

Exhibit 1

UTILITY EASEMENT

This UTILITY EASEMENT, is made this 27th day of AUGUST, 2019, by MOLINE MACHINERY LLC, a Minnesota limited liability company ("Grantor"), in favor of the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota ("Grantee"), for the benefit of the public as set forth herein.

WITNESSETH:

Whereas, Grantor is the owner of the property in St. Louis County, Minnesota legally described as follows (the "Property"):

Lots 1, 2, 3, 4, and 5, Block 51, WEST DULUTH, FIRST DIVISION

AND

That certain tract of land in WEST DULUTH FIRST DIVISION, described as follows:

Commencing at the intersection of the center line of Fifty-fifth Avenue West and the dividing line between Lots 5 and 6, Block 51, West Duluth First Division, as extended, as the place of beginning; thence along said center line of Fifth-fifth Avenue West to a point where said line intersects a line parallel with and 33 feet North of the center line of Raleigh Street; thence left along a line parallel with and 33 feet North of the center line of Raleigh Street to a point where said line intersects the center line of Fifty-fourth Avenue West; thence left along the center line of Fifth-fourth Avenue West to a point where said center line intersects a line which runs parallel with and distant 7.5 feet S'ly from the center line of the main track of the Northern Pacific Railway Company, a Wisconsin corporation, as the same is now constructed and operated within Polk Street between the East line of Fifty-fourth Avenue West and the West line of Fifty-fifth Avenue West, said line being parallel with and approximately 9.2 feet S'ly of the center line of said Polk Street; thence left along said line to a point where said line intersects the center line of the alley lying between Blocks 50 and 51, West Duluth First Division;

thence left along the center line of said alley to a point where said center line intersects the dividing line between Lots 5 and 6, Block 51, West Duluth First Division, as extended, thence along said dividing line to the place of beginning

Whereas, Grantor wishes to convey to Grantee an easement as hereinafter described for utility purposes over a portion of the Property for the benefit of the public and at no cost to Grantee (the "Easement").

Whereas, the location of the Easement is that portion of the Property legally described on the attached Exhibit A and depicted on the attached Exhibit B (the "Easement Area").

NOW THEREFORE, in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant, sell, bargain and convey to Grantee in trust for the benefit of the public a perpetual easement for utility purposes over, under, and across the Easement Area. Grantee's easement rights shall include the right to access the Easement Area for the purpose of repair and maintenance of the utilities located within the Easement Area. The Easement shall extend to and bind the successors and assigns of Grantor and Grantee 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 Grantee that the individuals executing this document on behalf of Grantor have the requisite authority to execute this document, and to bind Grantor thereto.

IN WITNESS WHEREOF, Grantor has caused this agreement to be executed on the day and year first written below.

GRANTOR:

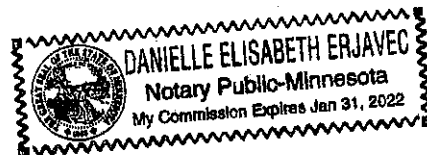
MOLINE MACHINERY, LLC

By: *Gary L. Moline*
Its: President

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

The foregoing instrument was subscribed and sworn before me this 27th day of August, 2019, by Gary L. Moline, President of MOLINE MACHINERY LLC, a Minnesota limited liability company, on behalf of the company.

Danielle Erjavec
Notary Public



This instrument drafted by:

City of Duluth
Office of the City Attorney
Room 410 City Hall
411 West 1st Street
Duluth, MN 55802-1198

EXHIBIT A

LEGAL DESCRIPTION OF UTILITY EASEMENT

A 20.00 foot wide easement for utility purposes lying over, under and across Lots 1 through 7, Block 50 and Lots 1 through 3, Block 51 and a portion vacated First Street South, also known as Polk Street, and a portion of the 16.00 foot wide vacated Alley lying between Blocks 50 and 51, all being located within WEST DULUTH FIRST DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, the centerline of said utility easement is described as follows:

Commencing at the Northwest corner of Lot 8, said Block 51; thence on an assumed bearing of North 89 degrees 55 minutes 50 seconds East, along the North line of said Lot 8 and its Easterly extension across the vacated Alley lying between said Blocks 50 and 51 and continuing along the North line of Lot 8, said Block 50 for a distance of 160.05 feet; thence North 11 degrees 31 minutes 34 seconds West 10.39 feet to the point of beginning of said easement centerline herein described; thence continue North 11 degrees 31 minutes 34 seconds West 121.33 feet; thence North 00 degrees 02 minutes 00 seconds East 55.97 feet; thence North 71 degrees 37 minutes 38 seconds West 71.98 feet to the intersection with the centerline of said vacated First Street South and there terminating.

The side lines of said easement are to terminate on the centerline of said vacated First Street South.

Said easement contains 4,986 square feet or 0.11 acres.

SURVEYORS NOTES

1. 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. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. 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.

SHEET 1 OF 2

I hereby certify that this survey, plan, 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.

David R. Evanson
David R. Evanson

Date: 8-6-2019

MN Lic. No. 49505

UTILITY EASEMENT EXHIBIT

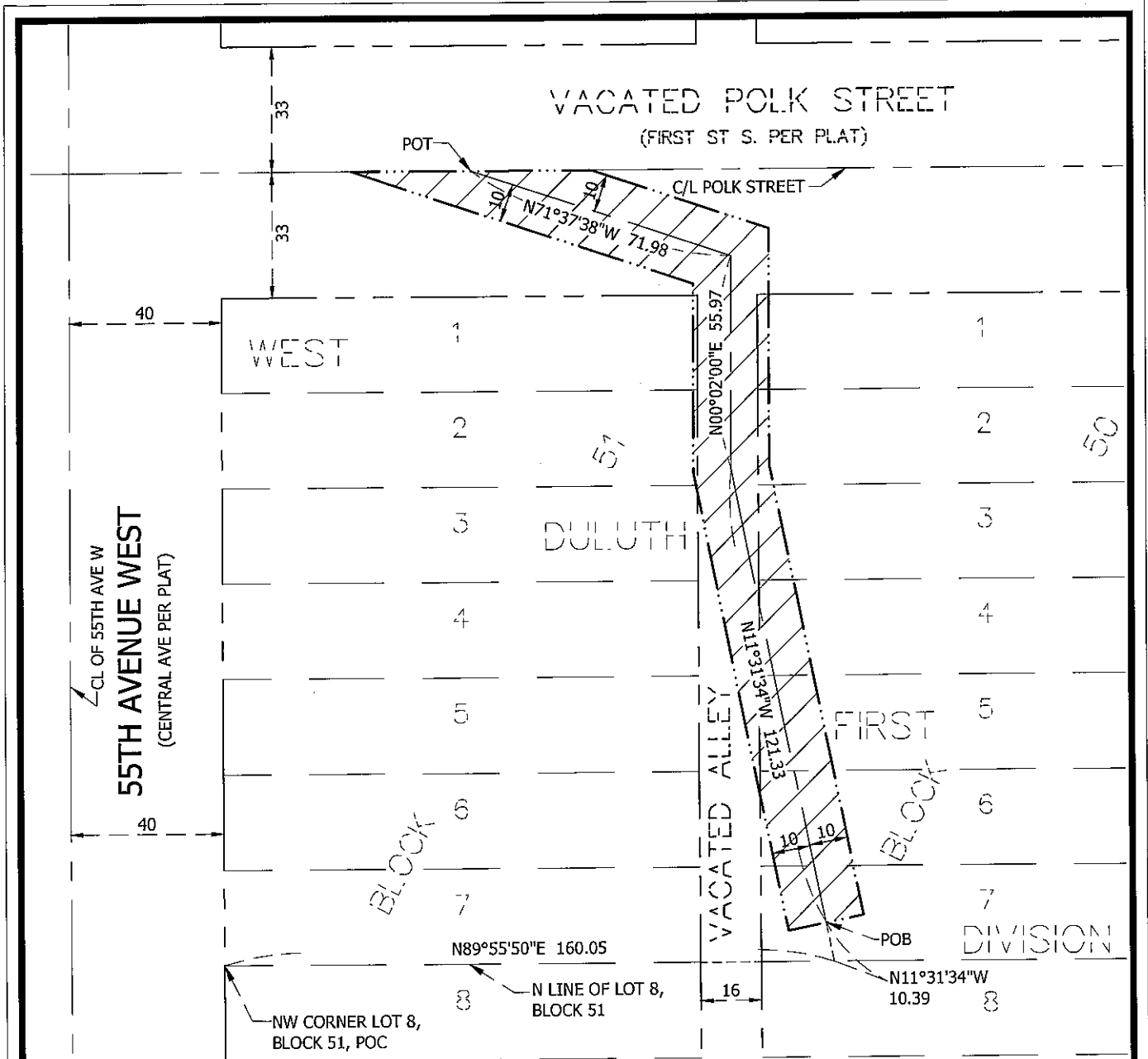
CLIENT: MOLINE MACHINERY	REVISIONS: 8-6-2019 NEW EASEMENT LOCATION
DATE: OCTOBER 22, 2018	
ADDRESS: 114 S CENTRAL AVE DULUTH, MN 55807	
JOB NUMBER: 18-268	




LAND SURVEY COMPANY

* LAND SURVEYING PHONE: 218-727-5211
 * LAND DEVELOPMENT LICENSED IN MN & WI
 * PLATTING CERTIFIED FEDERAL SURVEYOR
 * LEGAL DESCRIPTIONS WWW.ALTLANDSURVEYDULUTH.COM
 * CONSTRUCTION STAKING

EXHIBIT B



LEGEND

- C/L CENTERLINE
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- POT POINT OF TERMINATION
- CENTER LINE
- - - RIGHT OF WAY LINE
- - - EASEMENT BOUNDARY
-  UTILITY EASEMENT



Approved by the City Engineer of the City of Duluth, MN this _____ day of _____ 20__

By _____

SHEET 2 OF 2

I hereby certify that this survey, plan, 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.

David R. Evanson
David R. Evanson

Date: 8-6-2019

MN Lic. No. 49505

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ALTA

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