

# EXHIBIT 1

## State of Minnesota General Obligation Bond Financed Property DECLARATION TO BE RECORDED WITH DEED TO PROPERTY

The undersigned has the following interest in the real property located in the County of St. Louis, State of Minnesota that is legally described on the attached **Exhibit A** and depicted on the attached **Exhibit B** (the "Restricted Property"):

*(Check the appropriate box)*

- ☒ a fee simple title, or  
☐ an easement,

As owner of such a fee title, the undersigned does hereby declare that such interest in the Restricted Property is made subject to the following restrictions and encumbrances:

- A. The Restricted Property is bond financed property within the meaning of Minn. Stat. Sec. § 16A.695, is subject to the encumbrance created and requirements imposed by such statute, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget, which approval must be evidenced by a written statement signed by said commissioner and attached to the deed, mortgage, encumbrance or instrument used to sell or otherwise dispose of the Restricted Property; and
- B. The Restricted Property is subject to all of the terms, conditions, provisions, and limitations contained in that certain grant contract #101811/3000085664 between the State of Minnesota and the South St. Louis Soil & Water Conservation District dated November 24, 2015.

The Restricted Property shall remain subject to this State of Minnesota General Obligation Bond Financed Declaration for 125% of the useful life of the Restricted Property or until the Restricted Property is sold with the written approval of the Commissioner of Minnesota Management and Budget, at which time it shall be released therefrom by way of a written release in recordable form signed by both the Commissioner of Natural Resources and the Commissioner of Minnesota Management and Budget, and such written release is recorded in the real estate records relating to the Restricted Property. This Declaration may not be terminated, amended, or in any way modified without the specific written consent of the Commissioner of Minnesota Management and Budget.

IN WITNESS WHEREOF, Grantor has executed this Declaration of Restrictive Covenant the day and year shown below.

CITY OF DULUTH

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

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

The foregoing instrument was subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by Emily Larson and Jeffrey Cox, Mayor and City Clerk, respectively, of the City of Duluth, a municipal corporation organized and existing under the laws of the State of Minnesota, on behalf of the City.

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

This Instrument Drafted By:  
Office of the City Attorney  
410 City Hall  
Duluth, Minnesota 55802  
(218) 730-5490

## EXHIBIT A

A strip of land 100.00 feet wide located in the Northwest Quarter of the Southeast Quarter and in the Northeast Quarter of the Southeast Quarter, Section 15, Township 50 North, Range 14 West of the 4<sup>th</sup> Principal Meridian, the centerline of which is described as follows:

Commencing at the southeast corner of Block 3, Chester Place Division, St. Louis County, Minnesota;

Thence South 0° 23' 30" West, basis of bearing St. Louis County Transverse Mercator 96 Coordinate System, along the east line of the Northwest Quarter of the Southeast Quarter of said Section 15 a distance of 310.32 feet to a point hereinafter referred to as Point A, being the point of beginning of the centerline;

Thence northwesterly along a curve concave to the southwest, central angle 29° 32' 29", radius 47.76 feet, chord bearing North 60° 33' 54" West for a chord distance of 24.35 feet to a point of intersection with a tangential line;

Thence along a tangent line North 75° 20' 08" West a distance of 53.87 feet to a tangential curve;

Thence westerly along a curve concave to the south, central angle 41° 19' 37", having a radius of 49.99 feet, chord bearing South 84° 00' 03" West for a chord distance of 35.28 feet to a point of intersection with a tangential line.

Thence along a tangent line South 63° 20' 15" West a distance of 58.54 feet to a tangential curve;

Thence southwesterly along a curve concave to the southeast, central angle 13° 57' 54", radius of 134.45 feet, chord bearing South 56° 21' 17" West for a chord distance of 32.69 feet to a point of intersection with a tangential line;

Thence along a tangent line South 49° 22' 20" West a distance of 105.62 to a point hereinafter referred to as Point B, being the point of termination of the portion of the centerline running from Point A to Point B.

Thence beginning at Point A, southeasterly along a curve concave to the southwest, central angle of 12° 53' 09", radius 47.76 feet, chord bearing South 39° 21' 05" East for a chord distance of 10.72 feet to a point of intersection with a tangential line;

Thence along a tangent line South 32° 54' 30" East a distance of 35.45 feet to a tangential curve;

Thence southeasterly along a curve concave to the northeast, central angle  $32^{\circ} 04' 21''$ , radius 66.61 feet, chord bearing South  $48^{\circ} 56' 41''$  East for a chord distance of 36.80 feet to a point of intersection with a tangential line;

Thence along a tangent line South  $64^{\circ} 58' 52''$  East a distance of 48.75 feet to a tangential curve;

Thence easterly along a curve concave to the north, central angle  $34^{\circ} 05' 41''$ , radius 65.94 feet, chord bearing South  $82^{\circ} 01' 43''$  East for a distance of 38.66 feet to a point of intersection with a tangential line;

Thence along a tangent line North  $80^{\circ} 55' 27''$  East a distance of 36.68 feet to a tangential curve;

Thence easterly along a curve concave to the south, central angle  $30^{\circ} 01' 56''$ , radius 75.23 feet, chord bearing South  $84^{\circ} 03' 35''$  East for a distance of 38.98 feet to a point of intersection with a tangential line;

Thence along a tangent line South  $69^{\circ} 02' 37''$  East a distance of 28.47 feet to a tangential curve;

Thence easterly along a curve concave to the north, central angle  $33^{\circ} 04' 56''$ , radius 45.49 feet, chord bearing South  $85^{\circ} 35' 05''$  East for a distance of 25.90 feet to a point of intersection with a tangential line;

Thence along a tangent line North  $77^{\circ} 52' 27''$  East a distance of 65.01 feet to a tangential curve;

Thence easterly along a curve concave to the south, central angle  $30^{\circ} 20' 30''$ , radius 66.46 feet, chord bearing South  $86^{\circ} 57' 18''$  East for a chord distance of 34.79 feet to a point hereinafter referred to as Point C, being the point of termination of the portion of the centerline running from Point A to Point C.

I hereby certify that this survey, plan,  
or report was prepared by me or under  
my direct supervision and that I am a  
duly Registered Land Surveyor under the  
laws of the State of Minnesota.

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Date \_\_\_\_\_ Registration No. 21774

# EXHIBIT B

## CITY OF DULUTH

### CHESTER PLACE DIVISION

NW 1/4 OF SE 1/4  
SEC 15, T50N, R14W

NE 1/4 OF SE 1/4  
SEC 15, T50N, R14W

POINT OF COMMENCEMENT THIS DESCRIPTION

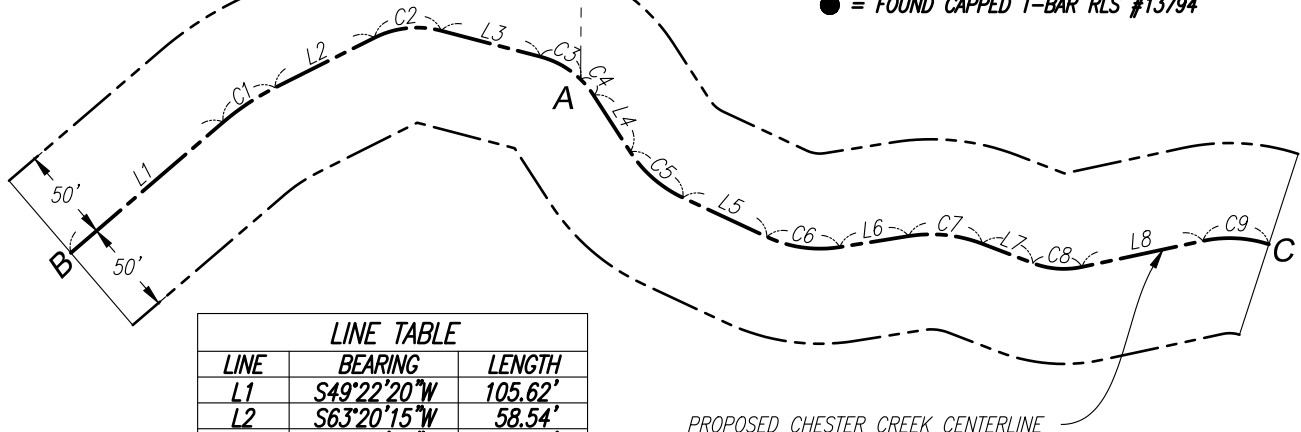
EAST LINE OF THE NW 1/4 OF THE SE 1/4, SEC 15, T50N, R14W

100' WIDE STRIP FOR RELOCATING  
CHESTER CREEK

310.32  
50' 23' 30"W

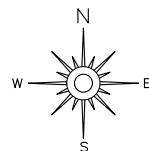
#### LEGEND

● = FOUND CAPPED T-BAR RLS #13794



LINE TABLE		
LINE	BEARING	LENGTH
L1	S49°22'20"W	105.62'
L2	S63°20'15"W	58.54'
L3	N75°20'08"W	53.87'
L4	S32°54'30"E	35.45'
L5	S64°58'52"E	48.75'
L6	N80°55'27"E	36.68'
L7	S69°02'37"E	28.47'
L8	N77°52'27"E	65.01'

CURVE TABLE				
CURVE	RADIUS	CENTRAL ANGLE	CHORD LENGTH	CHORD BEARING
C1	134.45'	13°57'54"	32.69'	S56°21'17"W
C2	49.99'	41°19'37"	35.28'	S84°00'03"W
C3	47.76'	29°32'29"	24.35'	N60°33'54"W
C4	47.76'	12°53'09"	10.72'	S39°21'05"E
C5	66.61'	32°04'21"	36.80'	S48°56'41"E
C6	65.94'	34°05'41"	38.66'	S82°01'43"E
C7	75.23'	30°01'56"	38.98'	S84°03'35"E
C8	45.49'	33°04'56"	25.90'	S85°35'05"E
C9	66.46'	30°20'30"	34.79'	S86°57'18"E



Basis of Bearing is Grid North  
St. Louis County Transverse  
Mercator 96 Coordinate System



CITY ENGINEER

DATE

CITY PROJECT No. 1643

SHEET 1 of 1