to the right on a tangential curve having a radius of 1909.86 feet and a delta angle of 24 degrees 30 minutes 00 seconds for 816.67 feet and there terminating.

Line D: Beginning at a point of intersection of the southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, and a line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track of the Burlington Northern Railroad, said point of beginning being distant 64.63 feet northwesterly of the most southerly corner of said Block 10; thence northeasterly along said line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track to a point on the northwesterly extension of the northeasterly line of Lot 5, Block 10, distant 64.46 feet northwesterly of the most easterly corner of said Lot 5.

Parcel A contains 7895 square feet, more or less. Subject to a highway easement per County Recorder Document No. 4799825. Also, subject to easements, reservations and restrictions of record, if any.

### PARCEL B

That part of the Northwesterly 50 feet of Block 58, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota; which lies southerly of a line parallel with and distant 57 feet northerly of the hereinafter described line 1:

Line 1: Beginning at the point of intersection of the centerline of Second Avenue North with the centerline of Third Street North; thence run northwesterly on the centerline of Third Street North for 10.43 feet; thence deflect to the left on a tangential curve having a radius of 818.51 feet and a delta angle of 24 degrees 20 minutes 39 seconds for 347.77 feet; thence tangent to said curve for 605.89 feet; thence deflect to the right on a tangential curve having a radius of 1909.86 feet and a delta angle of 24 degrees 30 minutes 00 seconds for 816.67 feet and there terminating.

Parcel B contains 9,221 square feet, more or less. Subject to a highway easement per County Recorder Document No. 4799825. Also, subject to easements, reservations and restrictions of record, if any.

PARCEL C - ABANDONED STREET RIGHT-OF-WAY

That part of abandoned Fourth Avenue North which lies northeasterly of the northeasterly line of Fourth Street North and southerly of a line run parallel with and distant 57 feet northerly of line 1 described as follows:

Line 1: Beginning at the point of intersection of the centerline of Second Avenue North with the centerline of Third Street North; thence run northwesterly on the centerline of Third Street North for 10.43 feet; thence deflect to the left on a tangential curve having a radius of 818.51 feet and a delta angle of 24 degrees 20 minutes 39 seconds for 347.77 feet; thence tangent to said curve for 605.89 feet; thence deflect to the right on a tangential curve having a radius of 1909.86 feet and a delta angle of 24 degrees 30 minutes 00 seconds for 816.67 feet and there terminating.

and, That part of the Southwesterly half of abandoned Fourth Street North which is adjacent to Blocks 9 and 85, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, which lies northwesterly of the following described line:

Beginning at a point on the northeasterly line of said Block 85 distant 265.87 feet northwesterly of the most easterly corner of said Block 85; thence northeasterly along an extension of a line drawn from the last described point to a point on the southwesterly line of said Block 85, distant 267.56 feet northwesterly from the most southerly corner of said Block 85 to the centerline of abandoned Fourth Street North and said line there terminating;

and lying southeasterly of the following described line:

Beginning at the point of intersection of the northeasterly line of said Block 9 and a line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track of the Burlington Northern Railroad, said point of beginning, being 64.72 feet northwesterly of the most easterly corner of said Block 9; thence northeasterly along said line which is parallel with and 25 feet southeasterly of the centerline of the eastbound main track to a point on the southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, distant 64.63 feet northwesterly of the most southerly corner thereof and said line there terminating.

and, That part of the Northeasterly half of abandoned Fourth Street North, which is adjacent to Blocks 10 and 58, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, and which lies northwesterly of the following described line:

Beginning at a point on the southwesterly line of Block 58, HOAG'S ADDITION TO MINNEAPOLIS, said point distant 293.10 feet northwesterly of the most southerly corner of said Block 58; thence southwesterly along an extension of a line drawn from the last described point to a point on northwesterly extension of the northeasterly line of said Block 58, distant 290.15 feet northwesterly from the most easterly corner of said Block 58 to the centerline of Fourth Street North and said line there terminating.

and lying southeasterly of the following described line:

Description of Takings:

A permanent easement for transportation purposes and related facilities, including, without limitation, rail, bus, bicycle, road and foot travel, the location of utility and communication facilities, including fiber optic lines, and for other future transportation and public facilities, over, under and across that part of the Southwesterly half of abandoned Fourth Street North which is adjacent to Blocks 9 and 85, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, which lies northwesterly of the following described line:

Beginning at a point on the Northeasterly line of said Block 85 distant 265.87 feet Northwesterly of the most Easterly corner of said Block 85; thence Northeasterly along an extension of a line drawn from the last described point to a point on the Southwesterly line of said Block 85, distant 267.56 feet Northwesterly from the most Southerly corner of said Block 85 to the centerline of abandoned Fourth Street North and said line there terminating.

and lying Southeasterly of the following described line:

Beginning at the point of intersection of the Northeasterly line of said Block 9 and a line which is parallel with and 25 feet Southeasterly of the centerline of the Eastbound main track of the Burlington Northern Railroad (now known as BNSF Railway Company) as said centerline was located and established on September 16, 1999, said point of beginning being 64.72 feet Northwesterly of the most Easterly corner of said Block 9; thence Northeasterly along said line which is parallel with and 25 feet Southeasterly of the centerline of the Eastbound main track to a point on the Southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, distant 64.63 feet Northwesterly of the most Southerly corner thereof and said line there terminating.

And, that part of the Northeasterly half of abandoned Fourth Street North, which is adjacent to Blocks 10 and 58, HOAG'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, and which lies Northwesterly of the following described line:

Beginning at a point on the Southwesterly line of Block 58, HOAG'S ADDITION TO MINNEAPOLIS, said point distant 293.10 feet Northwesterly of the most Southerly corner of said Block 58; thence Southwesterly along an extension of a line drawn from the last described point to a point on the Northwesterly extension of the Northeasterly line of said Block 58, distant 290.15 feet Northwesterly from the most Easterly corner of said Block 58 to the centerline of Fourth Street North and said line there terminating.

and lying Southeasterly of the following described line:

Beginning at the point of intersection of the Northeasterly line of said Block 9 and a line which is parallel with and 25 feet Southeasterly of the centerline of the Eastbound main track of the Burlington Northern Railroad, (now known as BNSF

Railway Company) as said centerline was located and established on September 16, 1999, said point of beginning being 64.72 feet Northwesterly of the most Easterly corner of said Block 9; thence Northeasterly along said line which is parallel with and 25 feet Southeasterly of the centerline of the Eastbound main track to a point on the Southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, distant 64.63 feet Northwesterly of the most Southerly corner thereof and said line there terminating.

Said permanent transportation easement is lying within 9.00 feet northwesterly of and 15.00 feet southeasterly of the following line: Commencing at the most Easterly corner of said Block 9; thence on an assumed bearing of North 45 degrees 01 minutes 36 seconds West, along the northeasterly line of said Block 9, a distance of 17.89 feet to the point of beginning of the line to be described; thence northeasterly along a non-tangential curve concave to the southeast, said curve having a radius of 1000.00, a central angle of 00 degrees 15 minutes 28 seconds and a chord bearing of North 44 degrees 56 minutes 05 seconds East for a distance of 4.50 feet; thence North 45 degrees 03 minutes 49 seconds East, tangent to said curve, a distance of 77.95 feet to the Southwesterly line of said Block 10 and said line there terminating.

Together with a 21.00 foot wide temporary easement for construction purposes that lies southeasterly of and adjoining said permanent easement.

Said temporary easement to expire on: December 31, 2010.

The sidelines of said easements should be prolonged or shortened to intersect said northeasterly line of Block 9 and its southeasterly extension and said southwesterly line of Block 10 and its southeasterly extension.

### ***Duddy Limited Partnership***

(abandoned Fourth Street North to Washington - Torrens)

A permanent easement for transportation purposes and related facilities, including, without limitation, rail, bus, bicycle, road and foot travel, the location of utility and communication facilities, including fiber optic lines, and for other future transportation and public facilities, over, under and across those portions of Blocks 10, 57 and 58, HOAG'S ADDITION TO MINNEAPOLIS; and those portions of Blocks 57 and 58, TOWN OF MINNEAPOLIS; and those portions of Blocks 19, 21 and 22 in BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS; together with those portions of abandoned alleys, abandoned Fourth Avenue North and abandoned Third Street North all described as follows:

Lot 3, said Block 57; Lot 6, said Block 10, all in HOAG'S ADDITION TO MINNEAPOLIS;

Those portions of Lots 4 and 5, said Block 10, lying Southeasterly of a line drawn parallel with and 25 feet Southeasterly from the centerline of the East Bound track of the Burlington Northern Railroad, (now known as BNSF Railway Company) as

said centerline was located and established on September 16, 1999, which lies Southwesterly from the Northeasterly right-of-way of Interstate Highway No. 94;

The Northwesterly 62 feet of said Block 58, the Southeasterly line of said Northwesterly 62 feet is prolonged to terminate on the Northeasterly line of said Block 58;

That part of Lot 10, Block 58, TOWN OF MINNEAPOLIS, shown as Block 21 in the plat of BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS;

Together with that part of said abandoned Fourth Avenue North lying between a line drawn northerly from the most Northerly corner of said Block 21, to the most easterly corner of said Block 19 and the Northeasterly right-of-way line of Interstate Highway No. 94;

Lots 1, 3 and 10; that part of Lot 2 lying Southeasterly of the Northwesterly 23.3 feet of said Lot 2; that part of Lot 9 lying Southeasterly of the Northwesterly 22 feet of said Lot 9, all in said Block 57, TOWN OF MINNEAPOLIS;

Those portions of Lots 2, 15 and 16, Block 22, Bradford and Lewis Addition to Minneapolis and that part of said Lot 5, Block 19, HOAG'S ADDITION TO MINNEAPOLIS lying Northeasterly of the Northeasterly right-of-way line of Interstate Highway No. 94, together with that part of adjoining abandoned alleys in said Blocks 10 and 22, all which lie Southeasterly of a line hereinafter referred to as "Line A" and described as follows:

Beginning at a point on the Southwesterly line of said Block 10, distant 29.27 feet Northwesterly from the most Southerly corner of said Block 10; thence Northeasterly along a straight line to a point in the Southwesterly line of said Block 22, distant 107.48 feet Northwesterly from the most Southerly corner of said Block 22; thence Northeasterly along the prolongation of the last described line 105.27 feet; thence Northeasterly along a non-tangential curve concave to the South having a radius of 1875.86 feet, the chord of said curve is measured 13 degrees 24 minutes 52 seconds to the right from said prolongation of the last described line to the Northeasterly line of said Block 22 and said "Line A" there terminating.

Lot 12, Block 19; Lot 1, Block 22; all in BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS;

That part of abandoned Third Street North lying between "Line A" and a line described as beginning at the most Southerly corner of Lot 1, Block 57, TOWN OF MINNEAPOLIS; thence along the Southwesterly extension of the Southeasterly line of said Lot 1 to the center line of said street; thence Northwesterly along said center line to the Northeasterly prolongation of a line drawn Northeasterly from a point on the Southwesterly line of Block 58, HOAG'S ADDITION TO MINNEAPOLIS distant 293.1 feet Northwesterly from the most Southerly corner

of said Block 58 to a point on the Northwesterly extension of the Northeasterly line of said Block 58 distant 290.15 feet Northwesterly from the most Easterly corner of said Block 58; thence Southwesterly along the last described line to said Northwesterly extension and there terminating;

Together with that part of said abandoned Third Street North lying Northeasterly of the center line of said street which lies between the Southwesterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57 and the Southwesterly extension of the Southeasterly line of Lot 3, Block 57, TOWN OF MINNEAPOLIS to said center line and there terminating.

That part of the Northeasterly half of the abandoned alley in Block 57, TOWN OF MINNEAPOLIS lying Northwesterly of the Southwesterly extension of the Southeasterly line of the Northwesterly 22 feet of Lot 9, in said Block 57, together with that part of the Southwesterly half of said abandoned alley lying Northwesterly of the Northeasterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57.

Being registered land as evidenced by Certificate of Title No. 1032399.

Said permanent transportation easement is lying within 9.00 feet northwesterly of and 15.00 feet southeasterly of the following described line:

Commencing at the most southerly corner of said Block 10; thence North 45 degrees 01 minutes 39 seconds West, assumed bearing along the southwesterly line of said Block 10, a distance of 17.87 feet to the point of beginning of the line to be described; thence North 45 degrees 03 minutes 49 seconds East a distance of 88.06 feet; thence northeasterly along a tangential curve concave to the southeast having a radius of 1000.00 feet and a central angle of 01 degrees 08 minutes 45 seconds for a distance of 20.00 feet; thence North 46 degrees 12 minutes 34 seconds East, tangent to said curve a distance of 29.86 feet; thence northeasterly along a tangential curve concave to the northwest having a radius of 1015.00 feet and a central angle of 01 degrees 08 minutes 45 seconds for a distance of 20.30 feet; thence North 45 degrees 03 minutes 49 seconds East, tangent to last described curve, a distance of 33.84 feet and there terminating.

Together with a permanent transportation easement over, under and across the above described property which lies 9.00 feet northwesterly of and 14.00 feet southeasterly of the following described line: Beginning at the terminus of the above described line; thence North 45 degrees 03 minutes 49 seconds East, along the prolongation of the above described line, a distance of 366.56 feet; thence northeasterly along a tangential curve concave to the southeast having a radius of 550.00 feet and central angle of 18 degrees 33 minutes 00 seconds for a distance of 178.07 feet; thence North 63 degrees 36 minutes 51 seconds East a distance of 30.17 feet to the northeasterly line of said Block 22 and said line there terminating.

Together with a 21.00 foot wide temporary easement for construction purposes lying southeasterly of and adjoining said permanent easements.

Said temporary easement to expire on: December 31, 2010

The sidelines of said easements should be prolonged or shortened to intersect said Southwesterly line of Block 10 and its southeasterly extension and said Northeasterly line of Block 22.

### Additional Temporary Easement

A temporary easement for construction and vehicular access (by emergency, maintenance and repair vehicles) purposes over, under and across those portions of Blocks 10, 57 and 58, HOAG'S ADDITION TO MINNEAPOLIS; and those portions of Blocks 57 and 58, TOWN OF MINNEAPOLIS; and those portions of Blocks 19, 21 and 22 in BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS; together with those portions of abandoned alleys, abandoned Fourth Avenue North and abandoned Third Street North all described as follows:

Lot 3, said Block 57; Lot 6, said Block 10, all in HOAG'S ADDITION TO MINNEAPOLIS;

Those portions of Lots 4 and 5, said Block 10, lying Southeasterly of a line drawn parallel with and 25 feet Southeasterly from the center line of the East Bound track of the Burlington Northern Railroad (now known as BNS RAILWAY COMPANY) as said centerline was located and established on September 16, 1999, which lies Southwesterly from the Northeasterly right-of-way of Interstate Highway No. 94;

The Northwesterly 62 feet of said Block 58, the Southeasterly line of said Northwesterly 62 feet is prolonged to terminate on the Northeasterly line of said Block 58; That part of Lot 10, Block 58, TOWN OF MINNEAPOLIS, shown as Block 21 in the plot of BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS;

Together with that part of said abandoned Fourth Avenue North lying between a line drawn northerly from the most Northerly corner of said Block 21, to the most easterly corner of said Block 19 and the Northeasterly right-of-way line of Interstate Highway No. 94;

Lots 1, 3 and 10; that part of Lot 2 lying Southeasterly of the Northwesterly 23.3 feet of said Lot 2; that part of Lot 9 lying Southeasterly of the Northwesterly 22 feet of said Lot 9, all in said Block 57, TOWN OF MINNEAPOLIS;

Those portions of Lots 2, 15 and 16, Block 22, Bradford and Lewis Addition to Minneapolis and that part of said Lot 5, Block 19, HOAG'S ADDITION TO MINNEAPOLIS lying Northeasterly of the Northeasterly right-of-way line of Interstate Highway No. 94, together with that part of adjoining abandoned alleys in said Blocks 10 and 22, all which lie Southeasterly of a line hereinafter referred to as "Line A" and described as follows:

Beginning at a point on the Southwesterly line of said Block 10, distant 29.27 feet Northwesterly from the most Southerly corner of said Block 10; thence Northeasterly along a straight line to a point in the Southwesterly line of said Block 22, distant 107.48 feet Northwesterly from the most Southerly corner of said Block 22; thence Northeasterly along the prolongation of the last described line 105.27 feet; thence Northeasterly along a non-tangential curve concave to the South having a radius of 1875.86 feet, the chord of said curve is measured 13 degrees 24 minutes 52 seconds to the right from said prolongation of the last described line to the Northeasterly line of said Block 22 and said "Line A" there terminating.

Lot 12, Block 19, Lot 1, Block 22; all in BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS;

That part of abandoned Third Street North lying between "Line A" and a line described as beginning at the most Southerly corner of Lot 1, Block 57, TOWN OF MINNEAPOLIS; thence along the Southwesterly extension of the Southeasterly line of said Lot 1 to the center line of said street; thence Northwesterly along said center line to the Northeasterly prolongation of a line drawn Northeasterly from a point on the Southwesterly line of Block 58, HOAG'S ADDITION TO MINNEAPOLIS distant 293.1 feet Northwesterly from the most Southerly corner of said Block 58 to a point on the Northwesterly extension of the Northeasterly line of said Block 58 distant 290.15 feet Northwesterly from the most Easterly corner of said Block 58; thence Southwesterly along the last described line to said Northwesterly extension and there terminating;

Together with that part of said abandoned Third Street North lying Northeasterly of the center line of said street which lies between the Southwesterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57 and the Southwesterly extension of the Southeasterly line of Lot 3, Block 57, TOWN OF MINNEAPOLIS to said center line and there terminating.

That part of Northeasterly half of the abandoned alley in Block 57, TOWN OF MINNEAPOLIS lying Northwesterly of the Southwesterly extension of the Southeasterly line of the Northwesterly 22 feet of Lot 9, in said Block 57, together with that part of the Southwesterly half of said abandoned alley lying Northwesterly of the Northeasterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57.

Being registered land as evidenced by Certificate of Title No. 1032399.

Said temporary construction and access easement lies within a distance of 157.50 feet southeasterly of the following described "Line 1" and also lying between two lines run parallel with and distant 37.32 feet and 74.49 feet southwesterly of the southwesterly line of said Third Street North and also lying southeasterly of a line parallel with an 35.00 feet southeasterly of the following described "Line 2":

"Line 1" is described as commencing at the most easterly corner of Block 85, said HOAG'S ADDITION TO MINNEAPOLIS; thence North 44 degrees 53 minutes 45 seconds West along the northeasterly line thereof and its northwesterly extension for 439.89 feet to the point of beginning of "Line 1" to be described; thence North 44 degrees 57 minutes 50 seconds East to an intersection with the southeasterly right of way line of BNSF Railway Company and there terminating.

"Line 2" is described as commencing at the most southerly corner of said Block 10; thence North 45 degrees 01 minutes 39 seconds West, assumed bearing along the southwesterly line of said Block 10, a distance of 17.87 feet to the point of beginning of said "Line 2"; thence North 45 degrees 03 minutes 49 seconds East a distance of 38.06 feet; thence northeasterly along a tangential curve concave to the southeast having a radius of 1000.00 feet, a central angle of 01 degrees 08 minutes 45 seconds, a distance of 20.00 feet; thence North 46 degrees 1 minutes 34 seconds East, tangent to said curve, a distance of 29.86 feet; thence northeasterly along a tangential curve concave to the northwest having a radius of 1915.00 feet, a central angle of 01 degrees 08 minutes 45 seconds, a distance of 20.30 feet; thence North 45 degrees 03 minutes 49 seconds East, tangent to last described curve, a distance of 400.40 feet; thence northeasterly along a tangential curve concave to the southeast have a radius of 550.00 feet, a central angle of 18 degrees 33 minutes 00 seconds, a distance of 178.07 feet; thence North 63 degrees 36 minutes 51 seconds East, tangent to last described curve, a distance of 30.17 feet to the northeasterly line of said Block 22 and said "Line 2" there terminating.

Said temporary construction and access easement to be effective on July 6, 2009 and shall terminate on December 31 2010.

Subject to easements as shown and dedicated on record plat.

Subject to easements of record in favor of City of Minneapolis, if any.

**Interests Being Encumbered**

<b>Name</b>	<b>Nature of Interest</b>
Duddy, LLLP, a limited liability limited partnership under the laws of Minnesota	Fee Owner
Wells Fargo Bank, National Association	Mortgagee
Hines Northstar Crossings Limited Partnership, a Texas limited partnership	Claimant of an interest
Land Partners, II, LLLP, a Minnesota limited liability limited partnership	Easement
Minikahda Ministorage IV, LLLP, a Minnesota limited liability limited partnership	Possible holder of an interest
City of Minneapolis	Special Assessments
Hennepin County	Real Estate Taxes and Special Assessments
All other parties unknown, together with unknown heirs or devisees and spouses, if any	Any right, title or interest in the Subject Property