

597744

DRAINAGE AGREEMENT

This Agreement made this 11th day of ~~January~~ ^{FEBRUARY}, 1991, by and between Henry A. Schumann and Luella M. Schumann, husband and wife, hereinafter "Schumanns," and South Valley Investment Company, a Missouri corporation, hereinafter "South Valley."

WHEREAS, Schumanns are the owners of the following described property located in Olmsted County, Minnesota, to-wit:

N 1/2 of the NW 1/4 of Section 27-105-14, except the following described parcel: Beginning at the intersection of the westerly right-of-way line of Minnesota Trunk Highway 63 with a line 66.00 feet northerly from and parallel with the south line of said NE 1/4 NW 1/4; thence northerly, along said westerly right-of-way line of Trunk Highway 63, a distance of 600.00 feet; thence westerly, parallel with said south line of NE 1/4 NW 1/4, a distance of 730.00 feet; thence southerly, at right angles to said south line of NE 1/4 NW 1/4, about 600 feet to a point in said line 66.00 feet northerly from and parallel with south line of NE 1/4 NW 1/4; thence easterly along said line 66.00 feet northerly from and parallel with said south line of NE 1/4 NW 1/4, about 730 feet to said point of beginning,

hereinafter the "Schumann Property;" and

WHEREAS, South Valley is the owner of the following described property located in Olmsted County, Minnesota, to-wit:

SE 1/4 of the NW 1/4, Section 27-105-14, except the South 165 feet of the North 171 feet of the East 264 feet of that part of the SE 1/4 of the NW 1/4, lying West of West right of way line of Trunk Highway #63; and also, the SW 1/4 of the NW 1/4, Section 27-105-14, less the West 10 acres thereof,

hereinafter the "South Valley Property;" and

WHEREAS, there is a mobile home trailer court with an underground storm sewer system located on the South Valley Property; and

WHEREAS, the parties desire that Schumanns have the right to connect a drainage or tiling system to be constructed on the Schumann Property into the storm sewer system for the purpose of draining water from the Schumann Property into and through such storm sewer system.

NOW, THEREFORE, in consideration of One Dollar and other good and valuable consideration, the parties agree as follows:

1. South Valley hereby grants, bargains and conveys to Schumanns, their successors and assigns, the right and easement to connect a drainage or tiling system to be located on the Schumann Property to and into the storm sewer system located on the South Valley Property. The easement granted herein shall inure to the benefit of the owners of the Schumann Property, their successors and assigns.

2. Schumanns shall be solely responsible for the cost of constructing such a drainage or tiling system and connecting it to said storm sewer system.

3. Upon receipt of an original of this Agreement duly executed on behalf of South Valley, and the payment of \$2,500.00, Schumanns shall dismiss with prejudice that certain action pending in Olmsted County, Minnesota, District Court entitled Henry A. Schumann and Luella M. Schumann vs. South Valley Investment Company, Court File No. C3-91-0026.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

Henry A. Schumann
Henry A. Schumann

Luella M. Schumann
Luella M. Schumann

SOUTH VALLEY INVESTMENT COMPANY

By [Signature]
Its

STATE OF MINNESOTA)
) SS
COUNTY OF OLMSTED)

The foregoing instrument was acknowledged before me this 20th day of January, 1991, by Henry A. Schumann and Luella M. Schumann, husband and wife.
February

William J. [Signature]
Notary Public

[Notary Seal]

5.

STATE OF KANSAS
mo. Cass SS
COUNTY OF WYANDOTTE

February The foregoing instrument was acknowledged before me this *14th* day of *February*, 1991, by Thomas J. Horner, Jr., the President of South Valley Investment Company, on behalf of the corporation.



Patricia J. Bride
Notary Public *7/4/94*

THIS INSTRUMENT WAS DRAFTED BY:

William J. Ryan, Attorney at Law
Michael's Seeger Rosenblad & Arnold
550 Norwest Center
21 First Street SW
Rochester, MN 55902

507744

COUNTY RECORDER OFFICE
Missouri County, Minn.
I hereby certify that the within instrument
is filed in this office for record on

ABSTRACT
GRANTOR
GRANTEE
TRACKED
PAID
CHG.

FEB 20 1991

9 *P*
2.5 *mat.* on page *801*
Patricia J. Bride County Recorder

M S B a
(Ryan)

FIRST AMENDMENT TO DRAINAGE AGREEMENT

This First Amendment to Drainage Agreement ("Amendment") made this 20 day of September, 1995, by and between Henry A. Schumann and Luella M. Schumann, husband and wife, hereinafter "Schumanns", and South Valley Investment Company, a Missouri corporation, hereinafter "South Valley".

RECITALS:

A. Schumanns are the owners of the following described real property located in Olmsted County, Minnesota, to-wit:

N 1/2 of the NW 1/4 of Section 27-105-14, except the following described parcel: Beginning at the intersection of the westerly right-of-way line of Minnesota Trunk Highway 63 with a line 66.00 feet northerly from and parallel with the south line of said NE 1/4 NW 1/4 ; thence northerly, along said westerly right-of-way line of Truck Highway 63, a distance of 600.00 feet; thence westerly, parallel with said south line of NE 1/4 NW 1/4, a distance of 730.00 feet; thence southerly, at right angles to said south line of NE 1/4 NW 1/4, about 600 feet to a point in said line 66.00 feet northerly from and parallel with south line of NE 1/4 NW 1/4; thence easterly along said line 66.00 feet northerly from and parallel with said south line of NE 1/4 NW 1/4, about 730 feet to said point of beginning (hereinafter the "Schumann Property").

B. South Valley is the owner of the following described real property located in Olmsted County, Minnesota, to-wit:

SE 1/4 of the NW 1/4, Section 27-105-14, except the South 165 feet of the North 171 feet of the East 264 feet of that part of the SE 1/4 of the NW 1/4, lying West of West right-of-way line of Trunk Highway #63; and also, the SW 1/4 of the NW 1/4, Section 27-105-14, less the West 10 acres thereof (hereinafter the "South Valley Property").

C. On or about February 11, 1991, Schumanns and South Valley entered into a Drainage Agreement ("Easement") which was recorded on February 20, 1991 in Book G-5 at page 801 in the office of the Recorder of Deeds for Olmsted County, Minnesota, whereby South Valley granted Schumanns the right and easement to connect a drainage or tiling system to be constructed on the Schumann Property to and into the storm sewer system located on the South Valley Property.

D. South Valley desires to confine the area where the connection to and into South Valley's storm sewer system is to be made and Schumanns have agreed to the location selected by South Valley.

SBMLSH-35072.1

714047

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COUNTY RECORDER OFFICE
 Olmsted County Minn.
 I hereby certify that the within instrument was filed in this office on,

OCT 23 1995

at _____ o'clock _____ P. M.
 by _____ ph _____ Deputy

Halt

NOW THEREFORE, in consideration of Five Hundred Dollars (\$500.00) and other good and valuable consideration, the parties agree as follows:

1. The Easement is hereby amended and modified to state that the connection of the drainage or tiling system to be constructed by Schumanns on the Schumann Property shall be constructed by Schumanns and connected to the storm sewer system located on the South Valley Property in the following described area of the South Valley Property:

The North 40.00 feet of the West 30.00 feet of that part of the Southwest Quarter of the Northwest Quarter of Section 27, Township 105, Range 14, except the West 10 acres thereof, Olmsted County, Minnesota.

2. Schumanns acknowledge receipt of South Valley's check in the amount of \$500.00 payable to Schumanns which is being paid to and accepted by Schumanns as consideration for their execution and delivery of this Amendment to South Valley.

3. Except as modified herein, all other terms of the Easement are ratified and confirmed.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

Henry A. Schumann
Henry A. Schumann

Luella M. Schumann
Luella M. Schumann

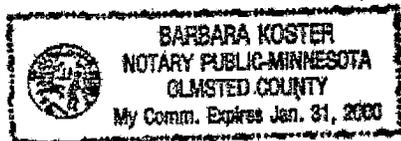
South Valley Investment Company

By Thomas J. Horner, Jr.
Thomas J. Horner, Jr. President

STATE OF MINNESOTA

COUNTY OF OLMSTED

)
) ss
)



The foregoing instrument was acknowledged before me this 19th day of September, 1995, by Henry A. Schumann and Luella M. Schumann, husband and wife.

Barbara Koster
Notary Public

STATE OF KANSAS)
) ss
COUNTY OF WYANDOTTE)

On this 20th day of August, 1995, before me, appeared Thomas J. Horner, Jr., to me personally known, who being by me duly sworn, did say that he is the President of **SOUTH VALLEY INVESTMENT COMPANY**, a Missouri corporation, and that said instrument was signed in behalf of said Corporation by authority of its Board of Directors, and said Thomas J. Horner, Jr. acknowledged said instrument to be the free act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Mary F. Armstrong
Notary Public

My Commission Expires:

MARY F. ARMSTRONG
Notary Public - State of Kansas
My Appt. Expires 10-8-95