

EXHIBIT 2

ROAD AND UTILITY EASEMENT

This ROAD AND UTILITY EASEMENT is made by FALCONER FAMILY LLC, a Minnesota limited liability company (“Falconer”) in favor of the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota (the “City”) for the benefit of the public as set forth herein.

RECITALS

A. Falconer owns the real property in St. Louis County, Minnesota legally described as follows (the “Property”):

Block 3, HARRINGTON’S ADDITION TO DULUTH

B. The Property lies adjacent to Superior Street, which was platted in the plat of Harrington’s Addition to Duluth as “Third Street” and is an open, publicly maintained city street in the City.

C. At some point in the late 1800’s, the portion of Superior Street lying adjacent to the Property may have been vacated.

D. In order to avoid any doubt as to the status of Superior Street as a public, open street, Falconer wishes to grant the City a road and utility easement over that portion of Superior Street lying adjacent to the Property, for the benefit of the public and at no cost to the City (the “Easement”).

E. The location of the Easement is that portion of Superior Street legally described and depicted on the attached Exhibit A (the “Easement Area”).

NOW, THEREFORE, for good and valuable consideration, Falconer grants to the City, in trust for the benefit of the public, a perpetual easement for road and utility purposes over, under and across the Easement Area. The Easement shall extend to and bind the successors and assigns of Falconer and the City and shall run with the land. This easement document shall be governed

by the laws of the State of Minnesota, and all terms, conditions, and covenants herein shall be interpreted in accordance therewith. Falconer represents to the City that the individual(s) executing this document on behalf of Falconer have the requisite authority to execute this document, and to bind Falconer thereto.

IN WITNESS WHEREOF, Falconer has caused this road and utility easement to be executed effective as of _____, 2021.

Falconer Family LLC, a Minnesota limited liability company

By: _____

Printed Name: _____

Its: _____

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

This instrument was acknowledged before me this _____ day of _____, 2021 by _____, the _____ of Falconer Family LLC, a Minnesota limited liability company.

Notary Public

This instrument was drafted by:
Office of the City Attorney
Room 410 City Hall
411 West 1st Street
Duluth, MN 55802

EXHIBIT A

EASEMENT DESCRIPTION:

That part of the northwesterly one half of West Superior Street (Third Street per plat) as platted and dedicated in HARRINGTON'S ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying southerly of the north line of said HARRINGTON'S ADDITION TO DULUTH and lying northeasterly of the southeasterly extension of the northeasterly right of way line of North 39th Avenue West (Cliff Avenue per plat).

SURVEYOR NOTES:

Orientation of the bearing system is based on the northwesterly right of way line of Superior Street to have a bearing of N 43°47'38" E.

JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

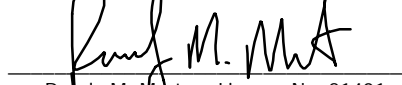
Area of right of way is 7,881 square feet or 0.1809 acres ±.

Parcel Identification Numbers for this property are 010-2070-00150 and 010-2070-00190.

CERTIFICATION:

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.

Signed this 27th day of July 2021, For: JPJ Engineering



Randy M. Morton, License No. 21401
Revised July 30, 2021, city comments.

EASEMENT EXHIBIT:

For: Minneapolis Oxygen Company

PROJECT NUMBER

21-861

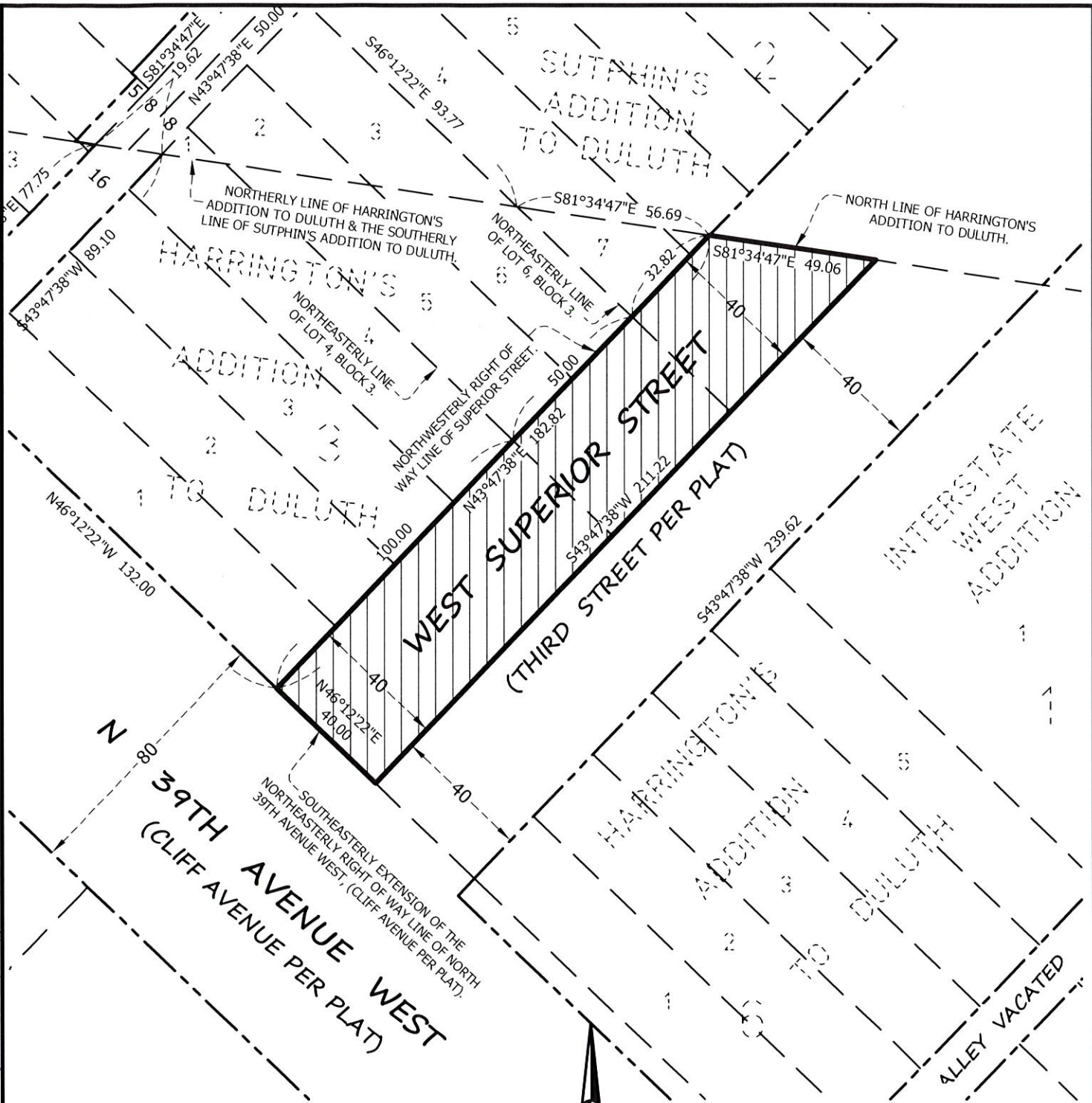
SHEET NUMBER

1 of 2 Sheets



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(218) 720-6219
www.jpjeng.com

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NOTE:

Orientation of this bearing system is based on the northwesterly right of way line of Superior Street to have a bearing of N43°47'38\"/>

Area of right of way is 7,881 square feet or 0.1809 acres ±.



Denotes proposed easement.



SCALE: 1 INCH = 40 FEET

July 27, 2021
 Revised July 30, 2021, city comments.
 Approved by: *[Signature]*
 City Engineer
 Date: **8-2-21**



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EASEMENT EXHIBIT:

For: Minneapolis Oxygen Company

PROJECT NUMBER	21-861
SHEET NUMBER	2 of 2 Sheets