

STREET AND UTILITY EASEMENT

This STREET AND UTILITY EASEMENT is made by CityView Flats, LLC, a/k/a City View Flats, LLC, a Minnesota limited liability company ("CityView Flats") in favor of the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota (the "City") for the benefit of the public as set forth herein.

RECITALS

A. CityView Flats owns the real property in St. Louis County, Minnesota legally described as follows (the "Property"):

Lots 18 and 20, including vacated alley adjacent to Lots 18 and 20, Duluth Proper, First Division, West Fourth Street

AND

E ½ of Lot 22, including vacated alley adjacent to the E ½ of Lot 22, Duluth Proper, First Division, West Fourth Street

AND

Westerly One-half (1/2) of Lot Twenty-two (22), including vacated alley adjacent to Westerly One-half of Lot 22, Duluth Proper, First Division, West Fourth Street

AND

E'ly 46 feet of Lot 24, including vacated alley adjacent to the E'ly 46 feet of Lot 24, Duluth Proper, First Division, West Fourth Street.

B. CityView Flats wishes to grant the City a street and utility easement over a portion of the Property for the benefit of the public and at no cost to the City (the "Street and Utility Easement").

Exhibit 1

C. The location of the Street and Utility Easement is that portion of the Property legally described on the attached Exhibit A and depicted on the attached Exhibit B (the "Street and Utility Easement Area").

NOW, THEREFORE, for good and valuable consideration, CityView Flats grants to the City, in trust for the benefit of the public a perpetual easement for street and utility purposes over, under and across the Street and Utility Easement Area. The Street and Utility Easement shall extend to and bind the successors and assigns of CityView Flats and the City 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. CityView Flats represents to the City that the individuals executing this document on behalf of CityView Flats have the requisite authority to execute this document, and to bind CityView Flats thereto.

IN WITNESS WHEREOF, CityView Flats has caused this street and utility easement to be executed effective as of August 13, 2019.

CityView Flats, LLC, a Minnesota limited liability company

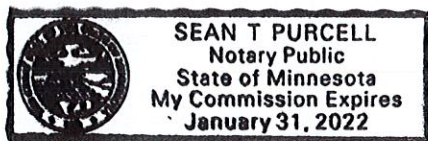
By: [Signature]

Printed Name: Marshall Jackson

Its: Member

STATE OF MINNESOTA)
) SS
COUNTY OF Ramsey)

This instrument was acknowledged before me this 13th day of August, 2019 by Marshall Jackson, the member of CityView Flats, LLC, a Minnesota limited liability company.



[Signature]
Notary Public

This instrument was drafted by:
Office of the City Attorney
Room 410 City Hall
411 West 1st Street
Duluth, MN 55802-1198

Exhibit 1
EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT AREA

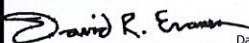
All that part of the vacated platted alley located between Lots 17, 19, 21, and 23,
Duluth Proper, First Division, West Third Street and and Lots 18, 20, 22, and 24, Duluth
Proper, First Division, West Fourth Street, according to the recorded plat thereof, St.
Louis County, Minnesota
Said easement area contains 4,012 square feet or 0.09 acres.

SURVEYORS NOTES

1. THIS SURVEY HAS BEEN PREPARED BASED ON ATTORNEYS TITLE GUARANTY FUND, INC.
TITLE COMMITMENT FILE REFERENCE NO. 3741-M18-15324 DATED AUGUST 30, 2018.
2. THIS IS NOT A BOUNDARY SURVEY.

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

Date: SEPTEMBER 17, 2018

MN Lic. No. 49505

EASEMENT EXHIBIT

CLIENT: MARSHALL JACKSON

REVISIONS: XXX

DATE: SEPTEMBER 17, 2018

ADDRESS: 1ST AVE WEST-W 4TH ST AND
W 3RD ST, DULUTH, MN

JOB NUMBER: 17-180

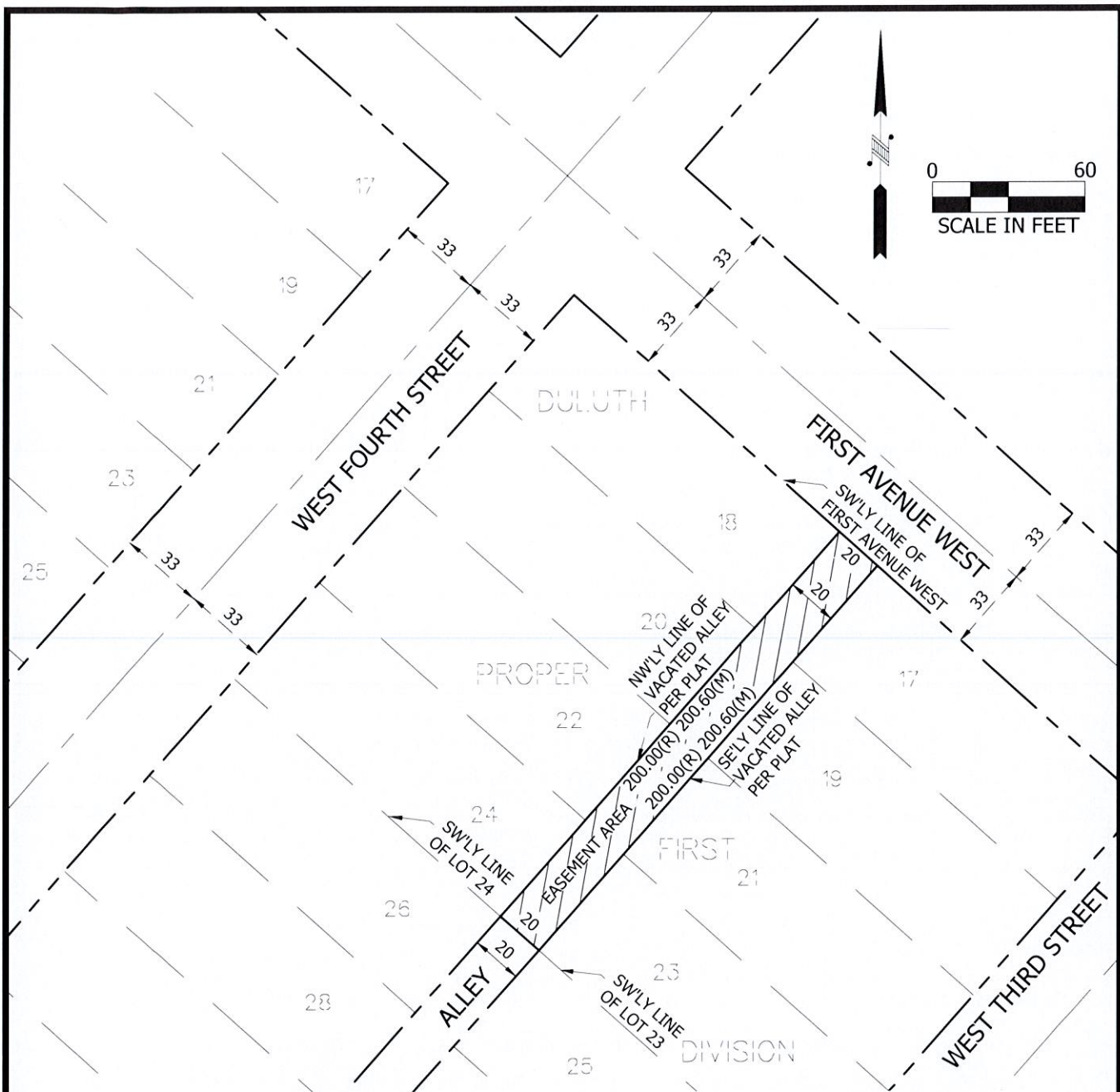


LAND SURVEY COMPANY

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

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

Exhibit 1 EXHIBIT B



LEGEND

- RIGHT OF WAY LINE
- CENTER LINE
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- PORTION OF ALLEY VACATED PER BOOK O OF DEEDS, PAGE 565, ST. LOUIS COUNTY OFFICE OF REGISTER OF DEEDS AND PROPOSED EASEMENT AREA

Approved by the City Engineer of the City of Duluth, MN this 16 day of Sept 2019

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

Date: SEPTEMBER 17, 2018 MN Lic. No. 49505

EASEMENT EXHIBIT	
CLIENT: MARSHALL JACKSON	REVISIONS: XXX
DATE: SEPTEMBER 17, 2018	
ADDRESS: 1ST AVE WEST-W 4TH ST AND W 3RD ST, DULUTH, MN	
JOB NUMBER: 17-180	

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