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ENTERED IN TRANSFER RECORD
5-4 1984
LOU McKENNA
Auditor, Ramsey County, Minnesota
By T. Auger
DEPUTY

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DECLARATION OF EASEMENTS, USES AND LIMITATIONS

This Declaration is entered into this 18th day of October, 1983, by and between the City of White Bear Lake ("City"), a municipal corporation, and the Cottage Park Homeowners' Association ("Association"), a Minnesota non-profit corporation acting on behalf of all owners of residential property within the area encompassed by the plat of Cottage Park.

For valuable consideration, including the compromise and settlement of that certain action entitled City of White Bear Lake v. Town of White Bear Lake, et al., Ramsey County District Court, File No. 11953, the above-named parties agree as follows and declare that the property described on the attached Exhibit A ("Subject Property") shall be held and used by the parties, their successors and assigns, in accordance with the following Declaration of Easements, Uses, and Limitations:

1. ASSOCIATION EASEMENT

Subject to the Nature Preserve Easement and Pedestrian Walkway Easements set forth below in Sections 2 and 3, the City hereby conveys and grants a perpetual easement in favor of the Cottage Park Homeowners' Association over, under, and across the Subject Property. This easement shall be for the benefit and enjoyment of all owners of residential property located in the

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area encompassed by the 1882 plat of Cottage Park and this easement: includes the right of full use and enjoyment, riparian rights, and the right to construct docks on the Subject Property; provided, however, that these rights shall be subject to and in accordance with the membership requirements, rules and regulations as may be established from time to time by the Cottage Park Homeowners' Association, or by law. This easement shall run with the land. Except as subject to the reservations described in said Sections 2 and 3 below, it is specifically intended that this easement shall be exclusive, and is not for the benefit of the public, the City, or other persons or entities other than owners of residential property encompassed by Cottage Park, and their successors in interest.

2. NATURE PRESERVE EASEMENT

The Association Easement described in Section 1 above shall be subject to a reservation in favor of the City for a perpetual nature preserve ("Nature Preserve Easement") over that part of the Subject Property described as follows:

That part of Block A and accretions thereto, "Cottage Park", according to the plat thereof on file in the office of the County Recorder, Ramsey County, Minnesota, lying Northerly and Westerly of the following described line:

Commencing at the Northeast corner of Lot 19, Block 1, "South Shore Rearrangement of part of Blocks 1, 2, 3 & 4, Cottage Park on White Bear Lake Ramsey Co. Minn", according to the plat thereof on file in the

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office of the County Recorder,
Ramsey County, Minnesota; thence
N.24°01'06"W. (assumed bearing)
along the Northwesternly production
of the Easterly line of said Lot
19 a distance of 25.00 feet; thence
N.65°51'54"E., parallel with the
Northwesternly lines of Lots 18 and
19 said Block 1, a distance of 8.00
feet, to the point of beginning of
the line to be described; thence
N.12°35'19"W. to the shoreline of
White Bear Lake; thence
S.12°35'19"E. to the aforescribed
point of beginning; thence
S.65°51'54"W., parallel with and
25.00 feet Northwesternly of,
measured at right angle to, the
Northwesternly lines of said Lots
18 and 19 a distance of 107.79 feet,
to the intersection with the
Northwesternly production of the
Southwesternly line of said Lot 18;
thence N.82°07'54"W., 49.86 feet;
thence S.65°51'54"W., parallel with
the Northwesternly lines of Lots 15,
16 and 17, Block 1, said "Cottage
Park", to the shoreline of White
Bear Lake and there terminating.

On June 2, 1993, the following described part of the Subject
Property shall become a part of the Nature Preserve Easement;

That part of Block A and accretions thereto,
"Cottage Park", according to the plat thereof
on file in the office of the County Recorder,
Ramsey County, Minnesota, described as follows:

Commencing at the Northeast corner
of Lot 19, Block 1, "South Shore
Rearrangement of part of Block 1,
2, 3 & 4 Cottage Park on White Bear
Lake Ramsey Co. Minn", according
to the plat thereof on file in the
office of the County Recorder,
Ramsey County, Minnesota; thence
N.24°01'06"W. (assumed bearing)
along the Northwesternly production

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of the Easterly line of said Lot 19 a distance of 25.00 feet; thence N.65°51'54"E., parallel with the Northwestern lines of Lots 18 and 19 said Block 1, a distance of 8.00 feet, to the point of beginning of the parcel to be described; thence N.12°35'19"W. to the shoreline of White Bear Lake; thence Southeasterly along said shoreline to the intersection with a line which bears N.23°59'38"E. from the aforescribed point of beginning; thence S.23°59'38"W. to the beginning and there terminating.

The Nature Preserve Easement shall be subject to the following uses and limitations:

a. The area subject to the Nature Preserve Easement ("Nature Preserve Area") shall be designated the "Cottage Park Nature Preserve." This Nature Preserve Area shall be retained in a wild, undeveloped, natural state, for the use and enjoyment of the public. Public use of the Nature Preserve Area will be passive, limited to aesthetic enjoyment and other similar purposes.

b. The Nature Preserve Area shall not be for active use, such as, by way of example and without limitation, picnicking, volleyball, swimming, or biking.

c. In order to preserve the natural state of the Nature Preserve Area, nothing shall be constructed or placed on the area, such as, by way of example and without limitation,

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signs, bike paths, picnic tables, walkways, docks, boat launches or paving.

d. No vegetation, trees, grass, or other plant material shall be cut or removed from the Nature Preserve Area, except diseased or damaged vegetation may be removed and/or replaced by the City.

e. The City's agents or employees shall have the right of access on the Nature Preserve Area at any time and in any manner necessary to preserve or protect the health, safety, or well-being of the public and the right of access anywhere on or across the Subject Property for police, fire, ambulance, and similar emergency vehicles.

f. Public use of the Nature Preserve Area is limited to daylight hours.

3. PEDESTRIAN WALKWAY EASEMENT

The Association Easement described in Section 1 above shall be further subject to a reservation in favor of the City for a perpetual public pedestrian walkway ("Pedestrian Walkway Easement") in favor of the City extending from Cottage Park Road to the Cottage Park Nature Preserve over that part of the Subject Property described as follows:

That part of Blocks A and B, "Cottage Park", according to the plat thereof on file in the office of the County Recorder, Ramsey County, Minnesota, described as follows:

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Commencing at the Northeast corner of Lot 19, Block 1, "South Shore Rearrangement of part of Block 1, 2, 3 & 4 Cottage Park on White Bear Lake Ramsey Co. Minn", according to the plat thereof on file in the office of the County Recorder, Ramsey County, Minnesota; thence N.24°01'06"W. (assumed bearing) along the Northwestern production of the Easterly line of said Lot 19 a distance of 25.00 feet; thence N.65°51'54"E., parallel with the Northwestern lines of Lots 18 and 19 said Block 1, a distance of 8.00 feet, to the point of beginning of the parcel to be described; thence S.65°51'54"W., 8.00 feet; thence S.24°01'06"E., 25.00 feet to said Northeast corner of Lot 19; thence S.24°01'06"E. along the Easterly line of said Lot 19 a distance of 144.78 feet; thence S.24°10'02"E. along the Easterly line of said Lot 19 a distance of 33.81 feet, to the Southeast corner of said Lot 19; thence Easterly, along the Easterly production of the South line of said Lot 19, a distance of 7.98 feet; thence Easterly along a tangential curve, concave to the south, radius 146.60 feet, central angle 0°10'56" a distance of 0.47 feet to the intersection with a line which bears S.24°01'06"E. from the aforescribed point of beginning; thence N.24°01'06"W., 206.55 feet to the beginning and there terminating.

The Pedestrian Walkway Easement shall be subject to the following uses and limitations:

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a. The area subject to the Pedestrian Walkway Easement ("Pedestrian Walkway Area") shall be for such public pedestrian use as is necessary for or incidental to the use and enjoyment of the Nature Preserve Area, including normal or random public pedestrian ingress and egress.

b. In order to preserve the natural state of the Nature Preserve Area, nothing shall be placed or constructed on the Pedestrian Walkway Area, such as signs, walkways, paving, or barriers, and including anything which would encourage or discourage public access to the Nature Preserve Area.

c. Upon request of the Association, the City shall restrict or prohibit parking in the Cottage Park area and/or place limitations upon use of the Pedestrian Walkway Easement to prevent or alleviate nuisances, traffic, or other similar problems resulting from public use of the Pedestrian Walkway Area.

d. The City's agents or employees shall have the right of access, including access by police, fire, ambulance, and other similar emergency vehicles, on the Pedestrian Walkway Area at any time, and in any manner necessary to preserve or protect the health, safety, or well-being of the public.

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e. Public use of the Pedestrian Walkway Area is limited to daylight hours.

Dated: October 18, 1983

CITY OF WHITE BEAR LAKE

By Brad Stanius
Mayor

By William S. Joyner
Manager

COTTAGE PARK HOMEOWNERS' ASSOCIATION

By Richard L. Betcher
President

By Don Blumson
Secretary

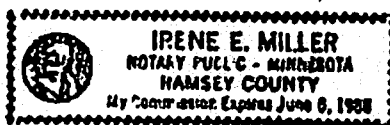
STATE OF MINNESOTA)

COUNTY OF RAMSEY)

: ss.

The foregoing instrument was acknowledged before me this 3 day of May, 1984 by Brad Stanius, Mayor, and by William S. Joyner, Manager, of the City of White Bear Lake, a Minnesota municipal corporation, on behalf of the corporation.

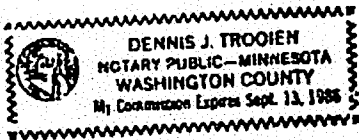
Irene E. Miller
Notary Public



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STATE OF MINNESOTA)
: ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this 20th day of March, 1984, by Patricia A. Butcher, President, and by Donald Mooney, Secretary, of Cottage Park Homeowners' Association, a Minnesota non-profit corporation, on behalf of the corporation.




Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Stolpestad, Brown & Smith
2000 North Central Tower
445 Minnesota Street
St. Paul, Minnesota 55101

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EXHIBIT A

That part of Block A, and accretions thereto, and that part of Block B, "Cottage Park", according to the plat thereof on file in the office of the County Recorder, Ramsey County, Minnesota, all described as beginning at the intersection of the Southerly shoreline of White Bear Lake with the extension Northwesterly of the Westerly line of Lot 11, Block 1, said "Cottage Park", which extended line is marked by Judicial Landmarks set pursuant to Torrens Case No. 11580; thence Southeasterly along said extended lot line to the Northwest corner of said Lot 11; thence Northeasterly along the Northerly lines of Lots 11, 12 and 13, said Block 1, to the Northeast corner of said Lot 13; thence Southeasterly along the Easterly line of said Lot 13 to the Southeast corner of said Lot 13; thence Northeasterly 10 feet to the Southwest corner of Lot 14, said Block 1; thence Northwesterly along the Westerly line of said Lot 14 to the Northwest corner of said Lot 14; thence Northeasterly along the Northerly lines of Lots 14 to 17, inclusive, said Block 1 and the Northerly lines of Lots 18 and 19, Block 1, "South Shore Rearrangement of part of Blocks 1, 2, 3 and 4, Cottage Park on White Bear Lake, Ramsey Co., Minn.", according to the plat thereof on file in the office of the County Recorder, Ramsey County, Minnesota, to the Northeast corner of said Lot 19; thence Southeasterly along the Easterly line of said Lot 19 to the Southeast corner of said Lot 19; thence Easterly, along the Easterly production of the South line of said Lot 19, a distance of 7.98 feet; thence Easterly along a tangential curve, concave to the south, radius 146.60 feet, central angle $1^{\circ}09'53''$, a distance of 2.98 feet, to the Southwest corner of Lot 1, Block 2, said South Shore Rearrangement; thence Northeasterly, along the Northwesterly line of said Lot 1, Block 2 a distance of 47.71 feet to the most Westerly corner of former Lot 1, Block 2, said "Cottage Park"; thence Northwesterly, deflecting to the left 90 degrees 35 minutes 23 seconds a distance of 9.78 feet; thence Northeasterly, deflecting to the right 90 degrees 38 minutes 20 seconds, to the shoreline of White Bear Lake; thence Northwesterly, Southerly, Southeasterly and Southwesterly along said shoreline to the point of beginning.



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White
to
Cottage

STATE OF MINNESOTA) ss
County of Ramsey)

Office of the County Recorder

This is to certify that the within instrument
was filed for record in this office at St. Paul
on the 7 day of May
A.D. 1925 at 10:20 o'clock A.M. and that
the same was recorded in Ramsey County
Records as Doc. No. 2219607

EUGENE H. GIBBONS
COUNTY RECORDER

By Eugene H. Gibbons

Return: Stopped Box
Attn: Karen Kees