

**RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF
MINNEAPOLIS
Approving Stipulation of Final
Settlement For Cedar Lake Trail
– Phase III**

WHEREAS, the City of Minneapolis (the “City”) completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995;

WHEREAS, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River (“Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III”) is a high priority for the City of Minneapolis (“City”) and its residents;

WHEREAS, Duddy, LLLP (“Duddy”) owns property lying between Royalston Avenue and West River Parkway which the City desires to cross with the Cedar Lake Trail – Phase III, and which is legally described in Exhibit A attached hereto (“Duddy Property”);

WHEREAS, pursuant to previous City Council resolution, the City commenced eminent domain proceedings to acquire permanent and temporary easements over the Duddy Property;

WHEREAS, the Easements acquired by the City over the Duddy Property are also described in Exhibit A (“Easements”);

WHEREAS, the City and Duddy entered into a Stipulation of Partial Settlement under which the City obtained the desired Easements, in return for the City’s deposit with the District Court Administrator of \$1,128,650, the City’s approved appraisal of damages for the Easements, which agreement was approved by the City Council, but did not resolve the total amount of compensation to be paid for the Easements;

WHEREAS, the City staff and counsel retained by the City have negotiated a proposed Stipulation of Final Settlement which, if approved, will resolve the amount of total compensation

to be paid by the City for the Easements and all other issues relating to the City's acquisition of the Easements;

WHEREAS, under the Stipulation of Final Settlement, the City will pay Duddy a total of \$463,000 for the Easements, in addition to amounts previously paid, which will satisfy all claims of Duddy in the eminent domain proceeding or otherwise in relation to the City's acquisition of the Easements;

WHEREAS, pursuant to a Memorandum of Agreement between the City and the Hennepin County Regional Railroad Authority (HCRRA), HCRRA will be contributing toward payment of the \$463,000 settlement amount in consideration for the City acquiring a permanent transportation easement over the Duddy Property in said eminent domain proceeding rather than a permanent trail easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS:

Upon approval of the proposed Stipulation of Final Settlement by the City Attorney and execution and delivery of that agreement on behalf of Duddy, the City Contracting Officer is authorized to execute the agreement on behalf of the City and to pay Duddy, LLLP \$463,000, which is the additional compensation agreed to in the Stipulation of Final Settlement, and the Director of Public Works is directed to seek contribution from HCRRA of such amounts in relation to acquisition of the Easements encumbering the Duddy Property as are consistent with the Memorandum of Agreement.

EXHIBIT A

Legal Description of Duddy Property

Legal Descriptions of the Easements To Be Acquired

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 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, Hoags 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 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 Northwesterly from the most Southerly corner of said Block 10; thence Northeasterly along a straight line to a point on 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 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 here 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 here 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.

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 Northeastery right-of-way of Interstate Highway No. 94;

The Northwestery 62 feet of said Block 58, the Southeastery line of said Northwestery 62 feet is prolonged to terminate on the Northeastery 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 Northeastery right-of-way line of Interstate Highway No. 94;

Lots 1, 3 and 10; that part of Lot 2 lying Southeastery of the Northwestery 23.3 feet of said Lot 2; that part of Lot 9 lying Southeastery of the Northwestery 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 Northeastery of the Northeastery 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 Southeastery 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 Northwestery from the most Southerly corner of said Block 10; thence Northeastery along a straight line to a point in the Southwesterly line of said Block 22, distant 107.48 feet Northwestery from the most Southerly corner of said Block 22; thence Northeastery along the prolongation of the last described line 105.27 feet; thence Northeastery 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 Northeastery 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 Southeastery line of said Lot 1 to the center line of said street; thence Northwestery along said center line to the Northeastery prolongation of a line drawn Northeastery from a point on the Southwesterly line of Block 58, HOAG'S ADDITION TO MINNEAPOLIS distant 293.1 feet Northwestery from the most Southerly corner of said Block 58 to a point on the Northwestery extension of the Northeastery line of said Block 58 distant 290.15 feet Northwestery from the most Easterly corner of said Block 58; thence Southwesterly along the last described line to said Northwestery extension and there terminating;

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

That part of Northeastery half of the abandoned alley in Block 57, TOWN OF MINNEAPOLIS lying Northwestery of the Southwesterly extension of the Southeastery line of the Northwestery 22 feet of Lot 9, in said Block 57, together with that part of the Southwesterly half of said abandoned alley lying Northwestery of the Northeastery extension of the Southeastery line of the Northwestery 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 northeastery line thereof and its Northwestery 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 88.06 feet; thence northwesterly 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 northwesterly along a tangential curve concave to the northwest having a radius of 1015.00 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 northwesterly along a tangential curve concave to the southeast having 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 northwesterly 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

Name	Nature of Interest
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