

**UTILITY EASEMENT AGREEMENT**

This Utility Easement is made by and between FIRST LUTHERAN CHURCH OF DULUTH, MINNESOTA, a Minnesota non-profit corporation ("First Lutheran Church") and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota (the "City") for the benefit of the public as set forth herein.

**RECITALS**

A. First Lutheran Church owns the real property in St. Louis County, Minnesota legally described as follows (the "Property"):

Lot Six (6), Block One (1), BANNING AND RAY'S SUBDIVISION IN DULUTH, except that portion of said Lot 6 acquired by the State of Minnesota in the Final Certificate In the Matter of Condemnation of Certain Lands for Trunk Highway Purposes dated June 10, 1993 and recorded in the Office of the St. Louis County Recorder on October 21, 1993 as Document No. 586574.

B. First Lutheran Church wishes to grant the City a utility easement over a portion of the Property for the benefit of the public (the "Easement").

C. The location of the Easement is legally described and depicted on the attached Exhibit A (the "Easement Area").

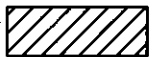
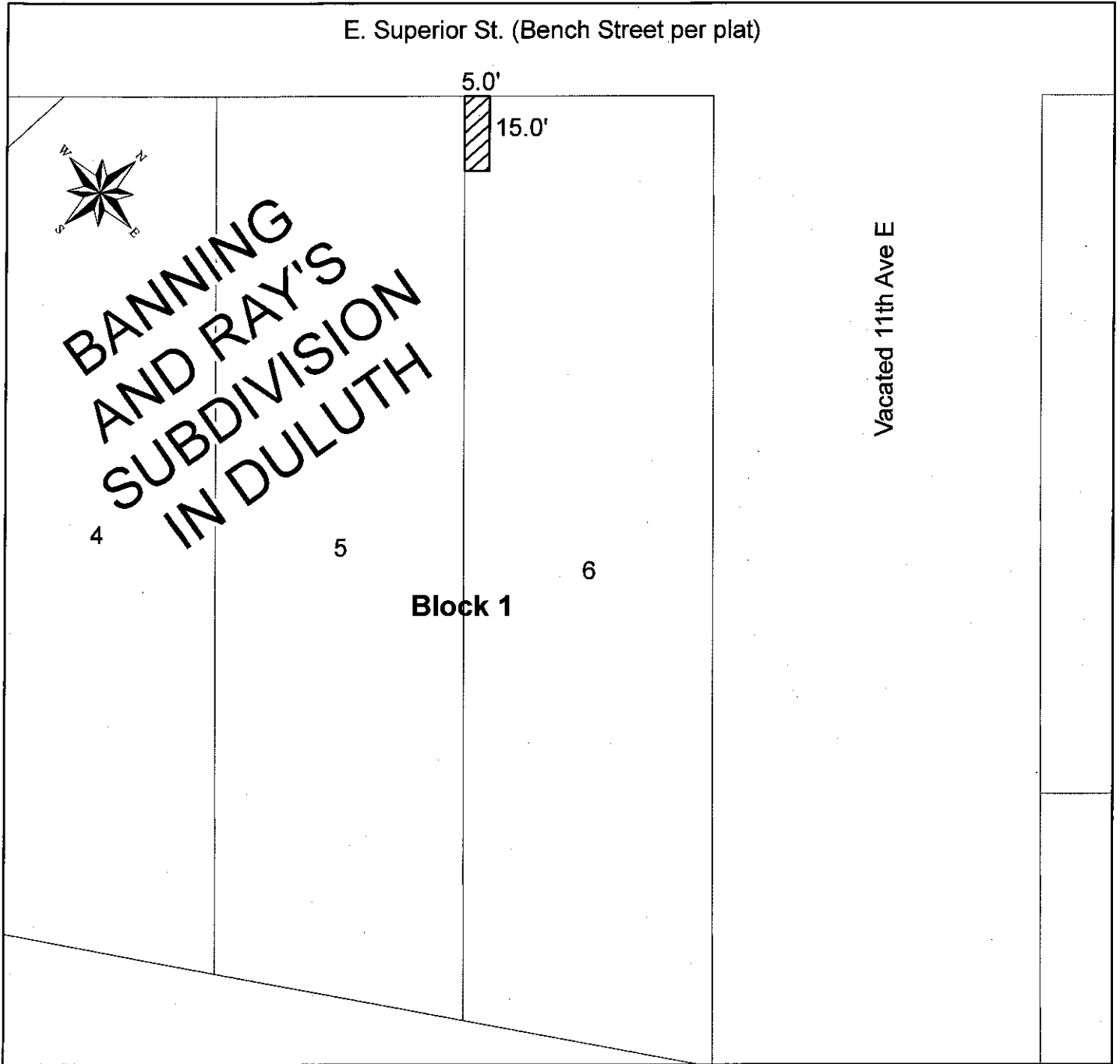
NOW, THEREFORE, for good and valuable consideration, First Lutheran Church grants to the City, in trust for the benefit of the public, a perpetual easement for utility purposes over, under and across the Easement Area.

The parties acknowledge that the Easement Area contains a tree with a root system. Although the City does not anticipate that the pipe to be installed within the Easement Area will affect the tree or its root system, if the tree dies within two years of the Effective Date (defined





# Exhibit A



Utility Easement



A utility easement over the southwesterly 5.0 feet of the northwesterly 15.0 feet of Lot 6, Block 1, BANNING & RAY'S SUBDIVISION IN DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

APPROVED BY CITY ENGINEER

10-12-18

DATE