

**Receipt:#** 590559

EAS \$46.00  
CRV Not Required  
Exempt from Tax

**Return to:**  
E - SIMPLIFILE  
4844 North 300 West  
Suite 202  
Provo UT 84604

**4369217**



**Certified Filed and/or recorded on:**

5/4/2022 1:50 PM

**4369217**

**Office of the County Recorder  
Washington County, Minnesota**  
*Jennifer Wagenius, County Recorder  
Jennifer Wagenius, Auditor Treasurer*

(Reserved for recording data)

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## DECLARATION OF IRRIGATION SERVICES EASEMENT

THIS DECLARATION OF IRRIGATION SERVICES EASEMENT (this "*Easement*") is made by Derrick Custom Homes, Inc., a Wisconsin corporation ("*Declarant*"). Capitalized terms not defined in this Easement shall have the meanings ascribed to them in the Declaration (as defined below).

### RECITALS:

A. Declarant is the owner of the following described real property located in Baytown Township, Washington County, Minnesota:

**Lot 1, Block 1, HILLS OF SPRING CREEK according to the recorded plat thereof**

and referred to in this Easement as *Lot 1*;

B. Declarant is also the owner of the following described real property located in Baytown Township, Washington County, Minnesota:

**Lot 2, Block 1, HILLS OF SPRING CREEK according to the recorded plat thereof**

and referred to in this Easement as *Lot 2*;

C. The Declaration of Covenants, Conditions and Restrictions for Hills of Spring Creek, recorded November 29, 2021, in the Office of the County Recorded for Washington County, Minnesota, as Document No. 4347431 (the "*Declaration*") establishes a Common Irrigation System serving all lots within the Hills of Spring Creek subdivision;

D. Portions of the Common Irrigation System are located adjacent to, upon, within, and/or beneath the surface of Lot 1 and Lot 2, and the Declarant hereby intends by this Easement to establish the perpetual right for the Declarant (during the Developer Control Period) and the Association to access and enter upon Lot 1 and Lot 2 for the purpose of servicing such portions of the Common Irrigation System as provided herein.

NOW THEREFORE, Declarant hereby declares and establishes the following:

1. **Easement.** The Declarant and the Association and their respective Permitted Users shall have non-exclusive perpetual easements and rights of way over and across Lot 1 and Lot 2, over the shared driveway and in all other areas reasonably necessary to provide services to the portions of the irrigation systems located on said lots.

2. **Permitted Users.** The Declarant and the Association and their respective agents and contractors shall have the rights established in this Easement.

3. **Purpose; Access, Maintenance and Repairs; Replacement.** The Purpose of this Easement is to provide access to the irrigation systems located on and adjacent to said lots and for all related services, maintenance, repairs, improvements and replacement as necessary of all such systems and components, including without limitation the Pond 1 irrigation pumps, pads, electrical systems, and for fall winterization, spring start up, pond erosion control and all other services and activities reasonably related to the irrigation systems.

4. **Easement to Run with the Land.** This Easement and all terms and conditions herein shall run with Lot 1 and Lot 2, and shall be binding upon, inure to the benefit of, and be enforceable by the Declarant (during the Developer Control Period) and the Association, and their respective grantees and successors in interest. A lot owner's obligations hereunder shall terminate upon conveyance of the lot by the lot owner. The easements granted herein are not separately assignable and may not be transferred separately from, or severed from, title to the property upon which this Easement is situated without the express written consent of all parties.

5. **No Public Dedication.** Nothing in this instrument shall be deemed to be a gift or dedication of any portion of the Easement to the general public or for any public purpose whatsoever.

[SIGNATURE PAGE FOLLOWS]

Dated this 25 day of April, 2022.

DECLARANT:

**DERRICK CUSTOM HOMES, INC.**



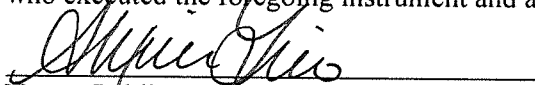
By: Ronald L. Derrick

Title: President

**ACKNOWLEDGMENT**

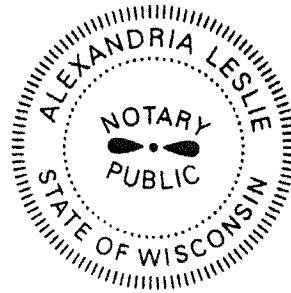
STATE OF WISCONSIN }  
COUNTY OF ST. CROIX }ss.

Personally came before me this 25 day of April, 2022, the above named Derrick Custom Homes, Inc., a Wisconsin corporation, by Ronald L. Derrick, President, to me known to be the person who executed the foregoing instrument and acknowledged the same.



Notary Public, State of Wisconsin

My commission expires 9-9-22.



This document was drafted by:

**LOMMEN ABDO, P.A.**

Brent R. Johnson, Esq.

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400 South Second Street

Hudson, WI 54016

[brent@lommen.com](mailto:brent@lommen.com)