

STREET AND UTILITY EASEMENT

This STREET AND UTILITY EASEMENT is made by DULUTH ECONOMIC DEVELOPMENT AUTHORITY, a public body, corporate and politic and political subdivision under Minnesota Statutes Chapter 469 (“Grantor”), in favor of the CITY OF DULUTH, a municipal corporation and political subdivision created and existing under the laws of the State of Minnesota (the “City”).

RECITALS

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

Lot 11, EDGEWATER;

AND

All that part of Lot 10, EDGEWATER, lying southerly of the following described line: Commencing at the West Quarter Corner of Section 4, Township 50 North, Range 13 West, thence North 1 degree 04 minutes 21 seconds West, assigned bearing, along the west line of said Section 4, a distance of 381.59 feet; thence North 89 degrees 27 minutes 39 seconds East a distance of 567.80 feet to a point on the west line of said Lot 10, EDGEWATER, said west line of Lot 10 being the centerline of Benson Road, of EDGEWATER, said Benson Road now being known as Lester River Road, and said point being the POINT OF BEGINNING; thence continuing North 89 degrees 27 minutes 39 seconds East a distance of 961.27 feet to the northwesterly line of East Oneida Street, LESTER PARK FOURTH DIVISION; said line also being the southeasterly line of Lot 13, EDGEWATER; thence continuing North 89 degrees 27 minutes 39 seconds East a distance of 511.49 feet, more or less, to the southeast line of Lot 23, Block 62, LESTER PARK FOURTH DIVISION, and there terminating.

B. Grantor wishes to grant the City a street and utility easement over a portion of the Property in trust for the benefit of the public and at no cost to the City (the “Easement”).

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

NOW, THEREFORE, for good and valuable consideration, Grantor grants to the City, in trust for the benefit of the public, a perpetual easement for street and utility purposes over, under and across the Easement Area. The Easement shall extend to and bind the heirs, successors and assigns of Grantor 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. Grantor represents to the City that the individual(s) executing this document on behalf of Grantor has the requisite authority to execute this document and bind Grantor thereto.

[Remainder of this page is intentionally left blank.]

This instrument was drafted by:
Office of the City Attorney
Room 440 City Hall
411 West 1st Street
Duluth, MN 55802-1198



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EXHIBIT A

Duluth Economic Development Authority
Legal Land Description
Lester River Road
SEH No.: DEDA0 164215

Street and Utility Easement Description:

A variable width strip of land over, under, and across those parts of Lots 10 and 11, EDGEWATER, according to the recorded plat thereof, Saint Louis County, Minnesota, being left and right, as designated, of the following described line:

Commencing at the West Quarter Corner of Section 4, Township 50 North, Range 13 West, Saint Louis County, Minnesota, according to the US Government Survey thereof, thence North 1 degree 04 minutes 21 seconds West, assigned bearing, along the west line of said Section 4, a distance of 381.59 feet to a line hereinafter known as "Line 1"; thence North 89 degrees 27 minutes 39 seconds East, along said "Line 1", a distance of 570.24 feet to the existing centerline of Lester River Road, as traveled, and the POINT OF BEGINNING, with the following strip of land being 43.00 feet left of and 0.00 feet right of the herein described centerline; thence South 09 degrees 14 minutes 22 seconds West, along said centerline, a distance of 391.88 feet, with the following strip of land being 60.00 feet left of and 0.00 feet right of the herein described centerline; thence continuing South 09 degrees 14 minutes 22 seconds West, a distance of 15.00 feet, with the following strip of land being 43.00 feet left of and 0.00 feet right of the herein described centerline; thence continuing South 09 degrees 14 minutes 22 seconds West, a distance of 40.00 feet to the beginning of a tangential curve, concave to the west, having a radius of 910.00 feet and a central angle of 06 degrees 49 minutes 12 seconds; thence southerly, along said curve and centerline, a distance of 108.32 feet, with the following strip of land being 55.00 feet left of and 0.00 feet right of the herein described centerline; thence continuing southwesterly along said curve and centerline, having a radius of 910.00 feet and a central angle of 11 degrees 23 minutes 46 seconds, a distance of 181.00 feet, with the following strip of land being 43.00 feet left of and 0.00 feet right of the herein described centerline; thence South 27 degrees 27 minutes 20 seconds West, tangent to said curve and along said centerline, a distance of 14.50 feet; thence South 29 degrees 16 minutes 53 seconds West, along said centerline, a distance of 89.76 feet to the beginning of a tangential curve, concave to the northwest, having a radius of 1375.00 feet and a central angle of 04 degrees 54 minutes 56 seconds; thence southwesterly along said curve and centerline a distance of 117.97 feet, with the following strip of land being 50.00 feet left of and 0.00 feet right of the herein described centerline; thence continuing southwesterly along said curve and centerline, having a radius of 1375.00 feet and a central angle of 00 degrees 25 minutes 00 seconds, a distance of 10.00 feet, with the following strip of land being 40.00 feet left of and 0.00 feet right of the herein described centerline; thence continuing southwesterly along said curve and centerline, having a radius of 1375.00 feet and a central angle of 04 degrees 50 minutes 01 second, a distance of 116.00 feet to the beginning of a tangential line; thence South 39 degrees 26 minutes 51 seconds West, along said centerline, a distance of 132.17 feet to the southwest line of said Lot 11 and said line there terminating;

EXCEPT

\\cihl-filepr-02\Departments\PUBLICADMIN\Architect\P&FM\Property Services\Land & Property\Lester Park Golf Course Real Estate\Lester River Rd\Lester River Road Easement Description REV 7-29-2024 (FINAL).docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 418 West Superior Street, Suite 200, P.O. Box 229, Duluth, MN 55801-0229

218.279.3000 | 888.722.0547 | 888.908.8166 fax | sehinc.com

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All that part of Benson Road, according to said recorded plat of EDGEWATER, lying within the above-described strip of land;

The sidelines of said strip of land shall be shortened or prolonged so as to terminate on said southwest line of Lot 11, EDGEWATER, and on said "Line 1".

"Line 1": Commencing at the said West Quarter Corner of Section 4, thence North 1 degree 04 minutes 21 seconds West, assigned bearing, along the west line of said Section 4, a distance of 381.59 feet to the POINT OF BEGINNING; thence North 89 degrees 27 minutes 39 seconds East a distance of 700.00 feet and there terminating.

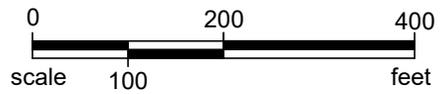
CERTIFICATION

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.

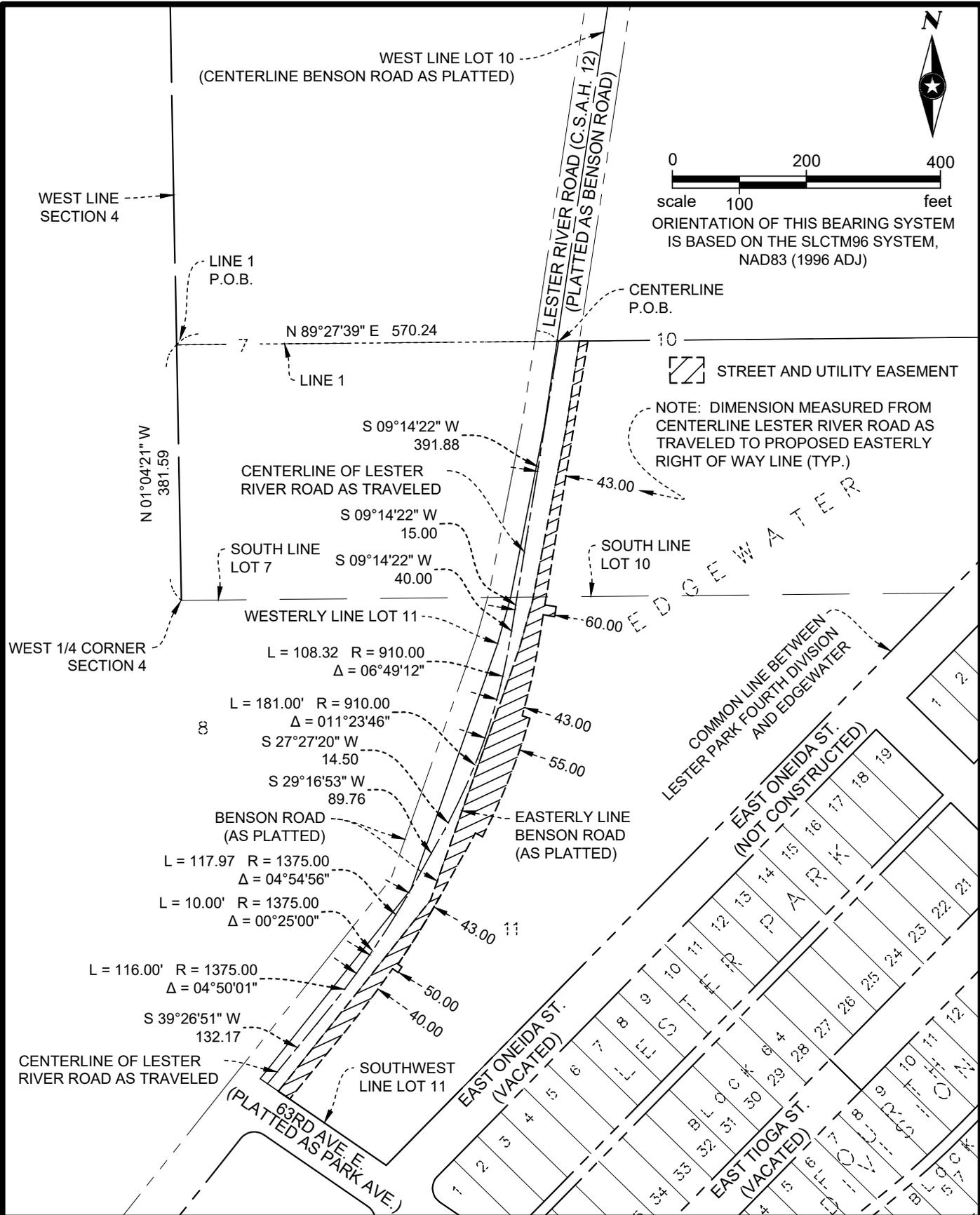


Chris A. Larsen, PLS
Minnesota License No. 45848

July 29, 2024
Date



scale 100 feet
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SLCTM96 SYSTEM, NAD83 (1996 ADJ)



EASEMENT EXHIBIT FOR: CITY OF DULUTH

DULUTH, MINNESOTA

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SEH Project DEDA0 164215
Drawn By BMG
Surveyed By KLA
Checked By CAL

Chris A. Larsen
CHRIS A. LARSEN, L.S.
DATE July 29, 2024

LICENSE NO. 45848



Save: 7/29/2024 9:41 AM clarsen Plot: 7/29/2024 9:46 AM X:\AED\DEDA01\642159-survey\92-CAD\15-dwg\Utility Easement Adjacent to Lester River RD.dwg