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# Le Sueur County, MN

Tuesday, January 15, 2019

Board Meeting

## Item 5

**10:00 a.m. Brent Christian, County Attorney (10 min)**

*RE: County Road 104 Right-of-Way Agreement with Charles Theis*

Staff Contact:

## AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between Charles H. Theis, a single person, individually, and as Trustee of the Theis Family Trust, dated June 22, 2005, 10504 50<sup>th</sup> Street West, Veseli, MN 55046, hereinafter referred to as Theis; and Le Sueur County, a political subdivision under the laws of the State of Minnesota.

WHEREAS, Theis owns real property in Le Sueur County legally described on Exhibit A; and

WHEREAS, Le Sueur County, as road authority for County Road No. 104, is making certain improvements to County Road No. 104, and has filed with the Le Sueur County Recorder's Office County Road No. 104, Right-of-Way Plat No. 2; and

WHEREAS, County Road No. 104 traverses the property owned by Theis, and Le Sueur County wishes to acquire ownership and easements to certain parcels shown on County Road No. 104, Right-of-Way Plat No. 2, and shown as Exhibit B; and

WHEREAS, Theis has agreed to convey his interest in the parcels described in Exhibit B under the condition that should he, individually, or as an owner of the property shown as Exhibit A, decide to develop said property, that any park dedication fee that could be assessed by Le Sueur County under its Planning and Zoning Ordinance be waived against Theis.

NOW, THEREFORE, in consideration of the terms and agreements set forth herein, receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. This does hereby convey fee and/or easement interest to the properties shown on Exhibit B, to Le Sueur County and should This individually, or as a part owner to Exhibit A develop Exhibit A, any park dedication fee assessable under Le Sueur County Planning and Zoning Ordinance shall be waived by Le Sueur County.

CHARLES H. THEIS, AND THE  
THEIS FAMILY TRUST DATED  
JUNE 22, 2005

THE COUNTY OF LE SUEUR

\_\_\_\_\_  
By: Charles H. Theis, individually,  
and as Trustee of the Theis Family  
Trust, dated June 22, 2005

\_\_\_\_\_  
By: John King  
Chairman, Le Sueur County Commissioners

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF LE SUEUR    )

The Foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Charles H. Theis

\_\_\_\_\_  
Notary Public

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF LE SUEUR    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by John King, the Chairman of the Le Sueur County Board of Commissioners on behalf of Le Sueur County, a political subdivision, under the laws of the State of Minnesota.

\_\_\_\_\_  
Notary Public

Drafted by: Brent Christian  
LE SUEUR COUNTY ATTORNEY  
65 South Park Avenue  
P.O. Box 156  
Le Center, MN 56057  
507-357-2278

## EXHIBIT A

The Northwest Quarter of the Northwest Quarter and also all of Government Lots 4 and 5, in Section 3, Township 109 North of Range 25 West, excepting therefrom the following described tract:

Commencing at the Northwest corner of said Government Lot 4, thence East 25 rods, thence South 60 rods, thence East 8 and  $\frac{3}{4}$  rods, thence South 84 rods to the shore of Lake Jefferson, thence Westerly along said shore of Lake Jefferson to the Section line between Section 3 and 4, thence North 114 rods to the place of beginning, EXCEPTING THE FOLLOWING DESCRIBED TRACTS:

The Plat of Edgewater Terrace described as:

Beginning at a point on the South line of Government Lot 4, Section 3, Township 109 North of Range 25 West, said point being 571.95 feet East of the West one quarter corner of said Section 3; thence North 00 degrees 57 minutes East 153.35 feet, thence on a 44 degrees curve to the right 169.31 feet, thence North 75 degrees 27 minutes East 171.60 feet, thence on a 40 degrees curve to the left 167.50 feet, thence North 08 degrees 27 minutes East 16.75 feet, thence on a 20 degrees curve to the left 175.00 feet, thence North 26 degrees 33 minutes West 132.06 feet, thence on a 20 degrees curve to the right 160.88 feet, thence North 05 degrees 37 minutes East 343.56 feet to the Southerly Right-of-Way Line of an existing Township Road, thence South 84 degrees 23 minutes East along the Southerly Right-of-Way Line of said Road 33.00 feet, thence South 05 degrees 37 minutes West 339.56 feet, thence on a 20 degrees curve to the left 160.88 feet, thence South 26 degrees 33 minutes East 132.06 feet, thence on a 20 degrees curve to the right 175.00 feet, thence South 08 degrees 27 minutes West 46.75 feet, thence on a 40 degrees curve to the right 167.50 feet, thence South 75 degrees 27 minutes West 171.60 feet, thence on a 44 degrees curve to the left 169.31 feet, thence South 00 degrees 57 minutes West 127.35 feet to the North line of Government Lot 4 said Section, Town and Range, thence continuing South 00 degrees 57 minutes West 125.46 feet in Government Lot 5, Section 3, said Township and Range, thence on a 30 degrees curve to the left 165.08 feet, thence South 57 degrees 06 minutes East 192.80 feet, thence on a 20 degrees curve to the right 91.33 feet, thence South 38 degrees 50 minutes East 207.29 feet, thence on a 70 degrees curve to the left 127.50 feet, thence North 51 degrees 55 minutes East 138.25 feet, thence on a 20 degrees curve to the right 86.65 feet, thence North 34 degrees 15 minutes East 204.47 feet, thence on a 30 degrees curve to the left 70.43 feet, thence on a 60 degrees curve to the left 76.01 feet, thence North 32 degrees 36 minutes West 120.15 feet, thence on a 30 degrees curve to the right 99.70 feet, thence North 02 degrees 41 minutes West 95.15 feet, thence on a 10 degrees curve to the right 110.00 feet, thence North 08 degrees 19 minutes East 79.80 feet, thence North 87 degrees 36 minutes East 192.95 feet more or less to the waters edge of Lake Jefferson, thence in a Southerly, Southwesterly and Northwesterly direction along the waters edge of said Lake Jefferson to its intersection with the East line of a tract of land now described in Book M of Deeds on Page 67, said

point bearing South 00 degrees 57 minutes West of place of beginning, thence North 00 degrees 57 minutes East 1080.90 feet more or less to place of beginning.

AND ALSO EXCEPTING

Beginning at a point 26.13 feet west and 20.66 feet north of the southwest corner of Lot 28, Edgewater Terrace, Government Lot 5, Section 3, Township 109 North of Range 25 West, said point being on the West line of Evergreen Lane of said sub-division, thence West 440.00 feet, thence South 625.00 feet to the north line of said Evergreen Lane, thence northeasterly along the west line of said Evergreen Lane to place of beginning.

AND ALSO EXCEPTING

Beginning at a point 466.13 feet West and 20.66 feet North of the Southwest Corner of Lot 28, Edgewater Terrace, Government Lot 5, Section 3, Township 109 North of Range 25 West, thence West 127.00 feet, thence South 54 degrees 40 minutes West 110.00 feet, thence South 03 degrees 40 minutes West 239.30 feet, thence North 81 degrees West 143.35 feet to the North line of Evergreen Lane of said sub-division, thence southeasterly along the North line of said Lane to point due South of place of beginning, thence North 625.00 feet to place of beginning.

AND ALSO EXCEPTING

Beginning at a point 26.13 feet West and 20.66 feet North of the Southwest Corner of Lot 28, Edgewater Terrace, Government Lot 5 Section 3, Township 109 North of Range 25 West, said point being on West line of Evergreen Lane of said Subdivision thence West 567.00 feet, thence North 24 degrees 40 minutes East 217.00 feet, thence South 79 degrees East 524.70 feet to the West line of said Evergreen Lane, thence Southwesterly along said West line to place of beginning.

AND ALSO EXCEPTING

Commencing at the Northwest Corner of Lot 40 of Edgewater Terrace Plat, part of Government Lots 4 and 5, Section 3, Township 109 North of Range 25 West, thence running Southwesterly at an angle of 79 degrees, 17 minutes, 33 feet to an iron stake in the westerly line of Evergreen Lane, for the point of commencement of the property to be conveyed, thence proceeding due north a distance of 100 feet, proceeding thence easterly and parallel to the north line of Lot 40, Edgewater Terrace Plat, to the shore and waters edge of Lake Jefferson, thence following the shore and water's edge of Lake Jefferson southerly to the northeast corner of Lot 40, Edgewater Terrace, thence South-westerly on the north line of said Lot 40 to the above described point of commencement in the Westerly line of Evergreen Lane of said Plat.

AND ALSO EXCEPTING

All that part of Government Lot 5, Section 3, Township 109 North of Range 25 West, described as follows:

Commencing at the Southwest corner of Lot 36, Edgewater Terrace Subdivision of a part of Government Lot 5, Section 3-109-25, thence South 72 degrees 46 minutes West 33.00 feet to a point on the West line of Evergreen Lane of said Subdivision, said point being the place of beginning, thence South 72 degrees 46 minutes West 18.00 feet, thence South 11 degrees 00 minutes West 159.00 feet, thence South 79 degrees 00 minutes East 160.70 feet to the west line of said Evergreen Lane, thence northwesterly along the West line of said Evergreen lane to place of beginning.

AND ALSO EXCEPTING

Commencing at the Southwest Corner of Lot 36, Edgewater Terrace Subdivision of a part of Government Lots 4 and 5, Section 3, Township 109 North of Range 25 West, thence South 72 degrees 46 minutes West 33.00 feet to a point on the West line of Evergreen Lane of said Subdivision, said point being the place of beginning, thence South 72 degrees 46 minutes West 18.00 feet, thence South 11 degrees 00 minutes West 159.00 feet, thence North 79 degrees 00 minutes West 90.30 feet, thence North 567.30 feet, thence North 87 degrees 36 minutes East 160.00 feet, thence South 08 degrees 19 minutes West 100.00 feet to the Northwest corner of the North terminus of said Evergreen Lane, thence southerly along the West line of said Evergreen Lane to place of beginning.

AND ALSO EXCEPTING

All that part of Government Lot 4 of Section 3, Township 109 North of Range 25 West, described as follows:

Commencing at Meander Corner Number 14, said Meander Corner being on the North line of the Northwest quarter of said Section 3, said Township and Range; thence North 90 degrees 00 minutes 00 seconds West, assumed bearing on the North line of said Northwest quarter a distance of 768.04 feet; thence South 00 degrees 00 minutes 00 seconds West, 1054.20 feet, thence South 47 degrees 05 minutes 36 seconds East, 499.00 feet to a point on the center line of a Township road, said point being the point of beginning of the tract herein described; thence South 50 degrees 43 minutes 04 seconds West on said road centerline 181.36 feet; thence South 67 degrees 25 minutes 22 seconds West on said road centerline 88.33 feet; thence South 03 degrees 00 minutes 00 seconds East, 423.00 feet; thence South 66 degrees 30 minutes 00 seconds East, 200.00 feet; thence South 01 degrees 30 minutes 00 seconds East, 164.00 feet; thence South 59 degrees 30 minutes 00 seconds East, 69.00 feet more or less to the waters edge of Lake Jefferson, thence northerly along the waters edge of said Lake to a point bearing South 47 degrees 05 minutes 36 seconds East of place of beginning; thence North 47 degrees 05 minutes 36 seconds West, 33.00 feet more or less to the place of beginning.

AND ALSO EXCEPTING

All that part of the Northwest quarter of the Northwest quarter and all that part of Government Lot 4 (South half of the Northwest quarter) of Section 3, Township 109 North of Range 25 West, described as: Commencing at a found limestone monument designating Meander Corner Number 14, said monument being on the North line of the Northwest quarter of Section 3, Township 109 North of Range 25 West, thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) on the North line of said Northwest quarter a distance of 768.04 feet; thence South 00 degrees 00 minutes 00 seconds West, 1,054.20 feet; thence North 79 degrees 42 minutes 14 seconds West, 186.83 feet to the point of beginning; thence South 18 degrees 48 minutes 14 seconds West, 465.18 feet to the centerline of a public road; thence South 71 degrees 46 minutes 07 seconds East on said road centerline 303.54 feet; thence South 81 degrees 04 minutes 43 seconds East on said centerline, 116.00 feet; thence North 67 degrees 25 minutes 22 seconds East on said road centerline, 169.33 feet; thence North 50 degrees 43 minutes 04 seconds East on said road centerline, 181.36 feet; thence North 47 degrees 05 minutes 36 seconds West, 50 feet more or less to the North line of Government Lot 4 (South half of the Northwest quarter) of said Section 3; thence westerly on the North line of

said Government Lot 4, 340 feet more or less to the Southeast corner of the Northwest quarter of said Section 3, thence northerly on the East line of said Northwest quarter of the Northwest quarter, 302 feet more or less to a point that bears South 79 degrees 42 minutes 14 seconds East from the point of beginning; thence North 79 degrees 42 minutes 14 seconds West, 170 feet more or less to the point of beginning, according to the recorded maps or plats on file and of record in the Office of the County Recorder in and for Le Sueur County, Minnesota.

Together with all that part of vacated Evergreen Lane, Edgewater Terrace, , according to the recorded plat thereof, lying in Government Lots 4 and 5, Section 3, Township 109 North, Range 25 West, Le Sueur County, Minnesota, lying North of and adjacent to the following described line: Commencing at the Northwest corner of Lot 1, Edgewater Terrace, the same being the Northeast corner of Lot 1, Tomahawk Point, according to the recorded plat thereof; thence North 00 degrees 40 minutes 16 seconds East (assumed bearing) on the northerly extension of the West line of Lot 1, Edgewater Terrace, 106.07 feet to the point of beginning of the line to be described; thence South 38 degrees 34 minutes 49 seconds East, 176.98 feet to the north line of Evergreen Lane and there terminating.



**EXHIBIT B**

Parcel No. 13N1, 13N2, 13E1, 13E2, 13P2, 13P3, 13P4, 13P5, 13T1, 13T2, 13T3, 13T4, County  
Road No. 104 Right of Way Plat No. 2