

ATTACHMENT 2

STREET AND UTILITY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, entered into this 16th day of October, 2015 and having an effective date of October 16, 2015, by and between **Spirit Valley Land Company, LLC**, a Minnesota limited liability company, and **Dale Maynard Johnson, as Trustee of the Dale Maynard Johnson Revocable Trust dated September 18, 2003**, collectively ("Grantors"), and the **City of Duluth**, a municipal corporation created and existing under the laws of the State of Minnesota, ("Grantee").

WITNESSETH:

WHEREAS, Grantor Spirit Valley Land Company, LLC, is the owner of that certain real estate located in the City of Duluth, County of St. Louis, more particularly described on the attached Exhibit A.

WHEREAS, Grantor Dale Maynard Johnson, as Trustee of the Dale Maynard Johnson Revocable Trust dated September 18, 2003, is the owner and Grantor Spirit Valley Land Company, LLC, is the Contract Purchaser of that certain real estate located in the City of Duluth, County of St. Louis, more particularly described on the attached Exhibit B. Exhibits A and B, collectively (the "Property").

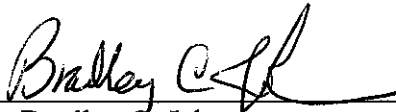
WHEREAS, Grantors wish to convey to Grantee, a right of way easement as hereinafter described over the Property.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantors do grant to Grantee as follows:

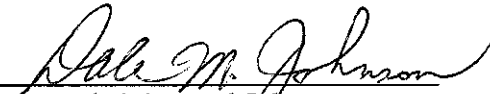
1. A permanent easement for street and utility purposes over, under and across that portion of the Property depicted on the drawing attached hereto as Exhibit C and legally described on Exhibit D, which exhibits are incorporated herein by reference.
2. This Agreement and the easement granted herein shall be deemed to be covenants running with the land and shall be binding upon Grantors, their successors and/or assigns, and inure to the benefit of Grantee.

IN WITNESS WHEREOF, Grantors have executed this Agreement the day and year first written above.

SPIRIT VALLEY LAND COMPANY, LLC,
a Minnesota limited liability company

By 
Bradley C. Johnson
Its Chief Manager


**DALE MAYNARD JOHNSON REVOCABLE
TRUST DATED SEPTEMBER 18, 2003**

By 
Dale Maynard Johnson
Trustee

STATE OF MINNESOTA)
) ss.
COUNTY OF St. Louis)

The foregoing instrument was acknowledged before me this 7th day of October, 2015, by Bradley C. Johnson, the Chief Manager of Spirit Valley Land Company, LLC, a limited liability company under the laws of the State of Minnesota, on behalf of the company.





Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF St. Louis)

The foregoing instrument was acknowledged before me this 6th day of October, 2015, by Dale Maynard Johnson, as Trustee of the Dale Maynard Johnson Revocable Trust dated September 18, 2003.




Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

William M. Burns

HANFT FRIDE,

A Professional Association

1000 U.S. Bank Place

130 West Superior Street

Duluth, MN 55802-2094

Tel. (218) 722-4766

EXHIBIT A

Lots 18 and 19, EXCEPT the Northwest 10 feet thereof, Block 12, IRONTON
FIRST DIVISION.

EXHIBIT B

Lots 15, 16 and 17, EXCEPT the Northwest 10 feet thereof, Block 12, IRONTON
FIRST DIVISION.

EXHIBIT C

THIS IS NOT A BOUNDARY SURVEY.

NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

LEGEND

These standard symbols will be found in the drawing



RIGHT OF WAY
EASEMENT

An easement in favor of the City of Duluth for right of way purposes over, under, and across portions of Lots 15, 16, 17, 18, and 19, Block 12, IRONTON FIRST DIVISION, said easement is bounded as follows:

On the Northwest: By a line parallel with and distant 10.00 feet southeasterly of the northwest line of said Block 12.

On the Northeast: By a line parallel with and distant 5.5 feet southwesterly of the northeasterly line of Lot 19, said Block 12.

On the Southeast: By a line parallel with and distant 40.00 feet southeasterly of the northwest line of said Block 12.

On the Southwest: By a line parallel with and distant 17.00 feet northeasterly of the southwesterly line of Lot 15, said Block 12.

Said easement contains 3,000 square feet, more or less.

I hereby certify that this plan, specification, 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.

Date: 9/28/2015

David R. Evanson MN License No. 49505

STREET AND UTILITY EASEMENT EXHIBIT C

CLIENT: SPIRIT VALLEY LAND
COMPANY

DATE: SEPTEMBER 28, 2015

ADDRESS: XXX

JOB NUMBER: 15-270

REVISIONS: XXX

ALTA

LAND SURVEY COMPANY

- * LAND SURVEYING
- * LAND DEVELOPMENT
- * PLATTING
- * LEGAL DESCRIPTIONS
- * CONSTRUCTION STAKING

PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW.ALTLANDSURVEYDULUTH.COM



SCALE IN FEET

EXHIBIT D

An easement in favor of the City of Duluth for street and utility purposes over, under, and across portions of Lots 15, 16, 17, 18, and 19, Block 12, IRONTON FIRST DIVISION, said easement is bounded as follows:

- On the Northwest: By a line parallel with and distant 10.00 feet southeasterly of the northwest line of said Block 12.
- On the Northeast: By a line parallel with and distant 5.5 feet southwesterly of the northeasterly line of Lot 19, said Block 12.
- On the Southeast: By a line parallel with and distant 40.00 feet southeasterly of the northwest line of said Block 12.
- On the Southwest: By a line parallel with and distant 17.00 feet northeasterly of the southwesterly line of Lot 15, said Block 12.