

ATTACHMENT 1

**TEMPORARY CONSTRUCTION EASEMENT AGREEMENT**

THIS EASEMENT AGREEMENT, entered into this 16<sup>th</sup> day of October, 2015 and having an effective date of October, 2015, by and between **Spirit Valley Land Company, LLC**, a Minnesota limited liability company, ("Grantor"), and the **City of Duluth**, a municipal corporation created and existing under the laws of the State of Minnesota, ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of that certain real estate located in the City of Duluth, County of St. Louis, more particularly described on the attached Exhibit A, (the "Property").

WHEREAS, Grantor wishes to convey to Grantee, a temporary construction easement as hereinafter described over the Property.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant to Grantee as follows:

1. An easement for temporary construction purposes over, under and across that portion of the Property depicted on the drawing attached hereto as Exhibit B and legally described on the attached Exhibit C, which exhibits are incorporated herein by reference.
2. This Agreement and the easement granted herein shall be deemed to be covenants running with the land and shall be binding upon Grantor, its successors and/or assigns, and inure to the benefit of Grantee.
3. This Temporary Construction Easement Agreement shall expire on December 31, 2017.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Grantor has executed this Agreement the day and year first written above.

**SPIRIT VALLEY LAND COMPANY, LLC,**  
a Minnesota limited liability company

By Bradley C. Johnson  
Bradley C. Johnson  
Its Chief Manager

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

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October, 2015, by Bradley C. Johnson, the Chief Manager of Spirit Valley Land Company, LLC, a limited liability company under the laws of the State of Minnesota, on behalf of the company.

Terri E. Crossmon  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

William M. Burns  
HANFT FRIDE,  
A Professional Association  
1000 U.S. Bank Place  
130 West Superior Street  
Duluth, MN 55802-2094  
Tel. (218) 722-4766



EXHIBIT A

Lots 19, 20 and 21, EXCEPT the Northwest 10 feet thereof, Block 12, IRONTON  
FIRST DIVISION.

-and-

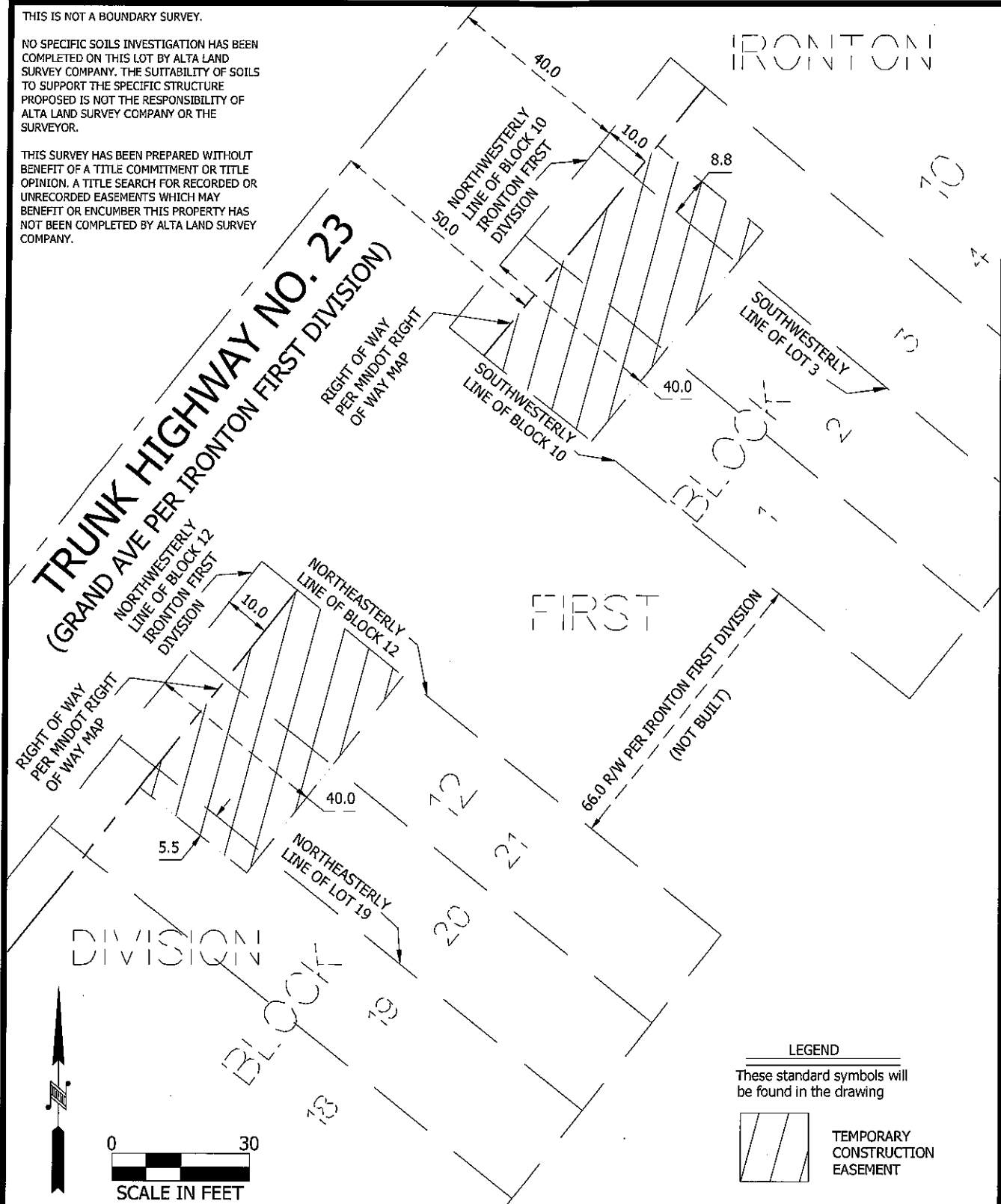
Lots 1, 2 and 3, EXCEPT the Northwest 10 feet thereof, Block 12, IRONTON  
FIRST DIVISION.

# EXHIBIT B

THIS IS NOT A BOUNDARY SURVEY.

NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.



## LEGEND

These standard symbols will be found in the drawing



TEMPORARY  
CONSTRUCTION  
EASEMENT

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.

Date: 9/28/2015

David R. Evanson MN License No. 49505

## TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

CLIENT: SPIRIT VALLEY LAND  
COMPANY  
DATE: SEPTEMBER 28, 2015

REVISIONS: XXX

ADDRESS: XXX

JOB NUMBER: 15-270

**ALTA**  
LAND SURVEY COMPANY

\* LAND SURVEYING  
\* LAND DEVELOPMENT  
\* PLATTING  
\* LEGAL DESCRIPTIONS  
\* CONSTRUCTION STAKING

PHONE: 218-727-5211  
LICENSED IN MN & WI  
CERTIFIED FEDERAL SURVEYOR  
WWW.ALTLANDSURVEYDULUTH.COM

## EXHIBIT C

An easement in favor of the City of Duluth for temporary construction purposes over, under, and across part of Lots 19, 20, and 21, Block 12, IRONTON FIRST DIVISION, said easement is bounded as follows:

- On the Northwest: By a line parallel with and distant 10.00 feet southeasterly of the northwesterly line of said Block 12.
- On the Northeast: By the northeasterly of said Block 12.
- On the Southeast: By a line parallel with and distant 40.00 feet southeasterly of the northwesterly line of said Block 12.
- On the Southwest: By a line parallel with and distant 5.50 feet southwesterly of the northeasterly line of Lot 19, said Block 12.

**- AND ALSO -**

An easement in favor of the City of Duluth for temporary construction purposes over, under, and across part of Lots 1, 2, and 3, Block 10, IRONTON FIRST DIVISION, said easement is bounded as follows:

- On the Northwest: By a line parallel with and distant 10.00 feet southeasterly of the northwesterly line of said Block 10.
- On the Northeast: By a line parallel with and distant 8.80 feet northeasterly of the southwesterly line of said Lot 3, Block 10.
- On the Southeast: By a line parallel with and distant 40.00 feet southeasterly of the northwesterly line of said Block 10.
- On the Southwest: By the southwesterly line of said Block 10.