

**RECREATIONAL TRAIL
EASEMENT AGREEMENT**

THIS RECREATIONAL TRAIL EASEMENT AGREEMENT (this "Agreement") is entered into as of February 27, 2019, by and between WESTERN LAKE SUPERIOR SANITARY DISTRICT, a public corporation and political subdivision created and existing under the laws of the State of Minnesota ("Grantor") and the CITY OF DULUTH, a municipal corporation and political subdivision created and existing under the laws of the State of Minnesota ("City").

WHEREAS, Grantor is the fee owner of the land legally described on the attached Exhibit B (the "Grantor Property").

WHEREAS, City wishes to obtain and Grantor is willing to grant an easement over the Grantor Property in favor of City on the terms set forth in this Agreement.

NOW THEREFORE, Grantor, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, does grant to City, its successors and assigns, a perpetual, non-exclusive easement for public recreational, walkway, and trail purposes (the "Easement") over, under and across that portion of the Grantor Property legally described on the attached Exhibit B and depicted on the attached Exhibit A (the "Easement Area").

The Easement includes the right of City, its contractors, agents, and employees to enter the Easement Area at all reasonable times for the purposes of locating, constructing, operating, installing, maintaining, and repairing a multi-use recreational trail and other improvements within the Easement Area. City, its contractors, agents and employees may add, remove, cut, trim, or remove from the Easement Area bituminous material, bark, sand, stones, boards, grass, trees, shrubs, other vegetation, or other landscaping in City's discretion. City, its contractors, agents and employees may construct erosion control structures necessary to maintain a clear, dry passage through the Easement Area, including the right to install, maintain, repair and replace waterbars, steps, and other trail surface structures, as well as culverts as necessary to traverse surface waters within the Easement Area. City's erosion control structures shall be designed and installed in a manner which does not adversely affect any existing infrastructure on the Grantor Property.

City shall not impair or restrict Grantor's access to the gates on Grantor's existing fencing lying along the westerly edge of the Easement Area.

City shall construct and maintain continuous fencing no less than six feet in height along the following portion of the westerly edge of the Easement Area: starting at the northwesterly edge of the Easement Area (connecting to existing fencing on the adjacent property) and running along the westerly edge of the Easement Area and terminating at the point shown in the drawing attached as Exhibit C (connecting to existing fencing on the Grantor Property).

Grantor shall have no obligation or duty to maintain, repair, or replace any improvements or vegetation in the Easement Area.

This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota. This Agreement may be amended only in writing, signed by both of the parties hereto and recorded in the real estate records in St. Louis County, Minnesota. This Agreement and each and every covenant, agreement, and other provision hereof shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. The Easement shall be perpetual and the Easement and all other rights granted in this Agreement shall run with the land.

[Remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first written below.

GRANTOR:

WESTERN LAKE SUPERIOR
SANITARY DISTRICT

By: [Signature]
Its: Chair

By: [Signature]
Its: Secretary

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

This instrument was acknowledged before me this 27 day of February, 2019, by Paul Thomason the Chair, and Julene Boe, the Secretary, of WESTERN LAKE SUPERIOR SANITARY DISTRICT, a public corporation and political subdivision created and existing under the laws of the State of Minnesota.



[Signature]
Notary Public

CITY OF DULUTH

By: _____
Emily Larson, Mayor

Attest: _____
Chelsea Helmer, City Clerk

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

The foregoing instrument was subscribed and sworn before me this _____ day of _____, 2019, by Emily Larson and Chelsea Helmer, Mayor and City Clerk, respectively, of the City of Duluth, a municipal corporation and political subdivision organized and existing under the laws of the State of Minnesota.

Notary Public

CONSENT

The foregoing easement is hereby consented to by the Commissioner of the Minnesota Department of Management and Budget.

MINNESOTA DEPARTMENT OF
MANAGEMENT AND BUDGET

By: _____
Myron Frans, Commissioner

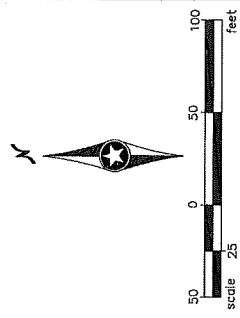
STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Myron Frans, Commissioner, Minnesota Department of Management and Budget.

Notary Public

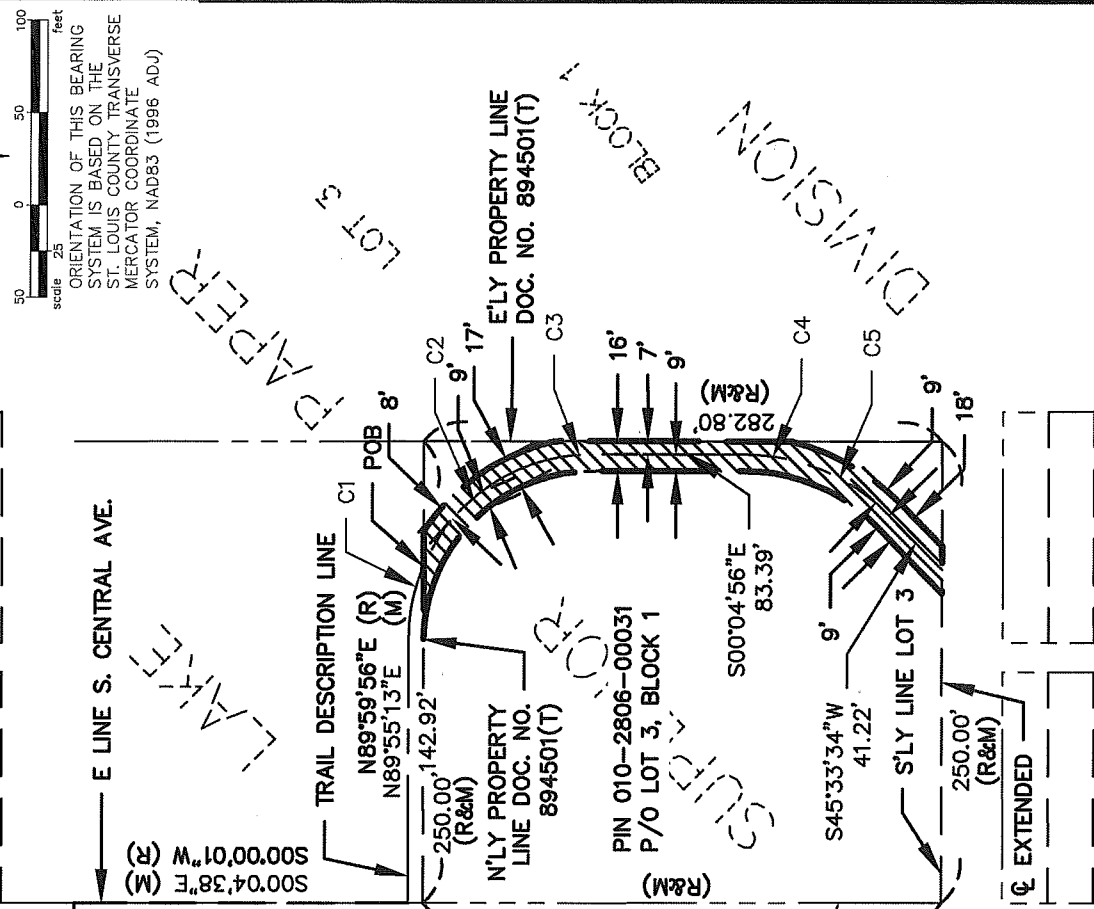
This instrument was drafted by:

Office of the City Attorney
Room 410 City Hall
411 West 1st Street
Duluth, MN 55802-1198



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM, NAD83 (1996 ADJ)

EXHIBIT A



PARCEL LINE AND CURVE SEGMENTS

SEGMENT	LENGTH	BEARING / DELTA	RADIUS
C1	40.65	023°17'17"	100.00
C2	103.35	059°12'46"	100.00
C3	13.08	007°29'48"	100.00
C4	19.84	010°20'02"	110.00
C5	67.79	035°18'28"	110.00

FILE NO.
DULUT 109680

DATE
11/30/2018

SHEET
1 OF 2

I hereby certify that this exhibit has been checked and approved this _____ day of _____, 20____.

Signature: _____ City Engineer
Printed Name: _____ Date: _____

**LOT 3, BLOCK 1
LAKE SUPERIOR
PAPER DIVISION
DULUTH, MN**

PHONE: 218.279.3000
418 W SUPERIOR ST
SIE 200
DULUTH, MN
55802-1512
www.sehinc.com

SEH

NO.	BY	DATE	REVISIONS

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *[Signature]* Lic. No. _____
Printed Name: _____ Date: _____

DRAWN BY: ACO
CHECKED BY: CAL
SURVEYED BY: N/A

EXHIBIT B

BURDENED PROPERTY DESCRIPTION - DOCUMENT NO. 894501 (T) - PIN 010-2806-00031

That part of Lot 3 Block 1 LAKE SUPERIOR PAPER DIVISION more particularly described as follows: Commencing at a capped square tube noted on the plat and located at the intersection of the Center Line of Polk Street and the East line of 55th Avenue West (also known as Central Avenue) the POINT OF BEGINNING; thence North 00 degrees 00 minutes 01 seconds East along East line of 55th Avenue West (also known as Central Avenue) a distance of 282.80 feet; thence North 89 degrees 59 minutes 56 seconds East a distance of 250.00 feet; thence South 00 degrees 00 minutes 01 seconds West a distance of 282.80 feet, more or less, to the center line of Polk Street, thence South 89 degrees 59 minutes 58 seconds West along the center line of Polk Street 250.00 feet, more or less, to the POINT OF BEGINNING.

EASEMENT DESCRIPTION

A variable width strip of land over, under, and across that part of the above described lands (the "Property"), being left and right, as noted, of the following described line: Commencing at an Iron Pin in Monument Box at the centerline intersection of Main Street and N 56th Avenue West (platted First Ave. W.) in the plat of WEST DULUTH FIRST DIVISION, thence North 89 degrees 55 minutes 22 seconds East, along the centerline of said Main Street a distance of 379.19 feet to the east line of S. Central Avenue (a.k.a. 55th Ave. W.); thence South 00 degrees 04 minutes 38 seconds East, along said east line a distance of 181.71 feet; thence North 89 degrees 55 minutes 13 seconds East a distance of 142.92 feet to the beginning of a tangential curve, concave to the southwest, having a central angle of 89 degrees 59 minutes 51 seconds and a radius of 100.00 feet; thence easterly along said curve a distance of 40.65 feet to the northerly boundary line of the Property, according to recorded Document No. 894501 (T), St. Louis County, Minnesota, and POINT OF BEGINNING, with the following strip of land being 8.00 feet left and 9.00 feet right; thence continuing southeasterly along said curve a distance 103.35 feet, with the following strip of land being bound on the left by the easterly boundary line of the Property, according to recorded Document No. 894501 (T), St. Louis County, Minnesota, and 9.00 feet right; thence continuing southerly along said curve a distance of 13.08 feet; thence South 00 degrees 04 minutes 56 seconds East a distance of 83.39 feet to the beginning of a tangential curve, concave to the west, having a central angle of 45 degrees 38 minutes 30 seconds and a radius of 110.00 feet; thence southerly along said curve a distance of 19.84 feet, with the following strip of land being 9.00 feet left and 9.00 feet right; thence continuing southwesterly along said curve a distance of 67.79 feet; thence South 45 degrees 33 minutes 34 seconds West a distance of 41.22 feet to the southerly line of Lot 3 in the plat of LAKE SUPERIOR PAPER DIVISION and there terminating.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the said northerly boundary line of the Property and said southerly line of Lot 3. Subject to restrictions, reservations, and easements of record. Containing approximately 0.130 acres.


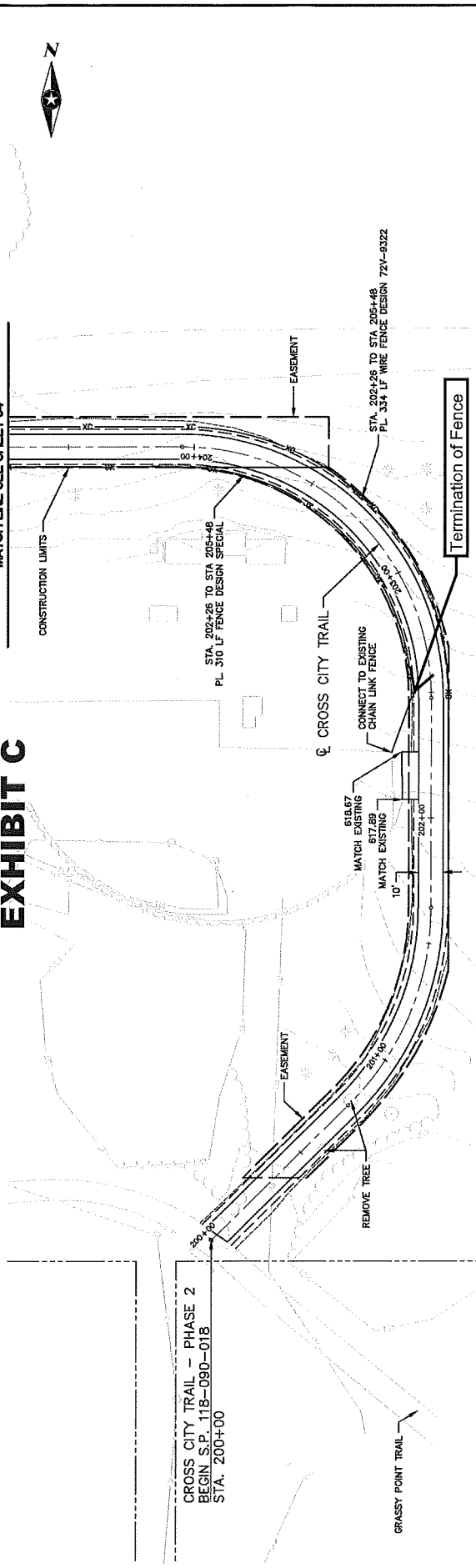
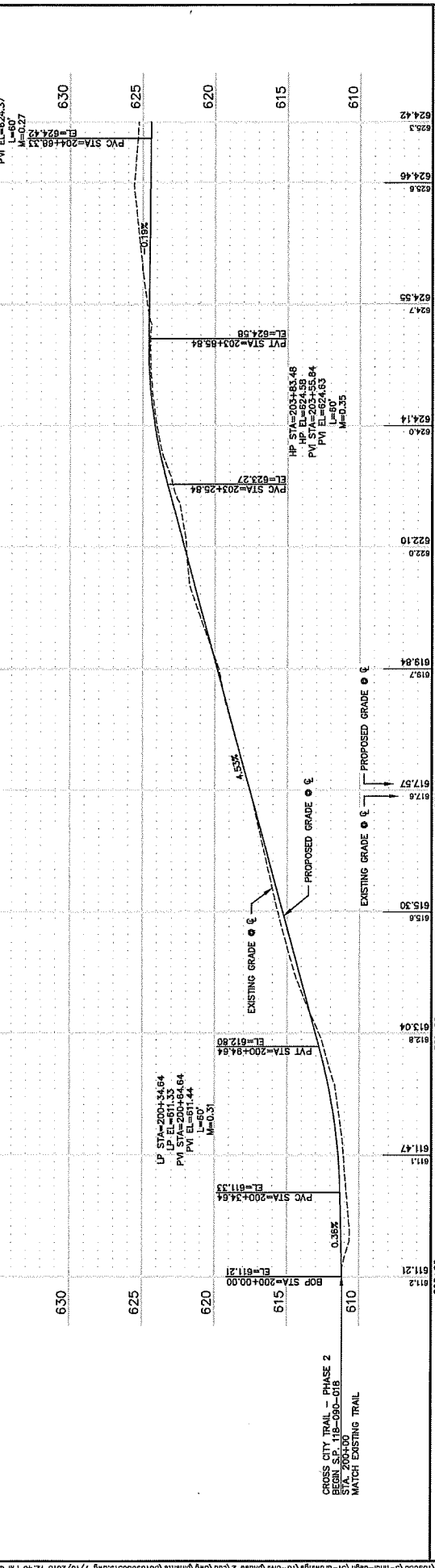
DRAWN BY: ACO	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.	 Signature: _____ Lic. No. _____ Date: _____	PHONE: 218-279-3000 418 W SUPERIOR ST STE 200 DULUTH, MN 55802-1512 www.sehinc.com	LOT 3, BLOCK 1 LAKE SUPERIOR PAPER DIVISION DULUTH, MN	FILE NO.
					DULUT 109680
CHECKED BY: GALL	I hereby certify that this exhibit has been checked and approved this _____ day of _____, 20____.	Signature: _____ City Engineer Printed Name: _____ Date: _____			DATE
					11/30/2018
SURVEYED BY: W/A					SHEET
					2 OF 2

EXHIBIT C

MATCH LINE SEE SHEET 34



CROSS CITY TRAIL - PHASE 2



NO.	BY	DATE	REVISIONS

DRAWN BY:	ACD
DESIGNER:	ACD
CHECKED BY:	MAB
PERSON:	

CITY OF DULUTH	FILE NO. 33
CITY PROJECT NO. 0585TR	DULUTH 108880
SP. 118-090-018	PLAN AND PROFILE

DATE: 05/15/2018	DATE: 05/15/2018
DESIGNER: J. B. P. E.	DATE: 05/15/2018
PROJECT NO. 0585TR	DATE: 05/15/2018

THESE DRAWINGS AND THE PLAN WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 05/15/2018

DESIGNER: J. B. P. E.

PROJECT NO. 0585TR

DATE: 05/15/2018

DATE: 05/15/2018

DATE: 05/15/2018

DATE: 05/15/2018

DATE: 05/15/2018

DATE: 05/15/2018