

Appendix G

Section 106 Correspondence



Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

June 26, 2008

Mr. Dennis Gimmestad
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55101-1906

re: SP 1116-22/ TH 371 Change to Preferred Alignment for the reconstruction of TH 371 from Crow Wing County Road 18 in Nisswa to Cass County Roads 2/42 in Pine River, Crow Wing and Cass Counties
SHPO review number: 2003-1303 MOA

Dear Mr. Gimmestad,

We are providing your office with this information pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800).

Since our correspondence of November 23, 2004, a change has been made to the preferred alternative route (existing alignment) to use the Pequot Lakes bypass. After the Adequacy Determination and the ROD were signed, in-depth negotiations began with each of the affected communities in order to further develop the project details from conceptual level drawings used in the EIS to detailed layouts suitable for use during the municipal consent process. During negotiations with the City of Pequot Lakes, it became increasingly difficult for the City and the Minnesota Department of Transportation (Mn/DOT) to agree on the details of the future through-town configuration of Highway 371. Most of the discussion related to implementation of access management controls required by Mn/DOT and safety concerns related to projected traffic levels of a through-town alignment. In June 2006, the Pequot Lakes City Council adopted a resolution in support of re-routing Highway 371 to a corridor east of town (bypass) along an alignment similar to Alternative 3 identified in the DEIS. In December 2007, the Pequot Lakes City Council reaffirmed its preference for the bypass option with a second resolution and requested a change to the original preferred alternative.

Mn/DOT decided that it would not be in the best interest of the State to pursue an alternative that did not have the support of the local unit of government. Mn/DOT also recognized that a bypass option would have the potential to reduce conflict points and increase mobility through this segment of Highway 371 which has been classified as a Principal Arterial and an Inter-Regional Corridor (IRC). As Mn/DOT considered a proposed bypass route, it was determined that in order to make such a route acceptable, the original Pequot Lakes bypass (Alternative 3) studied during

the DEIS would have to be modified to reduce cost and provide other benefits. Preliminary estimates show that the elimination of three grade separated interchanges on the existing TH 371 alignment for at grade intersections on the bypass, would bring the project cost of each alternative (through-town and the bypass) to a comparable level. The alignment of the bypass has also been altered somewhat (see aerials). The use of the Pequot Lakes revised bypass is the only proposed change to the original on-alignment preferred alternative.

The new bypass route (MOD3) begins at the same point on the south end (CSAH 107 and TH 371), bows farther east, then realigns with the old proposed bypass, and ties back into TH 371 about 1.5 miles south of the former tie-in (see enclosed aerial). This southernmost area is the only area where the APE was not adequate for historic buildings. There are no recorded properties in the area. The additional APE in this area has been made consistent with the APE of the previous survey (see map) and consists of 500 feet on either side of the proposed right of way for the new bypass. I have enclosed photographs of two properties in the expanded area of potential effect and have mapped and numbered them as 1MOD and 2MOD. Both are located on CSAH 107 (aerial). The 1MOD property is a modern house and garage and 2MOD is a single metal shed (see photos). Neither is historic.

There are no previously recorded archaeological sites along the new Pequot Lakes realignment. The area has been assessed as having low potential for the presence of unknown precontact archaeological sites because of distance from water and the findings of a previous survey by Leech Lake Heritage Sites Program entitled *Phase I Archaeological Reconnaissance Survey of TH 371, Pine River to Nisswa, Cass and Crow Wing Counties, Minnesota* (2004). This survey recorded no sites in higher potential areas in the previous Pequot Lakes bypass. The previous bypass shares all but about two miles with the revised bypass. The potential for historic archaeology is also low because the new alignment is only impacting or potentially impacting buildings that are less than 50 years old recorded by the architectural survey of 2003 by Mead and Hunt (Appendix A: properties I6, X9, K9, N9). (Map enclosed.)

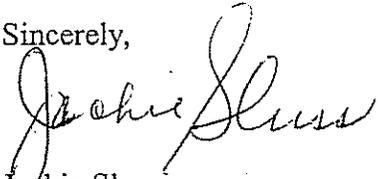
Alternative MOD3 includes the realignment of Highway 371 in an easterly direction in order to create the Pequot Lakes bypass. By doing so, the newly proposed Pequot Lakes bypass will now intersect the existing historic Brainerd and Northern Minnesota Rail Line (Paul Bunyan Trail) near CSAH 107. In order to separate the trail traffic from the highway traffic, the trail will be bridged over the new highway. Since the new TH 371 will cross the trail at an oblique angle, the route of the historic alignment will be re-aligned 1450 feet (see aerial) to shorten the length of the bridge over the new highway. Effects to that resource have already been mitigated under the 2004 MOA stipulation number 4.

The use of the bypass alternative brings the Pequot Fire Tower (CW-SIB-012), which is located just north off County Road 11, into the area of potential effect of the preferred alternative. The alignment of the bypass has not changed from the original in this location. The intersection is located about ¼ mile west from the Pequot Fire Tower and will have an adverse effect on the rural setting of the fire tower. We would suggest that the adverse effect to the Pequot Fire Tower could be mitigated through the development of a historical context to understand the tower type and the network of which it was a part.

As you are aware, we are still in the process of mitigating effects to the Pine River Depot. We look forward to amending the current MOA with the appropriate stipulation for the mitigation of effects to the Pequot Fire Tower.

If you have additional questions regarding this project, please contact me at (651) 366-3624.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Sluss".

Jackie Sluss
Historian, Cultural Resource Unit
Office of Environmental Services

cc: MnDOT C O file
CRU project file
Joseph Hudak, CRU
Cheryl Martin, FHWA
Tim Bray, D-3, MnDOT



Minnesota Department of Transportation

Transportation Building

395 John Ireland Boulevard
St. Paul, Minnesota 55155-1899

January 6, 2009

Mr. Dennis Gimmestad
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55101-1906

re: SP 1116-22 TH 371, Pine River Depot Rehabilitation Plans
SHPO MOA Number 2003-1303

Dear Mr. Gimmestad,

We are providing your office with this information pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800).

As you will recall, our office met with the consulting architects from MacDonald & Mac and Mark Buechel from your staff on December 30th to review the enclosed plans for the relocation and rehabilitation of the Pine River Depot building. I am forwarding the paper documents for a final review and written finding. We are concurrently working with your grants staff to explore the possibility of additional grant money to cover the costs of possible shortfalls or plan alternatives for this project.

We are also amending the existing MOA to add a stipulation for the additional adverse effect to the setting of the Pequot Fire Tower, caused by the selection of the Pequot Lakes bypass alternative. We have agreed to mitigate that effect with a National Register nomination of the eligible fire tower.

If you have additional questions regarding this project, please contact me at (651) 366-3624.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Sluss".

Jackie Sluss
Historian, Cultural Resource Unit
Office of Environmental Services

cc: MnDOT C O file
CRU project file
Joseph Hudak, CRU
Tim Bray, MnDOT D-3



Minnesota
Historical Society

State Historic Preservation Office

January 21, 2009

Ms. Jackie Sluss
Cultural Resources Unit
MN Dept. of Transportation
Transportation Building, MS 620
395 John Ireland Boulevard
St. Paul, MN 55155-1899

Re: S.P. 1116-22 T.H. 371, Pine River Depot Rehabilitation Plans
SHPO Number: 2003-1303MOA

Dear Ms. Sluss:

Thank you for submitting a copy of the plans for the relocation and rehabilitation of the Pine River Depot. These plans are submitted and reviewed pursuant to the Section 106 Agreement for the T.H. 371 (Pine River-Nisswa) project.

We have reviewed the plans dated August 27, 2008 (47 sheets). We conclude that the work meets the Secretary of the Interior's Standards for Rehabilitation.

Please note that this review addresses only the work included in the above referenced plan set. Any additional work on the building completed as part of the T.H. 371 project will need to be submitted for review.

We look forward to working with you on the completion of other items included in the project's Memorandum of Agreement. Contact us at 651-259-3456 with questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Britta L. Bloomberg".

Britta L. Bloomberg
Deputy State Historic Preservation Officer

cc: Alan Johnson, Heritage Group North
Stu MacDonald, Macdonald and Mack

SECTION 106 MEMORANDUM OF AGREEMENT (MOA) AMONG THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), THE DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT CORPS OF ENGINEERS (USCOE), THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE (MNSHPO), AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT)

**REGARDING
STATE PROJECT 1116-22**

WHEREAS, the Federal Highway Administration (FHWA) is proposing to provide funding to the Minnesota Department of Transportation (MnDOT) for the reconstruction of TH 371 between Pine River and Nisswa; and

WHEREAS, the project will require a Department of the Army permit issued by the St. Paul District Corps of Engineers (USCOE) as required under Section 404 of the Clean Water Act; and

WHEREAS, for the purposes of this project, the FHWA will be recognized as the lead federal agency; and

WHEREAS, the Pine River Depot and the Brainerd and Northern Minnesota Railroad will be adversely affected by this project; and

WHEREAS, FHWA and MnDOT have consulted with the Minnesota State Historic Preservation Office (MnSHPO) pursuant to 36CFR 800; and

WHEREAS, FHWA has consulted with Heritage Group North (HGN), the City of Pine River, the Pine River Chamber of Commerce (PRCC); and the City of Pequot Lakes in the review of the project; and

WHEREAS, MnDOT, the Depot property owner, has responsibilities under this MOA, and has been invited to be a signatory to the MOA; and

NOW THEREFORE, the FHWA, USCOE, MnSHPO, and MnDOT agree that the project shall be implemented with the following stipulations in order to take into account the effects of the undertaking on historic properties:

STIPULATIONS

The FHWA will ensure that the following stipulations are carried out:

1. MnDOT will perform all activities included in the Phase I scope of work in Attachment A and will move the depot building to the parcel of land owned by the City of Pine River as described in Attachment C. Prior to the completion of any relocation activities, the plans for the relocation work will be submitted to both the MnDOT Cultural Resources Unit and the MnSHPO for review and written concurrence.
2. Upon completion of the depot building relocation, MnDOT will lease the building to a party or parties able to maintain and restore the building consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties. The Depot is eligible for listing on the National Register of Historic Places. Any lessee will be required to complete the activities included in the outline for Phase II of the Pine River Depot Restoration as detailed in Attachment B. Prior to completion of any of the Phase I or Phase II I rehabilitation work plans for the proposed activities will need to be submitted to both the MnDOT Cultural Resources Unit and the MnSHPO for review and written concurrence. MnDOT District 3 will complete annual reviews of the depot building and site to ensure that the building remains in a stable and secure condition and that any approved rehabilitation work is being completed in accordance with an approved plan. Results of the annual review should be submitted to MnDOT CRU for review.
3. Until an appropriate lessee is found, or if a lessee terminates its agreement with MnDOT, MnDOT will ensure that the building remains in a stable and secure condition.
4. A historical narrative about the Brainerd and Northern Minnesota Railroad will be completed by an historian who meets the Secretary of Interior's Professional Standards. The narrative will be reviewed by the MNDOT Cultural Resource Unit and forwarded to the MnSHPO for review and concurrence. It will be made available to county and local historical societies for their use in the interpretation of the Depot and its importance to transportation history.
5. All work on items outlined in Attachments A and B and stipulation 4 shall be completed by December 1, 2008. If the terms of this agreement have not been implemented by the assigned date, FHWA shall notify the parties of this agreement of the expiration, and if appropriate, shall initiate consultation to renegotiate its terms.
6. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Advisory Council on Historic Preservation to assist in the dispute.

Execution of this agreement by FHWA, MnSHPO, USCOE, and MnDOT, and implementation of its terms, evidences that FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: [Signature] Date: 1/7/05

DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT CORPS OF ENGINEERS

By: Maria T. Valencia Date: 12/17/04

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: Kevin D. Archabal Date: 12/13/04

Invited signatory:

MINNESOTA DEPARTMENT OF TRANSPORTATION

By: [Signature] Date: Dec 3, 05

Concurring parties:

CITY OF PINE RIVER - Mayor

By: Robert J. Fladung Date: 12/22/04

CITY OF PINE RIVER - City Clerk

By: Wanda Morgan Date: 12/22/04

HERITAGE GROUP NORTH

By: Alan Johnson Date: 12/22/04

PINE RIVER CHAMBER OF COMMERCE

By: Johanna Petrosky Date: 12-22-04

CITY OF BEQUOT LAKES

By: Sandra G. Penn Date: 12/22/04

Attachment A

Phase I Project Scope Outline Pine River Depot Relocation November 2004

1. Completion of plans and specifications (architectural drawings) for all work items described in attachments A and B of this agreement.

2. Archaeology of existing depot site to locate historic structural elements

3. Relocation of picnic shelter and reclamation of platform pavers in shelter area

4. Stabilization of depot prior to and after relocation

- Stabilization of building
- Temporary power
- Earth and concrete removal for joist installation
- Asphalt roof repair/replacement if necessary

5. Construction of new foundation

- Foundation construction
- New platform curbing
- Replacement of asphalt walkways

6. Relocation of building

- Moving
- Resetting platform pavers

Attachment B

Phase II Project Scope Outline Pine River Depot Restoration November 2004

Restoration of Building Exterior

- 1. Repair of trim, siding, soffits, doors, and windows**
- 2. Exterior Painting**
- 3. Canopy Restoration**
- 4. Wood shingle roof**
- 5. Brick chimneys**

Attachment C

Description for Quitclaim Deed State of Minnesota to Village of Pine River

Lots 1 and 2, Block 1, Dawes 3rd Addition to Pine River, Cass County, Minnesota and being the same parcel of land conveyed to the Burlington Northern Railroad Company by warranty deed dated December 12, 1968 from Donald F. Wilson and Lola R. Wilson and recorded December 20, 1968 as Document No. 191705 in and for Cass County, Minnesota; also,

The southwesterly 35.0 feet of the southwesterly 77.0 feet of the former Burlington Northern Railroad Company's (formerly Northern Pacific Railway Company) 100.0 foot wide Brainerd to Bemidji, Minnesota Branch Line right of way, now discontinued, being 50.0 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the NW ¼ of Section 6, Township 137 North, Range 29 West of the Fifth Principle Meridian, Cass County, Minnesota lying northeasterly of a line drawn parallel with, distant 50.0 feet southwesterly, measured at right angles from said Main Track centerline and lying southwesterly of a line drawn parallel with and distant 27.0 feet northeasterly, measured at right angles from said Main Track centerline, bounded on the northwest by the northeasterly extension of the northwesterly line of Lot 1, Block 1, Dawes 3rd Addition to Pine River and bounded on the southeast by the northeasterly extension of the southeasterly line of Lot 3, Block 1, Fifth Addition to Pine River, Minn.; also,

An additional 50.0 foot wide strip of land lying adjacent to and southwesterly of the hereinabove described 100.0 foot wide Branch Line right of way lying between two lines drawn parallel with distant, respectively, 50.0 feet and 100.0 feet southwesterly, measured at right angles from said Main Track centerline bounded on the northwest by the northeasterly extension of the said northwesterly line of Lot 1, Block 1, Dawes 3rd Addition to Pine River and bounded on the southeast by said northeasterly extension of the southeasterly line of Lot 3, Block 1, Fifth Addition to Pine River, Minn.

AMENDMENT 1

to the

SECTION 106 MEMORANDUM OF AGREEMENT (MOA) AMONG THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), THE DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT CORPS OF ENGINEERS (USCOE), THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE (MnSHPO), AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION (Mn/DOT)

Regarding

The reconstruction of Trunk Highway 371
State Project No. 1116-22

WHEREAS, since the execution of the original Section 106 Memorandum of Agreement (MOA) in 2005, it has taken more time than allowed in the original MOA to execute the terms of the agreement and the original MOA has expired; and

WHEREAS, the original signatories remain committed to the fulfillment of the terms of the original MOA; and

WHEREAS, since the execution of the original MOA, a new Highway 371 alignment (Alternative 3MOD) has been identified and selected as the preferred alternative; and

WHEREAS, the new alignment will have an adverse effect on the Pequot Fire Lookout Tower by altering the rural setting of this resource eligible for listing on the National Register of Historic Places; and

WHEREAS; the new preferred alignment will cause adverse effects to the Pine River Depot Brainerd and Northern Minnesota Railway Corridor; and

WHEREAS; Mn/DOT has responsibilities under this MOA to mitigate the effects caused to the afore mentioned resources;

NOW THEREFORE, the parties agree that, upon execution of this agreement, FHWA shall ensure that the following stipulations are implemented in order to take account of the effects of the undertaking on historic properties and to satisfy the FHWA's Section 106 responsibilities for the project.

STIPULATIONS

Stipulation 1 of the original MOA dated 1/07/05 remains unchanged.

The activities included in the Phase I (Relocation) scope of work identified in Stipulation 1 have been completed.

Stipulation 2 of the original MOA dated 1/07/05 shall be struck and replaced with:

2. Mn/DOT in cooperation with Cass County, the City of Pine River, and Heritage Group North will complete the activities included in the Phase II (Restoration/Rehabilitation) scope of work for the Pine River Depot as detailed in Attachment B. Mn/DOT will retain the building and permanent easement described in Attachment D-1 until a party or parties able to maintain the building consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties can be identified. Once identified, Mn/DOT will convey all legal rights to that party.

The activities included in the Phase II (Rehabilitation) scope of work identified in Stipulation 2, Attachment B have been substantially completed. Minor touch up work will be completed Spring 2010.

Stipulation 3 of the original MOA dated 1/07/05 shall be struck and replaced with:

3. Until Mn/DOT relinquishes all legal rights, Mn/DOT District 3 will complete annual reviews of the depot building and site to ensure that the building remains in stable and secure condition. Results of the annual review will be submitted to Mn/DOT CRU for review.

Stipulation 4 of the original MOA dated 1/07/05 remains unchanged.

The activities included in Stipulation 4 have been completed and accepted by the MnSHPO.

Stipulation 5 of the original MOA dated 1/07/05 shall be struck and replaced with:

5. All work described in Attachments A and B and Stipulations 4 and 7 shall be completed no later than February 28, 2012. If the terms of this agreement have not been implemented by the assigned date, the FHWA shall notify the signatories of the agreement's expiration, and if appropriate, shall initiate consultation to renegotiate its terms.

Stipulation 6 of the original MOA dated 1/07/05 remains unchanged.

Stipulation 7 is added to address the newly discovered effects to the Pequot Fire Lookout Tower.

7. Mn/DOT CRU will complete a National Register of Historic Places (NRHP) nomination form for the Pequot Fire Lookout Tower. This work will be completed by a historian who meets the Secretary of Interior's professional standards for historian or architectural historian and who has demonstrated success in completing a NRHP nomination for MnSHPO. Mn/DOT CRU shall forward all documentation to MnSHPO for review and acceptance.

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Execution of this agreement by the FHWA, MnSHPO, USCOE, and MnDOT and implementation of its terms, evidences that FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: [Signature] Date: 7/12/2010

DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT CORPS OF ENGINEERS

By: [Signature] Date: 4/27/10

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: [Signature] Date: 3/11/10

Invited signatory:

MINNESOTA DEPARTMENT OF TRANSPORTATION

By: [Signature] Date: 3/16/10

Concurring parties:

CITY OF PINE RIVER - Mayor

By: _____ Date: _____

HERITAGE GROUP NORTH

By: _____ Date: _____

PINE RIVER CHAMBER OF COMMERCE

By: _____ Date: _____

CITY OF PEQUOT LAKES - Mayor

By: Nancy A. Adams Date: April 8-2010

Attachment D-1

HIGHWAY EASEMENT

C.S. 1116 (371=019) 901
Parcel 34
County of Cass

Date: October 9, 2007

For and in consideration of the sum of _____
Eleven Thousand One Hundred and 00/100----- Dollars (\$ 11,100.00),
City of Pine River, a municipal corporation under the laws of the state of Minnesota, Grantor,
hereby conveys and quitclaims to the State of Minnesota, Grantee, together with the
unrestricted right to improve the same, free and clear of all incumbrances, a perpetual
easement on and over real property in Cass County, Minnesota, described as follows:

That part of Tract A described below:

Tract A. The southwesterly 35.0 feet of the former Burlington Northern Railroad Company's (formerly Northern Pacific Railway Company) 100.0 foot wide Brainerd to Bemidji, Minnesota Branch Line right of way, now discontinued, being 50.0 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed across the Northwest Quarter of Section 6, Township 137 North, Range 29 West, Cass County, Minnesota, bounded on the northwest by the northeasterly extension of the northwesterly line of Lot 1, Block 1, Dawes Third Addition to Pine River and bounded on the southeast by the northeasterly extension of the southeasterly line of Lot 3, Block 1, Fifth Addition to Pine River, Minnesota; also

An additional 50.0 foot wide strip of land lying adjacent to and southwesterly of the hereinabove described 100.0 foot wide Branch Line right of way lying between two lines drawn parallel with distant, respectively, 50.0 feet and 100.0 feet southwesterly, measured at right angles from said Main Track centerline, bounded on the northwest by the northeasterly extension of the said northwesterly line of Lot 1, Block 1, Dawes Third Addition to Pine River and bounded on the southeast by said northeasterly extension of the southeasterly line of Lot 3, Block 1, Fifth Addition to Pine River, Minnesota;

Tract B. Lots 1 and 2, Block 1, Dawes Third Addition to Pine River, according to the plat thereof on file and of record in the office of the County Recorder in and for Cass County, Minnesota;

which lies between two lines run parallel with and distant 98 feet and 175 feet southwesterly of Line 1 described below:

Line 1. Commencing at the northwest corner of said Section 6; thence easterly on an azimuth of 89 degrees 57 minutes 19 seconds along the north line thereof for 958.92 feet; thence on an azimuth of 131 degrees 02 minutes 10 seconds for 544.52 feet to the point of beginning of Line 1 to be described; thence continue on the last described course for 285.00 feet and there terminating;

together with that part of Tracts A and B hereinbefore described, adjoining and southwesterly of the above described strip, which lies northeasterly of a line run parallel with and distant 323.00 feet southwesterly of the following described line: Beginning at a point on Line 1 described above, distant 58.00 feet southeasterly of its point of beginning; thence southeasterly along said Line 1 for 33.00 feet and there terminating;

containing 0.51 acre, more or less, in the unplatted portion;

also a right to use the following described strip for highway purposes, which right shall cease on December 1, 2011, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes:

A strip being that part of Tracts A and B hereinbefore described, adjoining and northwesterly of the first above described strip, which lies between two lines run parallel with and distant 160.00 feet and 200.00 feet southwesterly of the following described line: Beginning at the point of beginning of Line 1 described above; thence northwesterly along the northwesterly extension of said Line 1 for 60.00 feet and there terminating;

containing 0.03 acre, more or less, in the unplatted portion.

Grantor, for itself, its successors and assigns, does covenant never to cut, damage, destroy, or remove any tree or shrub or other natural growth upon the hereinbefore described premises for the continuation of this easement; does hereby grant and convey to the State of Minnesota all grasses, shrubs, trees and natural growth now existing on said lands or that may be hereafter planted or grown thereon, and the right to remove and use all earth and other materials lying within the parcel of land hereby conveyed.

The said Grantor does hereby release the State of Minnesota from any claims for damages to the fair market value of the above-described area covered by this easement and for its use, or any claims for damages to the fair market value of the remaining property of Grantor caused by the use of the easement, including grading and removal of materials from said easement area for highway purposes. Notwithstanding the foregoing, Grantor does not release any claims Grantor may have as a result of the negligence of the Grantee, its agents or contractors, in conducting any of the above activities.

CITY OF PINE RIVER

By Jim Selman

Its Mayor

And Wanda Morgan

Its Clerk Treasurer