

EXHIBIT D

TERMINATION AND RELEASE OF DECLARATION

The undersigned has previously filed a Declaration in the official records of the Office of the Registrar of Titles, dated December 20, 2012 and registered December 21, 2012 as Document No. 924437, by which the undersigned declared its easement interest in the Restricted Property (as defined in the Declaration) subject to certain restrictions and encumbrances. By resolution dated November 23, 2015, filed February 22, 2016 in the Office of the Registrar of Titles and registered as Document No. 967956, the City Council of the City of Duluth approved the vacation of said easement interest. On December 21, 2015, the plat of Atlas Industrial Park was filed in the Office of the Register of Titles and registered as Document No. 966240, dedicating to the public for public use the public ways, utility and drainage easements shown thereon. Accordingly, with the consent of the Minnesota Department of Employment and Economic Development and the Minnesota Commissioner of Minnesota Management and Budget (f/k/a Minnesota Commissioner of Finance), the undersigned desires to terminate the Declaration, and the Declaration is hereby terminated and released by this Termination and Release of Declaration.

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Date: _____, 2016

CITY OF DULUTH, a home rule charter City

By: _____

Its: _____

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Emily Larson, the Mayor, and Jeff Cox, the City Clerk, of the City of Duluth, a municipal corporation, on behalf of said corporation.

Notary Public

(Seal)

Instrument Drafted by:

Catherine E. Baker
Assistant City Attorney
City of Duluth
411 West First Street
Duluth, MN 55802-1198
(218) 730-5490

CONSENT AND RELEASE

The Minnesota Department of Employment and Economic Development hereby consents and approves of the recording of the foregoing Termination and Release of Declaration and releases its interest in the Restricted Property.

Date: _____, 2016

MINNESOTA DEPARTMENT OF
EMPLOYMENT AND ECONOMIC
DEVELOPMENT

By: _____
Commissioner

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, the Commissioner of the Minnesota Department of Employment and Economic Development.

Notary Public

(Seal)