

# EXHIBIT 1

## UTILITY EASEMENT

THIS UTILITY EASEMENT ("Agreement") is made as of the \_\_\_\_ day of \_\_\_\_\_, 2022, by LONDON EAST LLC, a Minnesota limited liability company ("LLC"), SCOT JENKINS and KERI JENKINS, married to each other (together "Jenkins"), and JEFFREY M. RENGEL and TAMARA L. RENGEL, married to each other (together "Rengel"), and MARK MASTEN and TAMARA MASTEN, married to each other, and CRISTINA MASTEN, a single person, (together "Masten"), and KATHRYN ELIZABETH HUFF, a single person, (together "Huff") (collectively, "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. LLC owns the real property in St. Louis County, Minnesota legally described as follows:

Lots 7 -26, Block 1, LONDON EAST, St. Louis County, Minnesota ("Parcel A").

B. Jenkins owns the real property in St. Louis County, Minnesota legally described as follows:

Lot 3, Block 1, LONDON EAST, St. Louis County, Minnesota ("Parcel B").

C. Rengel owns the real property in St. Louis County, Minnesota legally described as follows:

Lot 4, Block 1, LONDON EAST, St. Louis County, Minnesota ("Parcel C").

D. Masten owns the real property in St. Louis County, Minnesota legally described as follows:

Lot 5, Block 1, LONDON EAST, St. Louis County, Minnesota ("Parcel D").

E. Huff owns the real property in St. Louis County, Minnesota legally described as follows:

Lot 6, Block 1, LONDON EAST, St. Louis County, Minnesota ("Parcel E").

F. Collectively, Parcels A, B, C, D and E hereafter referred to as (the "Property").

G. Grantor wishes to grant the City a perpetual easement for public utility purposes over that portion of the Property legally described and depicted on the attached Exhibit A.

NOW, THEREFORE, for good and valuable consideration, Grantor grants to the City, in trust for the benefit of the public, a perpetual easement for utility purposes over, under, and across that portion of the Property legally described and depicted on the attached Exhibit A. The easement granted herein shall extend to and bind the heirs, successors and assigns of Grantor and the City and shall run with the land. This Agreement 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 have the requisite authority to execute this document, and to bind Grantor thereto. The recitals set forth are incorporated herein.

IN WITNESS WHEREOF, Grantor has caused this utility easement to be executed effective as of \_\_\_\_\_, 2022.

LONDON EAST LLC

\_\_\_\_\_  
Theodore J. Stocke  
Its Chief Manager


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

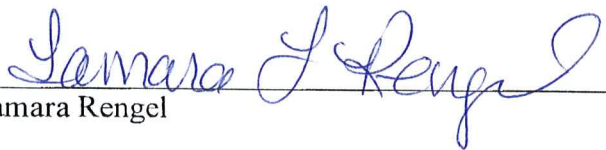
On this \_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public within and for said County and State, personally appeared Theodore J. Stocke, Chief Manager of London East LLC, a Minnesota limited liability company, on behalf of the limited liability company.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer L. Carey  
Hanft Fride, a Professional Association  
1000 U.S. Bank Place  
130 West Superior Street  
Duluth, MN 55802

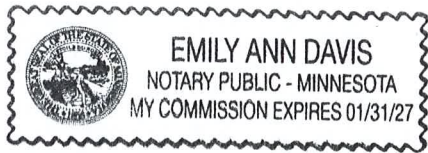
  
\_\_\_\_\_  
Jeffrey Rengel

  
\_\_\_\_\_  
Tamara Rengel

STATE OF MINNESOTA )  
                                  ) ss.  
COUNTY OF St. Louis )

This instrument was acknowledged before me on October 6, 2022 by Jeffrey Rengel and Tamara Rengel, married to each other.

  
\_\_\_\_\_  
Notary Public



\_\_\_\_\_  
Scot Jenkins

\_\_\_\_\_  
Keri Jenkins

STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2022 by Scot Jenkins and Keri Jenkins, married to each other.


\_\_\_\_\_  
Notary Public

WRITTEN CONSENT TO UTILITY EASEMENT

We, Mark Masten and Tamara Masten, married to each other, and Cristina Masten, an unmarried person, owners of the following described property:

Lot 5, Block 1, LONDON EAST, St. Louis County, Minnesota,  
hereby consent and join in the foregoing Utility Easement.

  
\_\_\_\_\_  
Mark Masten

  
\_\_\_\_\_  
Tamara Masten

  
\_\_\_\_\_  
Cristina Masten

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

July 29, 2022

This instrument was acknowledged before me on ~~July 15, 2022~~ by Mark Masten and Tamara Masten, married to each other.

  
\_\_\_\_\_  
Notary Public

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

This instrument was acknowledged before me on \_\_\_\_\_, 2022 by Cristina Masten, an unmarried person.

  
\_\_\_\_\_  
Notary Public

WRITTEN CONSENT TO UTILITY EASEMENT

We, Mark Masten and Tamara Masten, married to each other, and Cristina Masten, an unmarried person, owners of the following described property:

Lot 5, Block 1, LONDON EAST, St. Louis County, Minnesota,  
hereby consent and join in the foregoing Utility Easement.

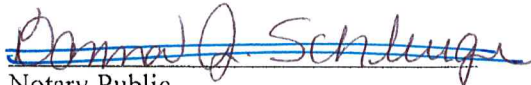
\_\_\_\_\_  
Mark Masten

\_\_\_\_\_  
Tamara Masten

  
\_\_\_\_\_  
Cristina Masten

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

This instrument was acknowledged before me on July 15, 2022 by Mark Masten and Tamara Masten, married to each other.

  
Notary Public

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



This instrument was acknowledged before me on 8/2, 2022 by Cristina Masten, an unmarried person.

  
Notary Public



**WRITTEN CONSENT BY LENDER TO UTILITY EASEMENT**

NORTH SHORE BANK OF COMMERCE, a Minnesota corporation, as Mortgagee in that certain Mortgage dated June 23, 2022 and recorded on July 7, 2022, as Document No. 01446955 in the Office of the St. Louis County Recorder, does hereby consent to the foregoing Utility Easement.

NORTH SHORE BANK OF COMMERCE

By \_\_\_\_\_  
Its: \_\_\_\_\_

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

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by \_\_\_\_\_ as the \_\_\_\_\_ of NORTH SHORE BANK OF COMMERCE, a Minnesota corporation.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer L. Carey  
Hanft Fride, A Professional Association  
130 W Superior St, Ste 1000  
Duluth, MN 55802  
218-722-4766



**WRITTEN CONSENT BY LENDER TO UTILITY EASEMENT**

NATIONAL BANK OF COMMERCE, a National Bank, as Mortgagee in that certain Mortgage dated August 16, 2022 and recorded on August 17, 2022, as Document No. 01449966 in the Office of the St. Louis County Recorder, does hereby consent to the foregoing Utility Easement.

NATIONAL BANK OF COMMERCE

By \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
   ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by  
\_\_\_\_\_ as the \_\_\_\_\_ of NATIONAL  
BANK OF COMMERCE, a National Bank.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer L. Carey  
Hanft Fride, A Professional Association  
130 W Superior St, Ste 1000  
Duluth, MN 55802  
218-722-4766

**WRITTEN CONSENT BY LENDER TO UTILITY EASEMENT**

BELL BANK, a North Dakota corporation, as Mortgagee in that certain Mortgage dated June 28, 2022 and recorded on July 11, 2022, as Document No. 01447229 in the Office of the St. Louis County Recorder, does hereby consent to the foregoing Utility Easement.

BELL BANK

By \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA )  
                                      ) ss.  
COUNTY OF \_\_\_\_\_)

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by \_\_\_\_\_ as the \_\_\_\_\_ of BELL BANK, a North Dakota corporation .

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer L. Carey  
Hanft Fride, A Professional Association  
130 W Superior St, Ste 1000  
Duluth, MN 55802  
218-722-4766



**WRITTEN CONSENT BY LENDER TO UTILITY EASEMENT**

NATIONAL BANK OF COMMERCE, a National Bank, as Mortgagee in that certain Mortgage dated July 14, 2020 and recorded on July 22, 2020, as Document No. 01385711 in the Office of the St. Louis County Recorder, and also as Mortgagee in that certain Mortgage dated May 25, 2021 and recorded on June 1, 2021, as Document No. 01415386 in the Office of the St. Louis County Recorder, does hereby consent to the foregoing Utility Easement.

NATIONAL BANK OF COMMERCE

By \_\_\_\_\_  
Its: \_\_\_\_\_

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

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by \_\_\_\_\_ as the \_\_\_\_\_ of NATIONAL BANK OF COMMERCE; a National Bank.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer L. Carey  
Hanft Fride, A Professional Association  
130 W Superior St, Ste 1000  
Duluth, MN 55802  
218-722-4766

**WRITTEN CONSENT BY LENDER TO UTILITY EASEMENT**

RENOVO CAPITAL, LLC, a Minnesota limited liability company, as Mortgagee in that certain Mortgage, Security Agreement and Financing Statement dated May 25, 2021 and recorded on June 1, 2021, as Document No. 01415436 in the Office of the St. Louis County Recorder, and also as Mortgagee in that certain Mortgage, Security Agreement and Financing Statement dated May 4, 2022 and recorded on June 27, 2022, as Document No. 01446146 in the Office of the St. Louis County Recorder, does hereby consent to the foregoing Utility Easement.

RENOVO CAPITAL, LLC

By \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by  
\_\_\_\_\_ as the \_\_\_\_\_ of RENOVO  
CAPITAL, LLC, a Minnesota limited liability company.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer L. Carey  
Hanft Fride, A Professional Association  
130 W Superior St, Ste 1000  
Duluth, MN 55802  
218-722-4766

**WRITTEN CONSENT BY LENDER TO UTILITY EASEMENT**

GREAT SOUTHERN BANK, a Missouri Chartered Trust Company, as Mortgagee in that certain Mortgage dated August 5, 2022 and recorded on August 15, 2022, as Document No. 01449765 in the Office of the St. Louis County Recorder, does hereby consent to the foregoing Utility Easement.

GREAT SOUTHERN BANK

By \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by  
\_\_\_\_\_ as the \_\_\_\_\_ of GREAT  
SOUTHERN BANK, a Missouri Chartered Trust Company.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Jennifer L. Carey  
Hanft Fride, A Professional Association  
130 W Superior St, Ste 1000  
Duluth, MN 55802  
218-722-4766

**EXHIBIT A**

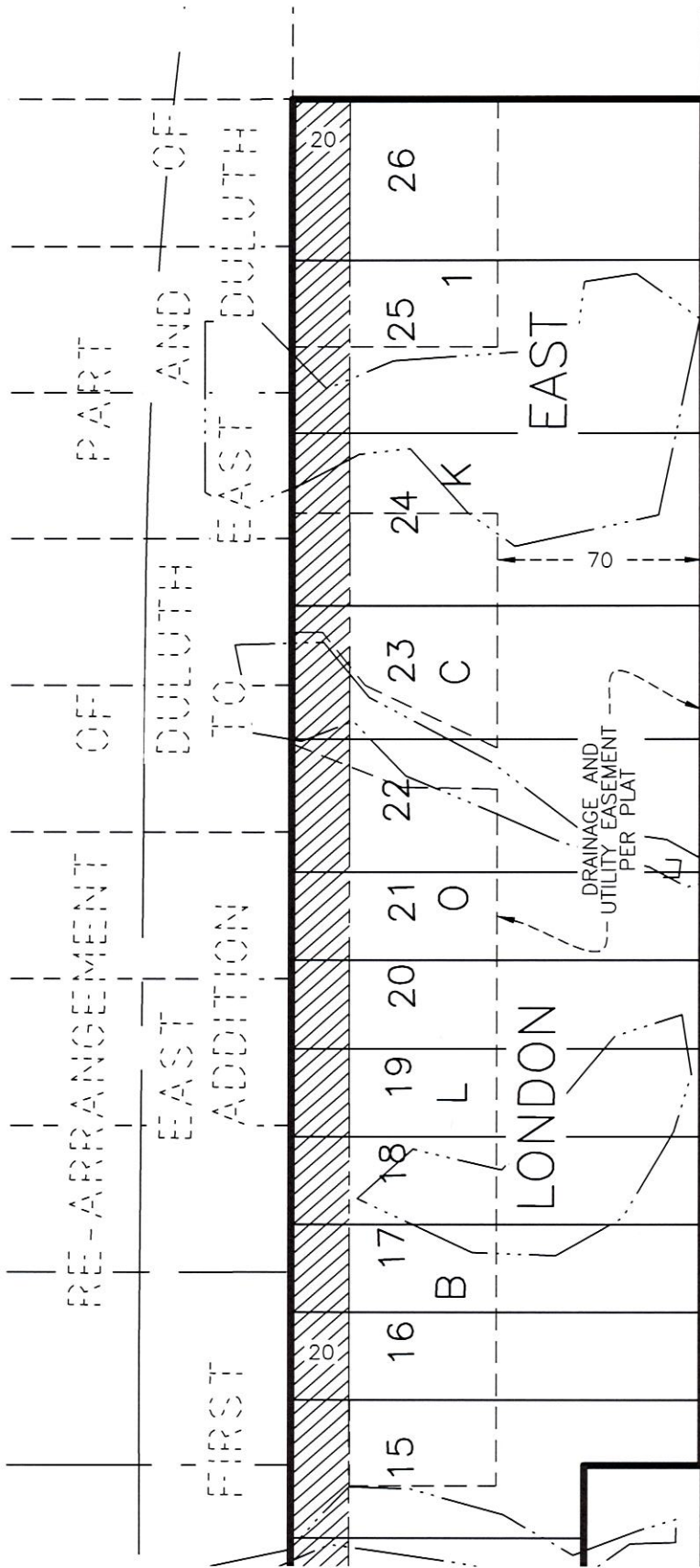
See attached Easement Legal Description and Perpetual Easement Sketch.



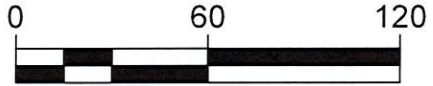




PLAT DATE: Wednesday, November 9, 2022 10:27 AM. P:\02018330\02018330\02018330.dwg P:\02018330\02018330.dwg



LONDON ROAD



1 INCH = 60 FEET

PERMANENT EASEMENT



LONDON EAST  
 TED STOCKE  
 ST. LOUIS COUNTY, MINNESOTA

PERPETUAL  
 EASEMENT SKETCH

PLAT NO.  
 005331006  
 SHEET  
 3 OF 3