

UTILITY EASEMENT

This Utility Easement is made by **WHOLE FOODS COMMUNITY CO-OP, INC.**, a Minnesota cooperative (“Whole Foods”) 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. Whole Foods owns the real property in St. Louis County, Minnesota legally described as follows (the “Property”):

That part of Lot 16, Block 70, Town of ONEOTA, according to the recorded plat thereof (now part of the City of Duluth, St. Louis County, Minnesota), lying Northwesterly of a line drawn parallel with and distant 45.00 Southeasterly of the Southeasterly line of the vacated 16.00 foot platted alley lying contiguous to said Lot 16.

B. Whole Foods wishes to grant the City a utility easement over a portion of the Property for the benefit of the public (the “Easement”).

C. The location of the Easement is legally described and depicted on the attached Exhibit A (the “Easement Area”).

NOW, THEREFORE, for good and valuable consideration, Whole Foods grants to the City, in trust for the benefit of the public, a perpetual easement for utility purposes over, under and across the Easement Area. The Easement shall extend to and bind the successors and assigns of Whole Foods 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. Whole Foods represents to the City that the individuals executing this document on behalf of Whole Foods have the requisite authority to execute this document, and to bind Whole Foods thereto.

IN WITNESS WHEREOF, Whole Foods has caused this utility easement to be executed effective as of Dec. 14, 2018.

WHOLE FOODS COMMUNITY CO-OP, INC., a Minnesota cooperative

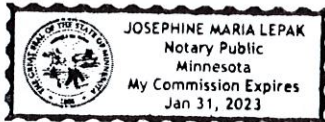
By: [Signature]

Printed Name: Sarah Hannigan

Its: General Manager

STATE OF MINNESOTA)
) SS
COUNTY OF St Louis)

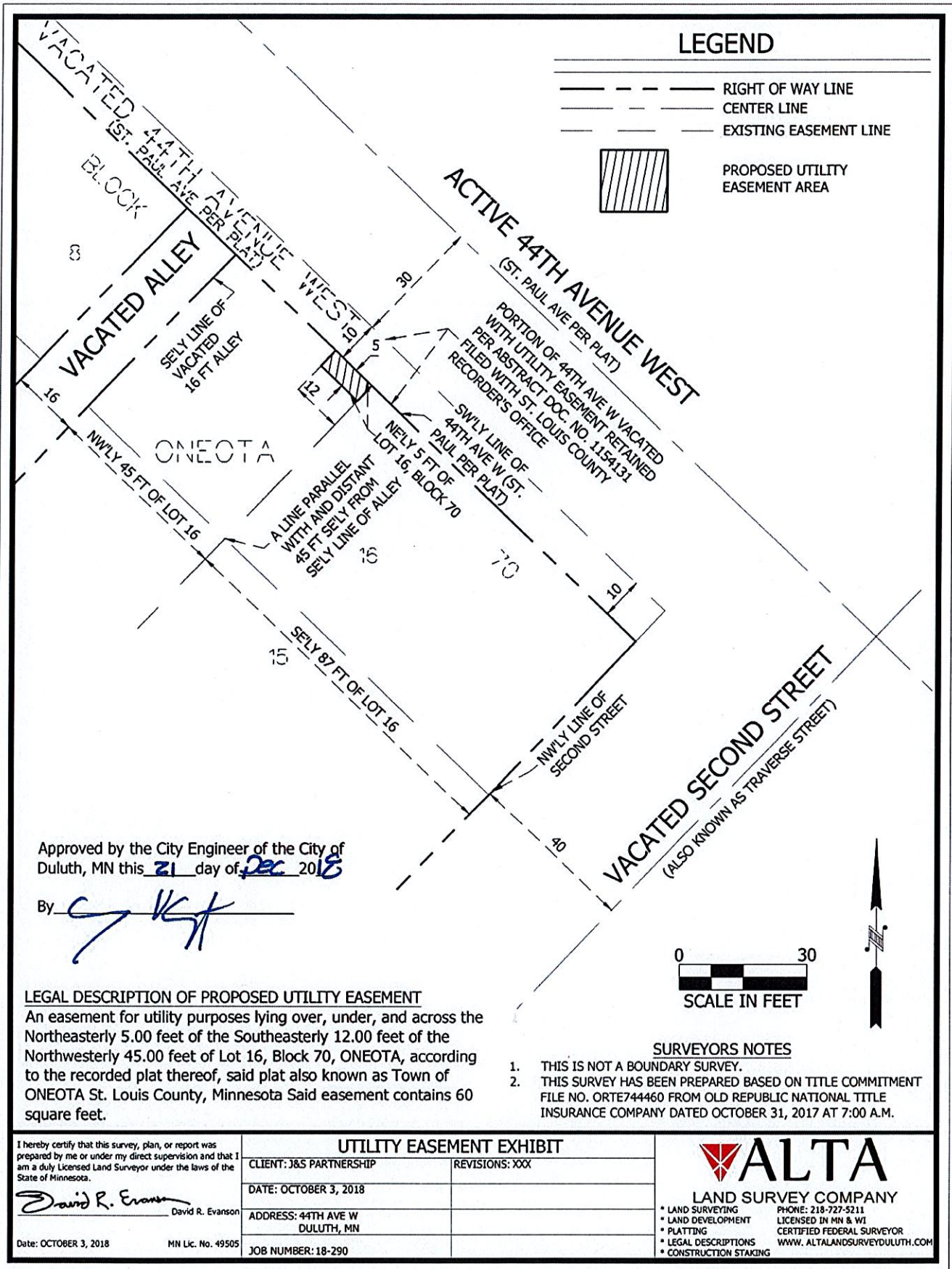
This instrument was acknowledged before me this 14 day of December, 2018 by Sarah Hannigan, the General Manager of WHOLE FOODS COMMUNITY CO-OP, INC., a Minnesota cooperative.







[Signature]
Notary Public

This instrument was drafted by:
Office of the City Attorney
Room 410 City Hall
411 West 1st Street
Duluth, MN 55802-1198

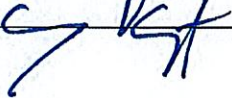
EXHIBIT A



LEGEND

-  RIGHT OF WAY LINE
-  CENTER LINE
-  EXISTING EASEMENT LINE
-  PROPOSED UTILITY EASEMENT AREA

Approved by the City Engineer of the City of Duluth, MN this 21 day of Dec 2018

By 

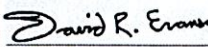
LEGAL DESCRIPTION OF PROPOSED UTILITY EASEMENT

An easement for utility purposes lying over, under, and across the Northeasterly 5.00 feet of the Southeasterly 12.00 feet of the Northwesternly 45.00 feet of Lot 16, Block 70, ONEOTA, according to the recorded plat thereof, said plat also known as Town of ONEOTA St. Louis County, Minnesota Said easement contains 60 square feet.

SURVEYORS NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. THIS SURVEY HAS BEEN PREPARED BASED ON TITLE COMMITMENT FILE NO. ORTE744460 FROM OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY DATED OCTOBER 31, 2017 AT 7:00 A.M.

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.

 David R. Evanson

Date: OCTOBER 3, 2018 MN Lic. No. 49505

UTILITY EASEMENT EXHIBIT

CLIENT: J&S PARTNERSHIP	REVISIONS: XXX
DATE: OCTOBER 3, 2018	
ADDRESS: 44TH AVE W DULUTH, MN	
JOB NUMBER: 18-290	



LAND SURVEY COMPANY
 * LAND SURVEYING PHONE: 218-727-5211
 * LAND DEVELOPMENT LICENSED IN MN & WI
 * PLATTING CERTIFIED FEDERAL SURVEYOR
 * LEGAL DESCRIPTIONS WWW.ALTALANDSURVEYDULUTH.COM
 * CONSTRUCTION STAKING