

## **EXHIBIT 2**

### **UTILITY, STORM WATER AND DRAINAGE EASEMENT**

This UTILITY, STORM WATER AND DRAINAGE EASEMENT is made by RONALD A. WEBER and MARIE A. WEBER, married to each other ("Grantor"), in favor of the CITY OF DULUTH, a municipal corporation 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 as follows (the "Property"):

Outlot 1, RIVERSIDE, according to the recorded plat thereof,

EXCEPT the following described land: Beginning at the point of intersection of the Westerly and Southwesterly side line of Lot 1, Block 1, Riverside, with Southerly or Southeasterly boundary line of the right of way of Northern Pacific Railway Company, said boundary line forming the Northwesterly boundary of said plat; thence running Southeasterly along said side line of Lot 1, a distance of 77.81 feet to a point; thence running Westerly or Southwesterly on a curved line parallel with the said boundary line of said right of way to a point, which point is 25 feet distant measured at right angles from the said side line of Lot 1; thence running Northerly or Northwesterly from the said last mentioned point on a line parallel with and 25 feet distant from the said Westerly side line of Lot 1 to a point of intersection with Southerly or Southeasterly boundary line of the aforesaid right of way; thence Easterly or Northeasterly along the Southerly boundary line of said right of way to the point of beginning;

AND FURTHER EXCEPT that part of Outlot 1, RIVERSIDE, beginning on South line of Hillcrest Street and extended Westerly line of St. Louis Court, then South on extended West line 25 feet; thence Southeasterly parallel to Hillcrest Street

105.49 feet; thence Northerly to South line of Hillcrest Street; thence Northwesterly 105.49 feet to the point of beginning.

EXCEPT minerals.

B. Grantor wishes to grant the City utility, storm water and drainage easements over portions of the Property in trust for the benefit of the public and at no cost to the City (collectively the "Easements").

C. The locations of the Easements are those portions of the Property: (i) legally described and depicted on the attached Exhibit A, and (ii) legally described on the attached Exhibit B and depicted on the attached Exhibit C (the "Easement Areas").

NOW, THEREFORE, for good and valuable consideration, Grantor grants to the City, in trust for the benefit of the public, perpetual easements for utility, storm water and drainage purposes over, under and across the Easement Areas. The Easements shall extend to and bind the 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 individuals executing this document on behalf of Grantor have the requisite authority to execute this document, and to bind Grantor thereto.

*[Remainder of this page is intentionally left blank.]*

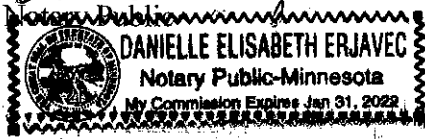
IN WITNESS WHEREOF, Grantor has caused this utility, storm water, and drainage easement to be executed effective as of 10/18/21, 2021.

Ronald A Weber  
Ronald A. Weber

Marie A Weber  
Marie A. Weber

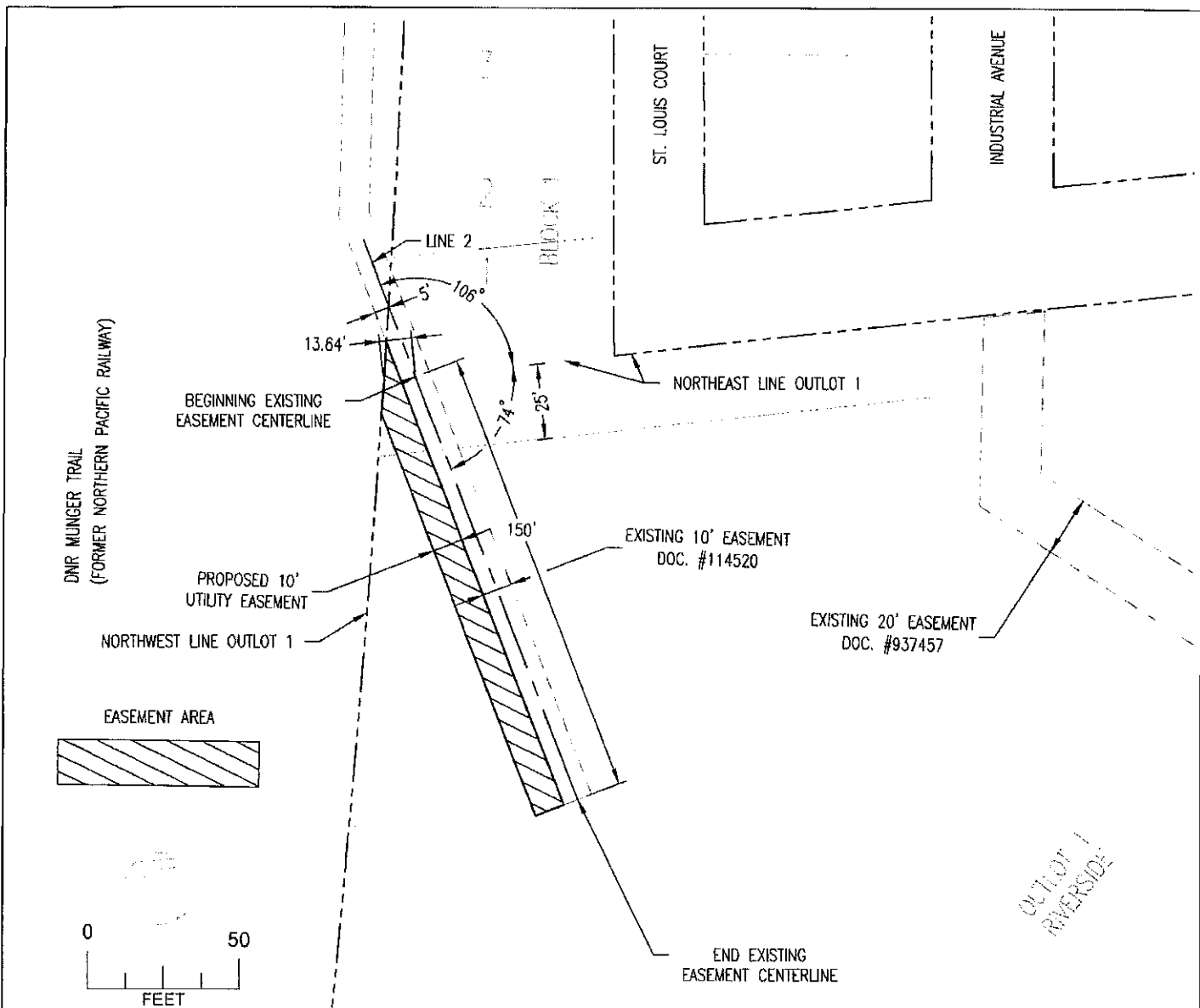
STATE OF MINNESOTA   )  
  ) SS  
COUNTY OF ST. LOUIS   )

This instrument was acknowledged before me this 18<sup>th</sup> day of October, 2021 by Ronald A. Weber and Marie A. Weber, married to each other.

Danielle Erjavec  


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

# EXHIBIT A



Utility easement for Lot 1, Block 1 and Outlot 1, Riverside plot

A 10.00 foot wide utility easement across that part of Outlot 1, Riverside, according to the recorded plat thereof in St. Louis County, Minnesota, lying southwest of the northeast line of said Outlot 1 and lying westerly and adjacent to an existing 10.00 foot storm sewer easement in Document 114520 with the St. Louis County Registrar of Titles, center line of said existing easement is described as follows:

Starting at a point on the northeasterly line of said Outlot 1 that is 13.64 feet southeasterly from the northwest corner of said Outlot 1; thence at an angle 74 degrees from east to south a distance of 150 feet, there terminating said centerline.

ALSO

A utility easement across that part of Lot 1, Block 1, Riverside, according to the recorded plat thereof in St. Louis County, Minnesota, lying west of a Line that is parallel with and distant west 5 feet of a Line 2 described as follows:

Line 2: Starting at a point on the southwesterly line of said Lot 1 that is 13.64 feet southeasterly from the southwest corner of said Lot 1; thence said line 2 projects at an angle 106 degrees from southeast to north.

The east line of said easement is extended northerly to northeast line of said Lot 1 and is extended southerly to the southwest line of said Lot 1.

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.

*Sue Stower*  
 Surveyor

Oct. 4, 2021

Approved by the City Engineer of the City of Duluth, MN  
 this the 5th day of OCT. 2021.

By *[Signature]*

**EXHIBIT B**

A 40.0 foot wide utility easement across that part of Outlot 1, Riverside, according to the plat of record in St. Louis County, Minnesota, center line of said easement is described as follows:

Commencing at the intersection with the northwest plat line of said Riverside, also being the southeast right of way of former Northern Pacific Railway, with the centerline of Spring Street as dedicated in said plat of Riverside; thence southwesterly along said northwest plat line 235.70 feet South 37 degrees 22 minutes 9 seconds West to a tangential curve that has arc length 1054.30 feet, curve radius 5804.65 feet and central angle of 10 degrees 24 minutes 24 seconds; thence southwesterly 460.00 feet along said curve of said northwest plat line, curve radius 5804.65 feet, concave to the northeast, to the point of beginning of said center line of easement; thence South 11 degrees 5 minutes 22 seconds East 77.59 feet; thence South 56 degrees 11 minutes 33 seconds East 258.06 feet and there said centerline terminating. Side lines of said 40.0 foot easement are prolonged or shortened to end on said northwest plat line. Basis of bearing is SLCTM 96.

Approved by the City Engineer of the City of Duluth, MN  
this the 20th day of Sept 2021.

By [Signature]

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.

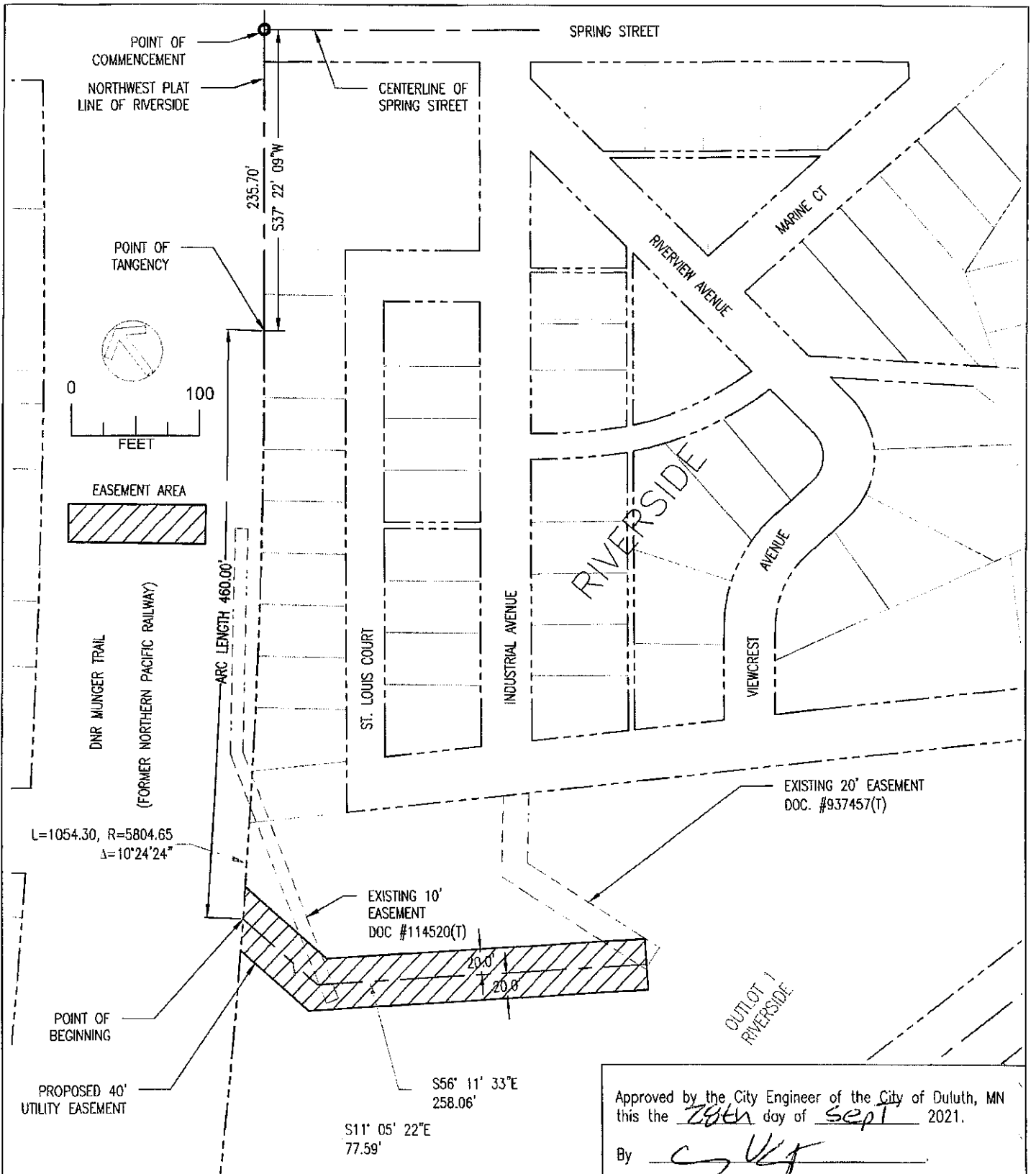
Greg Stower 21774 Sept. 28, 2021  
Greg Stower License # Date

GOGEBIC CREEK STORM SEWER EASEMENT

PROJECT #1769

PAGE 2 OF 2

# EXHIBIT C



Approved by the City Engineer of the City of Duluth, MN  
this the 28th day of Sept 2021.

By [Signature]

GOGEBIC CREEK STORM SEWER EASEMENT

PROJECT #1769

PAGE 1 OF 2

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.

Greg Stawer 21774 Sept. 28, 2021  
License # Date