

State Deed Tax Due: \$ _____

(from individual, trail)

Date: August 29 2007

TRAIL EASEMENT

THIS EASEMENT is given on HORACE R. CHOPE, single; and AVERY E. CHOPE and, ELIZABETH JANE CHOPE, husband and wife ("Owners"), to CITY OF MINNETONKA, a

Minnesota municipal corporation, (City"), in accordance with the following:

1. **Ownership.** Owners are the fee owners of the property legally described on attached Exhibit A ("Property").
2. **Grant of Easement.** For valuable consideration, Owners convey to the City an easement for public trail purposes ("Easement") over, under, and across the real property in Hennepin County, Minnesota, legally described on attached Exhibit B (Easement Area) and depicted on attached Exhibit C.
3. **Scope of Easement Rights.** The Easement includes the right of the City, its contractors, employees, agents and assigns to:

- 03/20/2001 10:11 AM
- a. locate, construct, reconstruct, operate, maintain, inspect, alter and repair within the Easement Area a public trail and associated facilities such as bridges and landscaping; and
 - b. cut, trim, or remove from the Easement Area trees, shrubs, or other vegetation that in the City's judgment unreasonably interfere with the City's easement or facilities.

4. **Duration of Easements.** The Easement is permanent and remains in effect in perpetuity.

5. **Subject to Conservation Easement.** The Easement is subject to the terms and conditions of that certain Conservation Easement granted to the City by the Owner pursuant to that certain Conservation Easement dated _____ and filed of record with the Registrar of Titles of Hennepin County, Minnesota, on _____ as Document No. _____.

6. **Warranty of Grantor.** The Owners warrant that they are the owners of a fee simple interest in the Property, that they have the right to grant the Easement, and that the Property is free and clear of any lien, encumbrance, easement, restriction, covenant or condition, except for those filed of record with the County Recorder or Registrar of Deeds for Hennepin County, Minnesota.

7. **Easement Runs with Land.** The Easement runs with the land and is binding on the Owners, their heirs, successors and assigns.

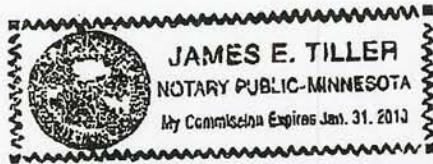
Horace R. Choje
HORACE R. CHOPE

Horace R. Choje
AVERY E. CHOPE, by Horace R. Choje,
His Attorney-in-Fact

Horace R. Choje
ELIZABETH JANE CHOPE, by
Horace R. Choje, Her Attorney-in-Fact

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

The foregoing instrument was acknowledged before me this 29 day of August, 2007 by Horace R. Choje, single; and as Attorney-in-Fact for Avery E. Choje and Elizabeth Jane Choje, husband and wife.



James E. Tiller
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

JAMES E. TILLER
ATTORNEY AT LAW
145 HAMEL ROAD; PO BOX 236
HAMEL MN 55340
ATTORNEY ID NUMBER 110024
TEL (763) 231-3568

For City use only:

Planning File # _____

Date of Council approval _____

DESCRIPTION FOR: Avery and Horace Chope 64417-002



Schoell Madson
Planning Engineering Surveying

15050 23rd Avenue North
Plymouth, Minnesota 55447
T 763-746-1600 F 763-746-1699
554 Third Street NW, Suite 100
Elk River, Minnesota 55330
T 763-241-0108 F 763-241-8351
www.schoellmadson.com

EXHIBIT B

TRAIL EASEMENT DESCRIPTION

An easement for trail purposes over the Easterly 10 feet of Lot 1, Block 1, and the Easterly 10 feet of Lot 2, Block 1, and the Easterly and Northeasterly 10 feet of Lot 3, Block 1, being a 10 foot wide strip of land adjoining the westerly right-of-way line of Eldorado Trail West, all in the recorded plat of Wentworth Woods, Hennepin County, Minnesota.

This drawing has been checked and reviewed this 24TH day of August 2007 by JMVN

I hereby certify that this description was prepared under my supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Travis Van Neste
Travis Van Neste

Date: 24 Aug 07 License No. 44109

64177-002

DESCRIPTION FOR: Avery and Horace Chope

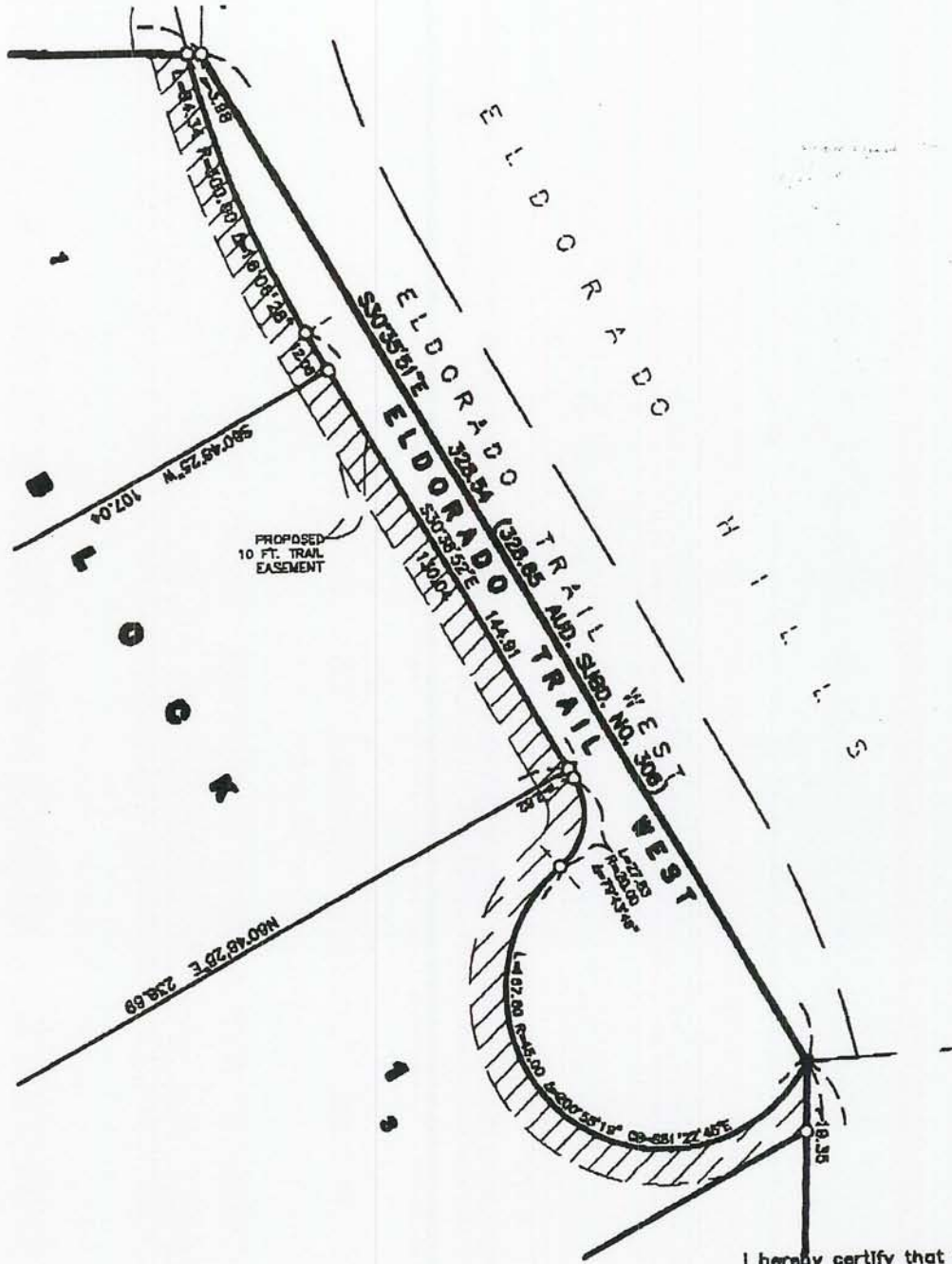


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TRAIL EASEMENT

EXHIBIT C



I hereby certify that this description was prepared under my supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

This drawing has been checked and reviewed this 24TH day of August 2007 by TWV

Travis Van Neste
Date: License No. 44109