#### **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 WHERE effective as of, 20	EOF, Grantor has caused this utility easement to be executed 022.
	LONDON EAST LLC
	Theodore J. Stocke Its Chief Manager
STATE OF MINNESOTA ) COUNTY OF ST. LOUIS )	SS
County and State, personally ar	, 2022, before me, a Notary Public within and for said opeared Theodore J. Stocke, Chief Manager of London East LLC, mpany, on behalf of the limited liability company.
	Notary Public

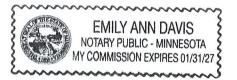
THIS INSTRUMENT WAS DRAFTED BY:

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. Luis )

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



Notary Public

	Scot Jenkins	
STATE OF MINNESOTA ) ) ss. COUNTY OF )	Keri Jenkins	
This instrument was acknown Jenkins and Keri Jenkins, married to	<del>-</del>	, 2022 by Scot
	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 th	ne foregoing Utility Easement.
	Mark Masten
	$\cap$
	Yamara Master
	Tamara Masten
	Cristina Masten
STATE OF MINNESOTA	
STATE OF WINNIESOTA	) ) ss.
COUNTY OF ST. LOUIS	)
	July 29,2022
This instrument was Tamara Masten, married to e	acknowledged before me on July 15, 2022 by Mark Masten and
	Notary Public
	Notary Public
STATE OF MINNESOTA	)
COUNTY OF ST. LOUIS	) ss.
COUNTY OF ST. LOUIS	
TILL	
Masten, an unmarried person	acknowledged before me on, 2022 by Cristina n.
	Noton, PLU-
	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.

z		Mark Masten
		Tamara Masten
		Cristina Masten
		Cristina Masten
STATE OF MINNESOTA	) ) ss.	
COUNTY OF ST. LOUIS	)	
Tamara Masten, married to o	acknowledged each other.	before me on July 15, 2022 by Mark Masten and  Notary Public  Notary Public
STATE OF MINNESOTA	)	DONNA J SCHLEUGER
COUNTY OF ST. LOUIS	) ss. )	NOTARY PUBLIC - MINNESOTA MY COMMISSION EXPIRES 01/31/26
This instrument was Masten, an unmarried perso		before me on 8/2, 2022 by Cristina
		Donna J. Schlug Notary Public

### WRITTEN CONSENT TO UTILITY EASEMENT

I, Kathyrn Elizabeth Huff, a single person, owner of the following described property:

Lot 6, Block 1, LONDON EAST, St. Louis County, Minnesota.

hereby consent and join in the foregoing Utility Easement.

Kathryn Elizabeth Huff

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

This instrument was acknowledged before me on August 4, 2022 by Kathyrn Elizabeth Huff, a single person.

EMILY ANN DAVIS

NOTARY PUBLIC - MINNESC

MY COMMISSION EXPIRES 01/3

Notary Public

EMILY ANN DAVIS
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/27

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
STATE OF MINNESOTA ) ) ss. COUNTY OF ST. LOUIS )		
This instrument was acknowledged as the BANK OF COMMERCE, a Minnesota cor	before me on rporation.	, 2022, by of NORTH SHORE
THE INCTUINGNE WAS DO AFTED D	Notary Public	
THIS INSTRUMENT WAS DRAFTED B	) Y :	

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 I	BANK OF COMMERCE
	Ву	
	Its:	
STATE OF)		
) ss. COUNTY OF)		
This instrument was acknowledged	before me on	, 2022, by
	۵	of NATIONAL
	Notary	Public
THIS INSTRUMENT WAS DRAFTED B	Y:	
Jennifer L. Carey		

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	
STATE OF MINNESOTA )	
) ss. COUNTY OF)	
This instrument was acknowledged before me on	
North Dakota corporation .	01 BELL BANK, a
Notary Public	
THIS INSTRUMENT WAS DRAFTED BY:	

PROSPERITY HOME MORTGAGE, LLC, a Virginia limited liability company, as Mortgagee in that certain Mortgage dated July 20, 2022 and recorded on July 26, 2022, as Document No. 01448339 in the Office of the St. Louis County Recorder, does hereby consent to the foregoing Utility Easement.

	PROSPERITY HOME MORTGAGE, LLC	
	By	
STATE OF)		
OUNTY OF) ss.		
	ged before me on, 2022, to sthe of PROSPERIT	•
as HOME MORTGAGE, a Virginia limite	ed liability company.	. •
	Notary Public	<del></del>
THIS INSTRUMENT WAS DRAFTEI	DBY:	

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.

NAT	IONAL BANK OF COMMERCE
By	S:
STATE OF MINNESOTA ) ) ss. COUNTY OF ST. LOUIS )	
This instrument was acknowledged before as the as the BANK OF COMMERCE; a National Bank.	me on, 2022, by of NATIONAL
THIS INSTRUMENT WAS DRAFTED BY:	Notary Public

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Jennifer L. Carey

Duluth, MN 55802 218-722-4766

Hanft Fride, A Professional Association

130 W Superior St, Ste 1000

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	
STATE OF MINNESOTA ) ) ss.		
COUNTY OF)		
This instrument was acknowledged by as the	before me on	, 2022, by of RENOVO
CAPTAL, LLC, a Minnesota limited liabilit	y company.	_
	Notary Public	
THIS INSTRUMENT WAS DRAFTED BY	<i>ï</i> :	

DOCS\033936\00000\818481.v1-7/26/22

Jennifer L. Carey

Duluth, MN 55802 218-722-4766

Hanft Fride, A Professional Association

130 W Superior St, Ste 1000

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.

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# **EXHIBIT A**

See attached Easement Legal Description and Perpetual Easement Sketch.

#### EASEMENT LEGAL DESCRIPTION:

A PERPETUAL UTILITY EASEMENT OVER, UNDER AND ACROSS THE NORTHWESTERLY 20 FEET OF LOTS 3 THROUGH 26, BLOCK 1, LONDON EAST, ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, ST LOUIS COUNTY, MINNESOTA.

TOGETHER WITH A 12 FOOT WIDE PERPETUAL UTILITY EASEMENT OVER, UNDER AND ACROSS THE NORTHEASTERLY 6 FEET OF LOT 8, BLOCK 1 AND THE SOUTHWESTERLY 6 FEET OF LOT 9, BLOCK 1; WHICH LIES SOUTHEASTERLY OF THE NORTHWESTERLY 20 FEET AND NORTHWESTERLY OF THE SOUTHEASTERLY 70 FEET OF SAID LOTS 8 AND 9, BLOCK 1, LONDON EAST, ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, ST LOUIS COUNTY, MINNESOTA.

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

CURTIS E. SCHLEY

11/02/2022 49907

Date

Registration No.

REVISED: 11/08/2022, SCALE NOTATION-CITY ENGINEER SIGNATURE BLOCK

#### CITY ENGINEER:

APPROVED BY THE CITY ENGINEER OF THE CITY OF DULUTH, MINNESOTA THIS 10th Day of 20 27.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND DOES NOT PURPORT TO SHOW ALL EASEMENTS OR ENCUMBRANCES OF RECORD.



LONDON EAST TED STOCKE ST. LOUIS COUNTY, MINNESOTA

**PERPETUAL** EASEMENT SKETCH 005331006 1 OF 3

