

TRAIL EASEMENT

Grand Avenue Estates of Duluth, LLLP, a Minnesota limited liability limited partnership (the “Owner”) for good and valuable consideration, the receipt and sufficiency of which is acknowledged, conveys to the **City of Duluth**, a Minnesota municipal corporation (the “City”), a perpetual easement for public trail purposes (the “Easement”) over and across the real property legally described on the attached **Exhibit No. 1** (the “Easement Area”). This Easement shall be subject to the following terms and conditions:

1. Purpose. This Easement is for the purpose of allowing the City to construct, reconstruct, repair, replace, inspect and maintain a public trail on and across the Easement Area.
2. Erection and Placement of Structures, Obstructions, Plantings or Materials Prohibited. The Owner shall not erect any structure on, through or across the Easement Area without obtaining the City’s prior written consent.
3. Right of Access. The City and its permittees and licensees shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area, including, but not limited to, the right to remove any unauthorized obstructions or structures placed or erected on, through or across the Easement Area.
4. Easement Benefit. This Easement shall be for the benefit of the City and its successors and assigns.
5. Easement Runs with the Land. This Easement shall be deemed to run with the land and shall be binding upon the Owner and its successors and assigns.

[Signature page to follow]

Dated: November ____, 2015

GRAND AVENUE ESTATES OF DULUTH,
LLLP

By: Grand Avenue Estates of Duluth, LLC
Its: General Partner

By: _____
Steven D. Kuepers
Its Chief Manager/President

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

On this _____ day of November, 2015, before me, a Notary Public within and for said County, personally appeared Steven D. Kuepers, Chief Manager/President of Grand Avenue Estates of Duluth, LLC, General Partner of Grand Avenue Estates of Duluth, LLLP, a Minnesota limited liability limited partnership, on behalf of the limited liability limited partnership.

Notary Public

THIS INSTRUMENT DRAFTED BY:
RINKE NOONAN (HAM)
1015 West St. Germain Street, Ste. 300
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700
Our File No. 25502-0002

EXHIBIT NO. 1

Easement Area

