

# EXHIBIT A

State Deed Tax Payable heron: \$ \_\_\_\_\_

## **QUIT CLAIM DEED**

Date: \_\_\_\_\_, 20\_\_\_\_

For valuable consideration, the City of Duluth, a municipal corporation ("Grantor") hereby conveys and quitclaims to the Seaway Port Authority of Duluth ("Grantee"), a body corporate and politic under Minnesota Statutes § 469, real property in St. Louis County, State of Minnesota, described below, together with all hereditaments and appurtenances thereto. The real property described as follows:

See Exhibit A amended attached hereto.

Subject to, and conditioned upon, the following:

The grant of property pursuant to this deed was made pursuant to the consummation of a purchase and sale agreement between Grantor and Soo Line Railroad Company. The terms and conditions of that purchase and sale agreement shall be deemed to be incorporated herein, shall survive execution and delivery of this deed and shall run with the land and be binding upon Grantor and the successors and assigns of Grantee.

As used in this paragraph, "Claims" means any and all liabilities, suits, claims, counterclaims, causes of action, demands, penalties, debts, obligations, promises, acts, fines, judgments, damages, consequential damages, losses, costs, and expenses of every kind (including without limitation any attorney's fees, consultant's fees, costs, remedial action costs, cleanup costs and expenses which may be related to any claims); "Environmental Law" means the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., the Clean Water Act, 33 U.S.C. § 1321 et seq., the Clean Air Act, 42 U.S.C. § 7401 et seq., the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., all as amended from time to time, and any other federal, state, local or other governmental statute, regulation, rule, law or ordinance dealing with the protection of human health, safety, natural resources or the environment now existing and hereafter enacted; and "Hazardous Substance" means any pollutant, contaminant, hazardous substance or waste, solid waste, petroleum product, distillate, or fraction, radioactive material, chemical known to cause cancer or reproductive toxicity, polychlorinated biphenyl or any other chemical, substance or material listed or identified in or regulated by any Environmental Law. By accepting delivery of this Quit Claim Deed, Grantee, for itself, its directors, officers, agents, affiliates, predecessors, successors and assigns, and anyone acting on its behalf or their behalf covenants and agrees not to sue Grantor or its respective directors, officers, stockholders, divisions, agents, affiliates, subsidiaries, predecessors, successors and assigns, grantors or anyone acting on its behalf or their behalf with respect to any Claims (including without limitation all Claims arising under any Environmental Law), existing and contingent, known and unknown, that Grantor had, has or may have, whether arising at common law, in equity, or under a federal, state or local statute, rule or regulation, arising out of, resulting from, or relating to the condition of the Property. The foregoing shall apply to any condition of the Property, known or unknown, contemplated or un contemplated, suspected or unsuspected, including without limitation the presence of any Hazardous Substance on the Property, whether such

Hazardous Substance is located on or under the Property, or has migrated from or to the Property, regardless of whether the foregoing condition of the Property was caused in whole or in part by the Grantor's actions or inactions.

The Soo Line Railroad Company reserved unto itself, and its successors and assigns, a permanent railroad easement in, over, under, and upon that portion of the real property lying within ten (10) feet of the respective center lines of the existing and future railroad tracks, which easement shall be for the operation, maintenance, repair, renewal, replacement, and removal of said tracks and their appurtenances. The easement will be automatically extinguished when the Soo Line Railroad Company, or its successor or assign: (1) exercises lawful authority (under federal, state, or local law) to abandon rail service over the tracks and (2) either physically removes the tracks and appurtenances or gives the City of Duluth (or the City of Duluth's successor, assign, or heir) notice that it intends to abandon the tracks and appurtenances in place. If the Soo Line Railroad Company, or its successor or assign, exercises its option to abandon the tracks and appurtenances in place, such tracks and appurtenances shall thereupon become the property of Grantee in place, and the Soo Line Railroad Company shall have no further liability of any kind regarding same.

The Soo Line Railroad Company reserved unto itself, and its successors and assigns, a permanent easement in, over, under, and upon that portion of the real property lying within 40 feet of the centerline of the existing and future railroad track, for railroad signal and communication purposes, including, but not limited to, the maintenance, construction and repair of signal facilities, poles, wires, utilities, and the right of access thereto at all times.

City of Duluth

By: \_\_\_\_\_  
Emily Larson  
Mayor

Attest:

By: \_\_\_\_\_  
By: Jeffrey Cox  
Its: City Clerk

STATE OF MINNESOTA       )  
  ) ss.  
COUNTY OF ST. LOUIS     )

The foregoing quit claim deed was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Emily Larson, its Mayor, and Jeffrey Cox, its City Clerk, on behalf of the City of Duluth.

\_\_\_\_\_  
Notary Public

Tax statements for the property  
should be sent to Grantee at:  
Seaway Port Authority of Duluth  
1200 Terminal Drive

This instrument was drafted by:  
Robert C. Maki  
Maki & Overom, Ltd.  
31 W. Superior St.  
Suite 402  
Duluth, MN 55802

## EXHIBIT A

### Legal Description of the Property

#### Tract 13

That part of Lots Two (2) and Three (3), First Subdivision of Rice's Point, City of Duluth, St. Louis County, Minnesota, described as follows:

Commencing at an iron monument which is located on the dividing line between Lots Twenty-four (24) and Twenty-five (25) in Block "F", Duluth Proper Second Division, City of Duluth, St. Louis County, Minnesota, which line is produced East into Lot Two (2) of First Subdivision of Rice's Point, Three hundred eighty-seven and 32/100 (387.32) feet from and measured at right angles with the Easterly line of Garfield Avenue; thence easterly along the production of said line between Lots Twenty-four (24) and Twenty-five (25) aforesaid, a distance of Twenty-nine and 23/100 (29.23) feet; thence southerly at an angle to the right of Ninety-four (94) degrees, Fifty-six (56) minutes and Thirty-seven (37) seconds, a distance of Sixty-eight and 85/100 (68.85) feet; thence easterly at an angle to the left of Ninety-four (94) degrees, Fifty-six (56) minutes and Thirty-seven (37) seconds, a distance of Eight and 27 /100 (8.27) feet; thence southerly at an angle to the right of Ninety-four (94) degrees, Fifty-six (56) minutes and Thirty-seven (37) seconds, a distance of One hundred ten and 53/100 (110.53) feet, to an iron monument, which iron monument is the beginning of a curve to the left having a radius of Eight hundred one and fifty-eight hundredths (801.58) feet, said radius being at right angles to said last described line at the point of beginning of said curve; thence along said curve through an angle of Thirty-eight (38) degrees, Fifty-six (56) minutes and thirty (30) seconds, and for a distance of Five hundred forty-four and sixty three hundredths (544.63) feet to an iron monument, which iron monument is the end of curve just traversed and the beginning of a curve along said curve for a distance of One hundred thirty-two and ninety five hundredths (132.95) through an angle of eight (8) degrees, Twenty-nine (29) minutes and Thirty-four (34) seconds to an iron monument which is located on the center line of Birch Avenue, Six hundred nine and thirty-one hundredths (609.31) feet easterly from the easterly line of Garfield Avenue; thence westerly along said center line of Birch Avenue for a distance of Forty-nine and forty-five hundredths (49.45) feet to an iron monument. From this point at an angle to the right of Sixty-two (62) degrees forty-one (41) minutes which is the tangent of a curve to the left at this point, whose radius is Eight hundred fifty-two and forty-five hundredths (852.45) feet; said radius being at right angles to the tangent line of the curve at said last described point; thence northerly along said curve for a distance of One-hundred four and nine tenths (104.9) feet through an angle of Seven (7) degrees, three (3) minutes and seventeen (17) seconds, to an iron monument, which is the beginning of a curve to the right, having a radius of Eight hundred forty-six and fifty-eight hundredths (846.58) feet, said radius being at right angles to the tangent of the curve at said last described point, thence northerly along said curve for a distance of Three hundred eighty-seven (387) feet, through an angle of Twenty-six (26) degrees, twelve (12) minutes and twenty two (22) seconds to an iron monument, which marks the intersection of said last described curve with the easterly property line of the Northern Pacific Railway Company's survey as is described in the deed from the Duluth, Land and Warehouse Company to the Northern Pacific Railway Company, dated November 17th 1902, and which was recorded in Book 202 of Deeds on page 56; thence northerly along said easterly property line of said Northern Pacific Railway Company at an angle of Eight (8) degrees and thirty-five (35) minutes to the right from the tangent of said last named curve at said last named point, a distance of Forty-six and six tenths (46.6) feet to a point; which is the beginning of a curve to the right, having a radius of Three thousand eight hundred twelve and thirty three hundredths (3,812.33)

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feet, said radius being at right angles to the last named line at the point of beginning curve; thence along said curve through an angle of Four (4) degrees and four (4) minutes to an iron monument; thence on a line tangent to said curve at said last named point for a distance of Forty-eight and one tenth (48.1) feet, to an iron monument, which is the point of beginning of the tract of land above described. Containing 37,352 Sq. Ft.

#### **Tract 16**

All that part of Blocks Five (5) and Six (6), Munger-Peck Rearrangement of Lot One (1), First Subdivision of Rice's Point, City of Duluth, St. Louis County, Minnesota, and of Arthur Avenue adjacent to abutting on and pertaining to Blocks Six (6) and Eight (8) in said Munger-Peck Rearrangement of Lot One (1) described as follows: Commencing at an iron monument which is located on the center line of Nelson Avenue produced and Six hundred and fifty-four (654) feet Easterly from and at right angles with the easterly line of Garfield Avenue in Munger-Peck Rearrangement of Lot One (1), First Subdivision of Rice's Point, thence easterly along the center line of Nelson Avenue, produced for a distance of Fifty (50) feet to an iron monument, thence northerly at an angle to the left of Ninety (90) degrees, for a distance of Two hundred thirty-two and 5/10 (232.5) feet, to an iron monument, which is the beginning of a curve to the left, having a radius of Seven hundred sixteen and 8/10 (716.8) feet, said radius being at right angles to the last named line at point of beginning of curve; thence along said curve through an angle of Twenty-eight (28) degrees and Thirty-four (34) minutes, and for a distance of Three hundred fifty-seven and twenty four hundredths (357.24) feet (Measured in one hundred foot chords) to an iron monument which is located on the center of Birch Avenue, Six hundred and sixteen and 52/100 (616.52) feet, Easterly from the Easterly line of Garfield Avenue; thence Westerly along the center line of Birch Avenue for a distance of Fifty-seven and 6/10 (57.6) feet to an iron monument; thence at an angle to the left of One hundred twenty (120) degrees, Fifty-six (56) minutes to a line which is tangent to a curve at the last named point, said point being the beginning of a curve to the right, having a radius of Six hundred sixty-six and 8/10 (666.8) feet, said radius being at right angles to the last named line at the last named point; thence southeasterly along said curve through an angle of Thirty (30) degrees, Fifty-six (56) minutes and said distance of Three hundred fifty-nine and 64/100 (359.64) hundredths feet (Measured on One hundred foot chords) to a point which is the end of curve just traversed; thence southerly on a line tangent to last named curve at last named point, for a distance of Two hundred thirty-two and 5/10 (232.5) feet to an iron monument which is the point of beginning of this survey. Containing 16,272 Sq. Ft.

#### **Tract 24**

All that part of Lot Two (2), Third Subdivision of Rice's Point, City of Duluth, St. Louis County, Minnesota, which was prior to the vacation thereof, Lots One hundred Twenty-two (122), One hundred Twenty-four (124), One hundred Twenty-six (126), One hundred Twenty-eight (128), One hundred Thirty (130), One hundred Thirty-two (132), One hundred Thirty-four (134), One hundred Thirty-six (136), One hundred Thirty-eight (138), One hundred Forty (140), One hundred Forty-two (142), One hundred Forty-four (144), One hundred Forty-six (146), One hundred Forty-eight (148), One hundred Fifty (150), One hundred Fifty-two (152), One hundred Fifty-four (154), One hundred Fifty-six (156), One hundred Fifty-eight (158), and One hundred Sixty (160), in Block Seventy-Six (76) of Rice's Point which is bounded as follows: on the southerly side by the northerly line of Elm Street, on the westerly side by a straight line production of the easterly line of Arthur Avenue through said Lot Two (2), on the Northerly side by the northerly line of said Lot Two (2), and on the easterly side

by a line which is easterly of, parallel with and 50 feet distant from said straight line production northerly of said easterly line of Arthur Avenue. Containing 25,000 Sq. Ft

**Tract 28.5**

All that part of the Third Subdivision of Rice's Point, City of Duluth, St. Louis County, Minnesota, which prior to the vacation of the Plat of Rice's Point, City of Duluth, St. Louis County, Minnesota, was known as the Northeasterly twenty (20) feet of the South 1/2 of Block 76 in said Rice's Point. Containing 6,496 Sq. Ft.

**Tract 32**

All those portions of Lots One hundred sixty-two (162), One hundred sixty-four (164), One hundred sixty-six (166), One hundred sixty-eight (168), One hundred seventy (170), One hundred seventy-two (172), One hundred seventy-four (174), One hundred seventy-six (176), One hundred seventy-eight (178), One hundred eighty (180), One hundred eighty-two (182), One hundred eighty-four (184), One hundred eighty-six (186), One hundred eighty-eight (188), One hundred ninety (190), One hundred ninety-two (192), One hundred ninety-four (194), One hundred ninety-six (196), One hundred ninety-eight (198), and two hundred (200), Block 75, Rice's Point, City of Duluth, St. Louis County, Minnesota, EXCEPT the Northeasterly Seventy (70) feet thereof, together with vacated streets and alleys; and excepting that part of Block 75 lying within 50 feet of the centerline of the newly constructed Canadian Pacific Railway Company's track. Containing 19,736 Sq. Ft.

**Tract 33**

All that part of Lots Two hundred two (202), Two hundred four (204), Two hundred six (206), Two hundred eight (208), Two hundred ten (210), Two hundred twelve (212), Two hundred fourteen (214), Two hundred sixteen (216), Two hundred eighteen (218), Two hundred twenty (220), Two hundred twenty-two (222), Two hundred twenty-four (224), Two hundred twenty-six (226), Two hundred twenty-eight (228), Two hundred thirty (230), Two hundred thirty-two (232), Two hundred thirty-four (234), Two hundred thirty-six (236), Two hundred thirty-eight (238), and Two hundred forty (240), Block 74, Rice's Point, City of Duluth, St. Louis County, Minnesota, together with vacated streets and alleys, lying northeasterly of a line drawn parallel to and distant 40 feet southwesterly of the following described lines:

Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT; thence on an assigned bearing of North 27 degrees 50 minutes 22 seconds West along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning; thence North 62 degrees 09 minutes 38 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 53 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

And beginning at the terminus of the previously described centerline; thence South 59 degrees 10 minutes 11 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 50 minutes 22 seconds East 807.82 feet and said centerline there terminating.

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And beginning at the terminus of the above-described line; thence 205.76 feet along a tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating.

And beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 seconds East 678.41 feet; and said centerline there terminating.

And beginning at the terminus of the above-described line; thence continuing South 39 degrees 47 minutes 01 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave northeast, having a radius of 300.00 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 05 minutes 31 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 59 minutes 05 seconds East 60.00 feet and said centerline there terminating. Containing 1,751 Sq. Ft.

#### Tract 34.5

All that part of Block 85, Rice's Point, City of Duluth, St. Louis County, Minnesota:

Except the northeasterly Thirty-two (32) feet of Block Eighty-five (85), Rice's Point, City of Duluth, St. Louis County, Minnesota, including part of adjoining vacated streets except that part lying northeasterly of a line described as follows: commencing at a point on the center line of Lynn Avenue distant One hundred Seventy-seven and 83/100 (177.83) feet northeasterly from the northeasterly line of Arthur Avenue, running thence southeasterly to a point on the southwesterly line of Block Ninety-four (94) distant Four hundred Eighty-four and 89/100 (484.89) feet from the centerline of Lynn Avenue;

And Except: All that portion of Block Eighty-five (85), and of the streets adjacent thereto as shown upon the original plat of said Rice's Point, City of Duluth, St. Louis County, Minnesota, described as follows: beginning at a point in the center line of Lynn Avenue, distant One hundred Seventy-seven and Eighty-three hundredths (177.83) feet northeasterly from the northeasterly line of Arthur Avenue; thence northeasterly along the center line of Lynn Avenue a distance of One hundred Forty-nine and Seventeen hundredths (149.17) feet to a point which is the point of intersection with the northeasterly line of what was, prior to the vacation thereof, known as Culpepper Street; thence southeasterly along the northeasterly line of said Culpepper Street a distance of Four hundred Eighty-four and Eighty-nine hundredths (484.89) feet to a point; thence northwesterly in a straight line to the point of beginning. SUBJECT, however, to the rights of the public, if any, in and to Lynn Avenue;

And Except: All that part of Block 85, except the northeasterly 32 feet thereof, Rice's Point, City of Duluth, St. Louis County, Minnesota, lying southwesterly of the following described line:

Commencing at a point on the north line of Lot 162 in Block 75 of Rice's Point, City of Duluth, St. Louis County, Minnesota, distant fifty (50) feet easterly from the easterly line of Arthur Avenue; thence southwesterly on a line parallel with and distant fifty (50) feet from the easterly line of Arthur to a point in Lot 188 in said Block 75, distant 4.15 feet southerly from the northerly line of said Lot 188; thence southeasterly on a curve to a radius of six hundred thirty-seven and twenty-five hundredths (637.25) feet through an angle of seventeen (17) the left, said curve having degrees

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and six (6) minutes, for a distance of one hundred ninety (190) feet; thence southeasterly on a tangent to said curve for a distance of five hundred eighty-four and seventy-one hundredths (584.71) feet to a point on the north line of Maple Avenue which point is two feet west of the west line of Culpepper Street; including all street and alleys adjacent thereto. Containing 24,319 Sq. Ft.

#### **Tract 35**

All that part of Block 85, except the northeasterly 32 feet thereof, Rice's Point, City of Duluth, St. Louis County, Minnesota, lying southwesterly of the following described line, commencing at a point on the north line of Lot 162 in Block 75 of Rice's Point, City of Duluth, St. Louis County, Minnesota, distant 50 feet easterly from the easterly line of Arthur Avenue; thence southwesterly on a line parallel with and distant 50 feet from the easterly line of Arthur to a point in Lot 188 in said Block 75, distant 4.15 feet southerly from the northerly line of said Lot 188; thence southeasterly on a curve to the left, said curve having a radius of 637.25 feet through an angle of 17 degrees and six minutes, for a distance of 190 feet; thence southeasterly on a tangent to said curve for a distance of 584.71 feet to a point on the north line of Maple Avenue which point is two feet west of the west line of Culpepper Street; including all street and alleys adjacent thereto; and lying within 30.00 feet of the following described line:

Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT; thence on an assigned bearing of North 27 degrees 50 minutes 22 seconds West along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning; thence North 62 degrees 09 minutes 38 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 53 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

And lying within 40.00 feet of the following described line:

Beginning at the terminus of the previously described centerline; thence South 59 degrees 10 minutes 11 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 50 minutes 22 seconds East 807.82 feet and said centerline there terminating.

And lying within 40.00 feet to the left and 30.00 feet to the right of the following described line:

Beginning at the terminus of the above-described line; thence 205.76 feet along a tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating. And lying within 40.00 feet of the following-described line:

Beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 degrees 47 minutes 01 seconds East 678.41 feet; and said centerline there terminating.

And lying within 30.00 feet of the following described line:

Beginning at the terminus of the above-described line; thence continuing South 39 degrees 47 minutes 01 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave

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northeast, having a radius of 300.00 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 05 minutes 31 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 59 minutes 05 seconds East 60.00 feet and said centerline there terminating. Containing 829 Sq. Ft.

#### **Tract 40**

Block Eighty-six (86), Rice's Point, City of Duluth, St. Louis County, Minnesota, together with vacated streets and alleys. EXCEPT the Northeasterly two (2) feet therefrom; and lying within 30.00 feet of the following described lines:

Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT; thence on an assigned bearing of North 27 degrees 50 minutes 22 seconds West along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning; thence North 62 degrees 09 minutes 38 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 53 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

And beginning at the terminus of the previously described centerline; thence South 59 degrees 10 minutes 11 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 50 minutes 22 seconds East 807.82 feet and said centerline there terminating.

And beginning at the terminus of the above-described line; thence 205.76 feet along a tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating.

And beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 degrees 47 minutes 01 seconds East 678.41 feet; and said centerline there terminating.

And beginning at the terminus of the above-described line; thence continuing South 39 degrees 47 minutes 01 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave northeast, having a radius of 300.00 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 05 minutes 31 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 59 minutes 05 seconds East 60.00 feet and said centerline there terminating. Containing 525 Sq. Ft.

#### **Tract 40.5**

AU that part of the Northeasterly two (2) feet of Block Eighty-six (-86) and vacated adjoining road, Rice's Point, City of Duluth, St. Louis County, Minnesota, lying within 30 feet of the following described lines:



Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT; thence on an assigned bearing of North 27 degrees 50 minutes 22 seconds West along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning; thence North 62 degrees 09 minutes 38 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 53 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

And beginning at the terminus of the previously described centerline; thence South 59 degrees 10 minutes 11 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 50 minutes 22 seconds East 807.82 feet and said centerline there terminating.

And beginning at the terminus of the above-described line; thence 205.76 feet along a tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating.

And beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 degrees 47 minutes 01 seconds East 678.41 feet; and said centerline there terminating.

And beginning at the terminus of the above-described line; thence continuing South 39 degrees 47 minutes 01 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave northeast, having a radius of 300.00 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 05 minutes 31 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 59 minutes 05 seconds East 60.00 feet and said centerline there terminating. Containing 3,297 Sq. Ft.