

EXHIBIT 1

TEMPORARY EASEMENT

C.S. 6910 (23=185) 906
Parcel 49
County of St. Louis

Date: _____

For and in consideration of the sum of one thousand six hundred and 00/100 Dollars (\$1,600.00), City of Duluth, a municipal corporation under the laws of the state of Minnesota, Grantor, hereby grants to the State of Minnesota, Grantee, a temporary easement to be used for highway purposes on all that part of the following described property in St. Louis County, Minnesota:

The right to use that part of Tract A described below for highway purposes, which right shall cease on December 1, 2021, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes:

Tract A. Lots 11 through 19, inclusive, Block 13, Ironton First Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, and that part of vacated 83rd Avenue West accruing thereto by reason of the vacation thereof; the title thereto being registered as evidenced by Certificate of Title No. 327385.0; excepting therefrom that part of said Block 13 described as follows: Beginning at the intersection of the centerline of 83 Avenue West and the northwest right of way of Grand Avenue (50.00 feet northwest of Grand Avenue centerline); thence northwest perpendicular to Grand Avenue centerline 20.00 feet; thence southwest along a line that is parallel with and 70.00 feet distant from Grand Avenue centerline a distance of 80.00 feet; thence southeast perpendicular to Grand Avenue centerline 20.00 feet to said northwest right of way; thence northeast along said northwest right of way 80.00 feet to the point of beginning;

which lies northwesterly of the northwesterly right of way line of Trunk Highway No. 23 as now located and established and southeasterly of the following described line: Beginning at the intersection of the easterly line of Tract A hereinbefore described and a line run parallel with and distant 35 feet northwesterly of the northwesterly right of way line of said Trunk

Highway No. 23; thence southwesterly parallel with said northwesterly right of way line to the southerly line of said Lot 12; thence southwesterly to a point on the northeasterly line of said Lot 15, distant 15 feet northwesterly of said northwesterly right of way line; thence southwesterly parallel to said northwesterly right of way line to the southwesterly line of said Tract A and there terminating;

excepting therefrom the existing sign situate thereon.

Grantor is the owner of the above described premises and has the lawful right and authority to convey and grant the temporary easement herein granted.

The said Grantor does hereby release the State of Minnesota from any claims for damages to the fair market value of the above-described area covered by this temporary easement and for its use, or any claims for damages to the fair market value of the remaining property of Grantor caused by the use of the temporary easement, including grading said easement area for highway purposes. Notwithstanding the foregoing, Grantor does not release any claims Grantor may have as a result of the negligence of the Grantee, its agents or contractors, in conducting any of the above activities.

Grantee shall, upon completion of its use of the area covered by this temporary easement and prior to the expiration of the term of this easement, restore the area covered by this temporary easement to substantially the same condition as existed prior to this easement.

Each party shall be responsible for its own acts and omissions, the acts and omissions of its employees, and results thereof to the extent authorized by law. The parties shall not be responsible for the acts of any others and the results thereof. Liability of the State shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, and other applicable law.

CITY OF DULUTH

By _____

Its Mayor

And _____

Its City Clerk

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

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Emily Larson and Jeffrey Cox, Mayor and City Clerk, respectively, of City of Duluth, a municipal corporation organized and existing under the laws of the State of Minnesota, on behalf of the City.

NOTARY PUBLIC

My commission expires: _____

This instrument was drafted by the
State of Minnesota, Department of
Transportation, Legal and Property
Management Unit,
395 John Ireland Blvd.
St. Paul, MN 55155-1800