

## PERMANENT EASEMENT AGREEMENT

THIS AGREEMENT, made this 27 day of February, 2017, by and between Daryl G. Blazier and Terri K. Blazier, husband and wife, ("Owners") and the City of Duluth, a municipal corporation under the laws of the State of Minnesota ("City").

WHEREAS, Owners are the owners of property described on Exhibit "A", attached hereto and made a part hereof, said real estate being located in the County of St. Louis, State of Minnesota (the "Property"); and

WHEREAS, the Property has as its southerly boundary, the northerly right of way line of Red Wing Street, as shown on the plats of Woodland Park, 2<sup>nd</sup> Division and Woodland Park, 2<sup>nd</sup> Division, 1<sup>st</sup> Rearrangement; and

WHEREAS, the City improved Red Wing Street as a public street in 1922 and Red Wing Street, as improved, has been in continuous use as a public street since constructed with public utilities existing within the Red Wing Street right-of-way, and

WHEREAS, it has now come to the City's attention that the improved Red Wing Street was not constructed within the platted right-of-way for Red Wing Street as shown on the plats of Woodland Park, 2<sup>nd</sup> Division, and Woodland Park, 2<sup>nd</sup> Division, 1<sup>st</sup> Rearrangement, but was in fact constructed over a portion of the Property; and

WHEREAS, the City has determined that an easement for street and utility purposes for that portion of Red Wing Street which was constructed over the Property has not been provided either by Owners or predecessors in title to Owners; and

WHEREAS, the City desires at this time to correct the records and file of record a street and utility easement for Red Wing Street as it was constructed and exists presently and Owners are willing and desirous of dedicating to the public a permanent easement for street and utility purposes for Red Wing Street.

NOW THEREFORE, in consideration of the mutual benefit of granting the street and utility easement to the public, Owners do hereby grant, bargain, sell and convey to the full extent of Owners' interest therein, to the City, its successors and assigns, for the benefit of the public, a permanent easement for street and utility purposes, in, under, over, upon, across and along that portion of the Property described on Exhibit "B", attached hereto and made a part hereof. That the easement hereby intended to be granted is depicted on Exhibit "C", attached hereto and made a part hereof.

IN WITNESS WHEREOF, the foregoing has been executed as of the day and year first above written.

County of St. Louis     )  
  ) ss.  
State of Minnesota     )

Owners:

The foregoing instrument was  
acknowledged before me this  
27 of Feb, 2017  
By Daryl G. Blazier  
and Terril K. Blazier  
Owners

Daryl G. Blazier  
Daryl G. Blazier  
Terril K. Blazier  
Terril K. Blazier

Kathy Amborn  
Notary Public



This instrument drafted by:

Catherine E. Baker  
Assistant City Attorney  
Rm. 410, City Hall  
Duluth, MN 55802

## **Exhibit A.**

Lot 5, 6, and 7 Except the W'y 75feet; and, East half of lot 4,  
Block 1 WOODLAND PARK SECOND DIVISION, EXCEPT that part of said Lot  
7; and that part of vacated Redwing Street lying adjacent thereto,  
Lying S'y of a line described as follows, to-wit: Commencing at the  
Northeast corner of Lot 2 Block 5 First Re-Arrangement in Woodland  
Park Second Division, thence W'y in a straight line to the Northwest  
Corner of Lot 7 Block 6 Woodland Park Second Division.

## **EXHIBIT B**

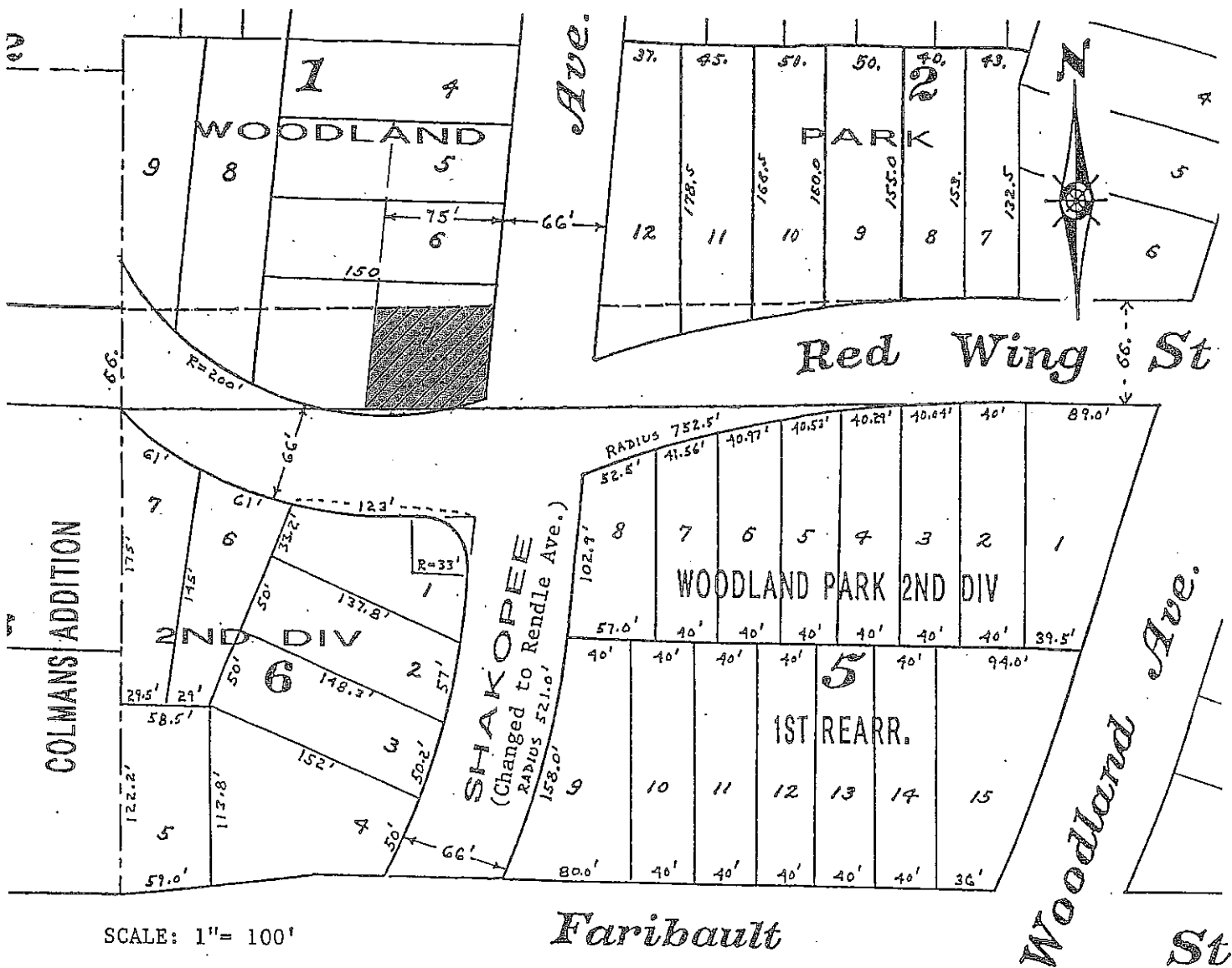
A permanent easement for street and utility purposes, in, under, over, upon, across and along the parcel of land lying and being in the County of St. Louis, State of Minnesota, described as follows:

That part of Lots 5, 6, and 7 except the westerly 75.00 feet thereof; Block 1, Woodland Park, 2<sup>nd</sup> Division, which lies north of a line described as:

Commencing at the northeast corner of Lot 2, Block 5, Woodland Park, 2<sup>nd</sup> Division, 1<sup>st</sup> Rearrangement, thence westerly in a straight line to the northwest corner of lot 7, Block 6, Woodland Park, 2<sup>nd</sup> Division,

and which lies south of a line described as:

Commencing at a point which is sixty-six feet (66') north of the northwest corner of Lot 7, Block 6, Woodland Park, 2<sup>nd</sup> Division, as measured along the western boundary of the plat of Woodland Park, 2<sup>nd</sup> Division, thence easterly in a straight line to a point on the southern boundary of Lot 6, Block 2, Woodland Park, 2<sup>nd</sup> Division, said point being at the intersection of the extended east line of Lot 2, Block 5, Woodland Park, 2<sup>nd</sup> Division, 1<sup>st</sup> Rearrangement and the south line of Lot 6, Block 2, Woodland Park, 2<sup>nd</sup> Division.



Plat showing the property described in Exhibit B to be acquired for street easement purposes.


The portion to be acquired is shown as  on the above plat.

Exhibit C

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