

Document #: A677299

Date: 05-22-2019 Time: 08:06 AM Pages: 6
Recording Fee: \$0

Paid on 05-22-2019
County: Carver State: MN
Requesting Party: CC LAND & WATER SERVICES
Kaaren Lewis
County Recorder

PID # 09-001-0100 Acres: 58.84 Permit# A20190162
PID # _____ Acres: _____ Permit# _____
PID # _____ Acres: _____ Permit# _____
PID # _____ Acres: _____ Permit# _____
PID # _____ Acres: _____ Permit# _____
PID # _____ Acres: _____ Permit# _____

RECEIPT # 113114

FEE: \$50.00 RENEWAL: \$10.00

Renewal ☒ YES ☐ NO Previously Entered/Expired ☒ YES ☐ NO
TOTAL ACRES: 58.84 TOTAL ACRES ENTERED: 58.84
ALL ACRES ELIGIBLE ☒ YES ☐ NO CUP ☐ YES ☒ NO

**METROPOLITAN AGRICULTURAL PRESERVES
RESTRICTIVE COVENANT**

THIS AGREEMENT, made and entered into this 10th day of MAY, 2019, by and between Weibel Living Trust, (Jerome D & Mary Lou B Weibel, trustees), Husband Wife, Record Fee Owner(s);
_____, Contract for Deed Vendor(s) (Sellers), if any; _____, Contract for Deed Vendee(s) (Buyers), if any;
hereinafter collectively referred to as Landowner(s); AND the County of Carver, Minnesota.

(Note: Above named Landowner(s) must be identified as husband and wife, a single person, a Partnership, a (State) Corporation, a Trustee of a Trust (describe), a Guardian or Administrator of an Estate (describe) – Whatever the case might be – If property is homestead – spouse must join whether their name is on record or not – if property is non-homestead and spouse doesn't join – then a statement must be put at end of legal description that it is non-homestead.)

WITNESSETH:

WHEREAS, the Landowner is the owners of the tract of land (the Land) in the County of Carver, State of Minnesota, legally described as: **(See attached Exhibit A)**

(IF TORRENS PROPERTY – Use description from Certificate of Title, verbatim: IF ABSTRACT PROPERTY – Use description from abstract or deed if possible. Use an additional sheet if extra space is needed. Be sure to state your parcel identification number and whether or not your property is homestead)

WHEREAS, the Landowner desires to receive the benefits of participation in the State of Minnesota Metropolitan Agricultural Preserves Program established by Minn. Stat., Chapter 473H, and has made application for initiating placement of the Land into a Metropolitan agricultural Preserve, a copy of which is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the Land described herein is classified as agricultural pursuant to Minn. Stat., Section 273.13 and The County of Carver and County/Township Comprehensive Plan and Carver County Code. have approved and certified this Land as being eligible for designation as an agricultural preserve; a copy of the affidavit evidencing that the Land is certified long-term agricultural is attached hereto and incorporated herein by reference as Attachment B;

WHEREAS, Minn. Stat., Section 473H.05, requires that the applicant complete and file as part of his application a “restrictive covenant which shall constitute an easement running with the land”;

NOW, THEREFORE, in consideration of receipt of the benefits of participation in the State of Minnesota Metropolitan Agricultural Preserves Program, the Landowner on behalf of himself, his successors and assignees, agrees and covenants as follows:

1. The land herein described shall be kept in agricultural use. Agricultural use as that is used herein means the production for sale of livestock, dairy animals, dairy products, poultry or poultry products, fur bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be deemed to be an agricultural use.

2. The land herein described shall be used in accordance with the provisions of Minn. Stat., Chapter 473H which exist on the date of this covenant.

3. This Restrictive Covenant shall be binding on the owner, or his successors and assignees, and shall be an easement running with the land.
4. Duration. This Restrictive Covenant shall be in force and effect in accordance with the aforementioned statute:
- a. until expiration initiated pursuant to Minn. Stat., Section 473H.08 becomes final;
 - b. until the agricultural preserve is terminated by executive order of the Governor; or
 - c. until the Land is acquired by eminent domain;
- all in accordance with Minn. Stat., Chapter 473H.

5. Enforcement: This Agreement and Restrictive Covenant may be enforced by the County of Carver or the State of Minnesota, or by an interested person, by appropriate action in the courts of the State of Minnesota.

This instrument was completed by **Weibel Living Trust (Jerome D & Mary Lou B Weibel, trustees)** on a form prepared and approved by the Minnesota Department of Agriculture, 90 West Plato Blvd., St Paul, Minnesota 55107.

IN WITNESS HEREOF, the parties to this agreement have caused this instrument to be executed on the day and year first above written.
(To be signed in the presence of a notary public with exact same name as on page 1.)

Witnessed Signature of Record Fee Owner (s) OR Contract for Deed Buyer(s) Vendees:

Jerome D Weibel Trustee
Mary Lou B. Weibel Trustee

Witnessed Signature of Contract for Deed Vendor(s) (Sellers), if any:

Witnessed Signature and Title of Position of Local Authority:

Steve Just Land Use Manager, Land Management Department of Carver County, Mn.
(Signature and Title or Position of Local Authority)

For Individual or Husband/Wife:

State of ~~Minnesota~~ Georgia)
) §
County of ~~Carver~~)

The foregoing instrument was acknowledged before me this 1st day of MAY, 2019, by

JEROME D WEIBEL

Martha J. Froehlich
Signature of Notary Public
Commission Expires OCTOBER 10, 2022

For Individual or Husband/Wife:

State of ~~Minnesota~~ Georgia)
) §
County of ~~Carver~~)

The foregoing instrument was acknowledged before me this 1st day of MAY, 2019, by

MARY LOU B WEIBEL

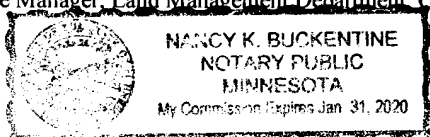
Martha J. Froehlich
Signature of Notary Public
Commission Expires OCTOBER 10, 2022

For Public Officer:

State of Minnesota)
) §
County of Carver)

The foregoing instrument was acknowledged before me this 10th day of May, 2019, by

Steven S. Just, Land Use Manager, Land Management Department, County of Carver.



Nancy K Buckentine
Signature of Notary Public
Commission Expires 1-31-2020

ATTACHMENT A

APPLICATION FOR INITIATING
PLACEMENT OF LAND INTO A
METROPOLIAN AGRICULTURAL PRESERVE

LOCAL AUTHORITY: Carver County Division of Public Services

1. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF RECORD FEE OWNERS(S)
OR CONTRACT FOR DEED BUYER(S) VENDEES)(*Must be same names as on page 1.*) Owner is:
Husband Wife

If "Other" selected – specify

Weibel Living Trust
Jerome D & Mary Lou B Weibel
190 Patricia Ln
Fayetteville, GA 30214

2. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED SELLER(S) (VENDORS)
(*Use this space only if applicable. Must be same names as on page 1.*)

3. BASIS OF ELIGIBILITY OF LAND ("X" ONE):

- ☒ 40 or more acres of land.
☐ Non-contiguous parcels of at least ten acres; parcels farmed as a unit.
☐ 35-acre parcel, bound by public right-of-way or perturbation in rectangular survey system.
☐ 20-acre parcel, subject to conditions of Minn. Stat., Section 473H.03, Subd. 4.

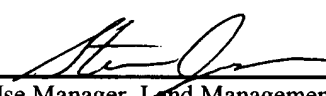
4. TOTAL ACRES: **58.84**

5. TYPE OF PROPERTY ("X" ONE):

- ☒ Abstract
☐ Registered (Torrens) If "Torrens," include Owner's Duplicate Certificate of title.

FOR LOCAL AUTHORITY ONLY:

6. This application has been reviewed by this Authority and is determined complete this 10th day of May, 2019. The Restrictive Covenant and the affidavit from the Authority certifying eligibility of the land are included in this application.


Land Use Manager, Land Management Department

7. DATE OF PLACEMENT OF LAND INTO PRESERVE: June 9, 2019
(*Must be thirty days after the date in No. 6 above.*)

ATTACHMENT B

STATE OF MINNESOTA

COUNTY OF CARVER

)
) §
)

AFFIDAVIT OF "AUTHORITY"

I, **Steven S. Just**, being first duly sworn upon oath deposes and says as follows:

1. I am the Land Use Manager, Land Management Department of Carver County, State of Minnesota, which unit of government exercises the planning and zoning authority for the land described herein, and constitutes the "Authority" as that term is defined under Minn. Stat., Section 473H.02, Subd. 4,
2. This affidavit is being executed and submitted on behalf of the Authority.
3. The Tract of land in the County of Carver, State of Minnesota, legally described on the attached Exhibit A.

Parcel described is: ☐ Homestead ☒ Non-homestead

is as of May 10, 2019, designated as long term agricultural land and in accordance with a resolution adopted by the Authority on 21, July, 1981, is certified and eligible for designation as an agricultural preserve as provided under the provisions of Minn. Stat., Section 473H.04.

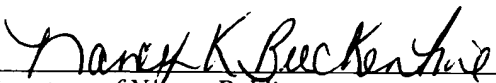
4. This affidavit is submitted at the request of, **Weibel Living Trust (Jerome D & Mary Lou B Weibel, trustees)** (Applicants) for the purpose of making application for designation and creation of an agricultural preserve in accordance with Minn. Stat., Chapter 473.H.

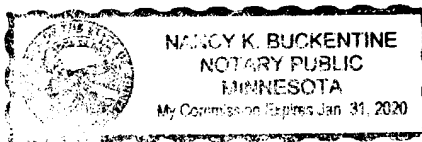
Dated: May 10, 2019

Signature: 
Land Use Manager, Land Management Department

Subscribed and sworn to before me

This 10th day of May, 2019.


Signature of Notary Public



Minnesota Department of Agriculture
90 West Plato Boulevard
St Paul, Minnesota 55107
612-296-7686

AG-00871-02
Revised 2007 in accordance to
Minn. Sec. 507.093

Stop - print

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-001-0100

File# A20190162

APPLICANT/OWNER: Weibel Living Trust

(Jerome D & Mary Lou Weibel, Trustees)

* * * * *

Government Lots 1 and 2 in Section 1, Township 116, Range 25, EXCEPT 10 acres deeded to John Orth in Book 1 of Deeds, page 275, AND EXCEPT part deeded for railroad in Book 1 of Deeds, page 429.

AND EXCEPT that part of Government Lots 1 and 2, Section 1, Township 116, Range 25, Carver County, described as follows: Beginning at a point on the North line of said Government Lots 1 and 2, a distance of 1197.0 feet West of the Northeast corner of said Government Lot 1, said point being on the centerline of Carver County Road No. 155; thence West along the North line of said Lots 1 and 2 a distance of 262.0 feet; thence South at right angles 404.0 feet; thence East at right angles 371.28 feet, more or less, to the centerline of said County Road No. 155, thence Northwesterly along the centerline of Carver County Road No. 155, a distance of 418.82 feet, more or less, to the point of beginning, subject to the right of way of Carver County Road No. 155, containing 2.6 acres, more or less.

AND EXCEPT the West 979.84 feet of Government Lot 2, Section 1, Township 116, Range 25, Carver County, EXCEPT that part of said Government Lot 2 described as: Commencing at the Northwest corner of said Government Lot 2; thence South along the West line of said Government Lot 2, a distance of 792.00 feet (12 chains) to the point of beginning; thence Easterly deflecting to the left, 90 degrees 00 minutes distance of 478.50 feet (7.25 chains); thence Southerly parallel with said West line, a distance of 1078.00 feet to the Northerly shoreline of Lake Waconia, (formerly Clearwater Lake); thence Westerly along said shoreline to the West line of said Government Lot 2; thence Northerly along said West line to the point of beginning.

AND EXCEPT that part of Government Lot 2, Section 1, Township 116 North, Range 25 West of the 5th Principal Meridian described as follows: Commencing at the northwest corner of said Government Lot 2; thence on an assumed bearing of East, along the north line of said Government Lot 2, a distance of 980.00 feet, to the point of beginning of the land to be described; thence continuing on a bearing of East, along said North line a distance of 158.92 feet; thence South 0 degrees 14 minutes 05 seconds East a distance of 409.48 feet; thence South 89 degrees 45 minutes 55 seconds West, a distance of 151.65 feet to the intersection with a line drawn southerly from the point of beginning and parallel with the west line of said Government Lot 2; thence North 1 degree 15 minutes 00 seconds West, along said parallel line, a distance of 410.20 feet to the point of beginning.

AND EXCEPT that part of Government Lots 1 and 2, Section 1, Township 116 North, Range 25 West of the 5th Principal Meridian described as follows: Commencing at the Northwest corner of said Government Lot 2; thence on an assumed bearing of East, along the North line of said Government Lot 2, a distance of 1138.92 feet; thence South 0 degrees 14 minutes 05 seconds East, a distance of 409.48 feet; thence South 89 degrees 45 minutes 55 seconds West, a distance of 142.15 feet to the point of beginning of the land to be described; thence North 89 degrees 45 minutes 05 seconds East, a distance of 513.37 feet; thence South 12 degrees 13 minutes 35 seconds East, a distance of 499.15 feet; thence South 89 degrees 45 minutes 5 seconds West, a distance of 496.01 feet; thence North 14 degrees 08 minutes 35 seconds West, a distance of 502.98 feet to the point of beginning and containing 5.657 acres, more or less.

DRAFTED BY: Carver County Land Management Department

Document #: A677300

Date: 05-22-2019 Time: 08:06 AM Pages: 4
Recording Fee: \$0

Paid on 05-22-2019
County: Carver State: MN
Requesting Party: CC LAND & WATER SERVICES
Kaaren Lewis
County Recorder

PID # **09-001-0100** Acres: **58.84** Permit# A20190163

PID # _____ Acres: _____ Permit# _____

PID # _____ Acres: _____ Permit# _____

PID # _____ Acres: _____ Permit# _____

PID # _____ Acres: _____ Permit# _____

**NOTICE INITIATING EXPIRATION OF A
METROPOLITAN AGRICULTURAL PRESERVE**

LOCAL AUTHORITY: CARVER COUNTY DIVISION OF PUBLIC SERVICES

1. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF RECORD FEE OWNER(S) or CONTRACT FOR DEED BUYER(S) (VENDEES) Owner(s) is:

Husband Wife

Weibel Living Trust
Jerome D & Mary Lou B Weibel
190 Patricia Ln
Fayetteville, GA 20314

2. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED SELLER(S) (VENDORS)

3. TYPE OF PROPERTY ("X" one):

☒ Abstract
☐ Registered (*Torrens*)

4. COMPLETE LEGAL DESCRIPTION OF LAND. (*If Torrens property, use the description from the Certificate of Title, verbatim. If Abstract property, use the description from the abstract or deed. Use an additional sheet if extra space is needed. Be sure to state whether or not your property is homesteaded.*)

☐ Homestead ☒ Non-homestead

SEE ATTACHED EXHIBIT A

5. Total Acres: 58.84
6. IF AUTHORITY INITIATED; (Not applicable with this notice.)

7. IF LANDOWNER INITIATED:

This is to notify the Local Authority that the metropolitan agricultural preserves status of the land described in this notice shall expire on the date specified in No. 8 unless this notice is rescinded by the Landowners(s) within the first two years following execution of this notice.

IN WITNESS HEREOF, the parties to this agreement have caused this instrument to be executed on the day and year last notarized below. (to be signed in the presence of a notary public with exact same name as on page 1.)

Witnessed Signature of Record Fee Owner(s) or Contract for Deed Vendee(s) (Buyers) if any.

Jerome D Weibel Trustee
Mary Lou B Weibel Trustee

Witnessed Signature of Contract for Deed Vendor(s) (Sellers), if any:

For Individual or Husband/Wife:

State of ~~Minnesota~~ Georgia)
) §
County of ~~Carver~~)

The foregoing instrument was acknowledged before me this 1st day of May, 2019, by

JEROME D WEIBEL

(Print or type exact same name(s) with marital status or identity as on page 1.)

Martha J. Froehlich
Signature of Notary Public
Commission Expires OCTOBER 10, 2022

For Individual or Husband/Wife:

State of Minnesota)
) §
County of Carver)

Martha J. Froehlich
Notary Public
Coweta County, Georgia
My Commission Expires
October 10, 2022

The foregoing instrument was acknowledged before me this 1st day of MAY, 2019, by

MARY LOU B WEIBEL

(Print or type exact same name(s) with marital status or identity as on page 1.)

Martha J. Froehlich
Signature of Notary Public
Commission Expires OCTOBER 10, 2022

For Individual or Husband/Wife:

State of Minnesota)
) §
County of Carver)

Martha J. Froehlich
Notary Public
Coweta County, Georgia
My Commission Expires
October 10, 2022

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by

(Print or type exact same name(s) with marital status or identity as on page 1.)

Signature of Notary Public
Commission Expires _____

8. DATE OF EXPIRATION OF AGRICULTURAL PRESERVE: May 10, 2027
(Must be at least eight years after the date in No.7 or the last notarized date.)

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 09-001-0100

File# A20190163

APPLICANT/OWNER: Weibel Living Trust

(Jerome D & Mary Lou Weibel, Trustees)

* * * * *

Government Lots 1 and 2 in Section 1, Township 116, Range 25, EXCEPT 10 acres deeded to John Orth in Book 1 of Deeds, page 275, AND EXCEPT part deeded for railroad in Book 1 of Deeds, page 429.

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DRAFTED BY: Carver County Land Management Department