

Exhibit 1

UTILITY EASEMENT

This UTILITY EASEMENT is made by the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority under Minnesota Statutes (1989) Chapter 469 created and existing under the laws of the State of Minnesota (“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. Grantor owns the real property in St. Louis County, Minnesota legally described below (the “Property”):

That part of the NE1/4 of NE1/4 of SW1/4 of Section 5, Township 49 North Range 14 West, lying and being North of Grand Avenue or West Third Street, as described as follows: Beginning at the intersection of the East and West line on the North side of said NE1/4 of NE1/4 of SW1/4 with the property line of the NW side of Grand Avenue on West Third Street, thence SW'ly on said property line 214.82 feet, thence NW'ly at an angle of 90 degrees 49 minutes for a distance of 221.25 feet to the SW corner of Centredale Division; thence E'ly along said East and West line on the North side of aforesaid ten acre tract 310.3 feet to point of beginning, containing .55 of an acre more or less.

B. Grantor wishes to grant the City a utility easement over a portion of the Property in trust for the benefit of the public and at no cost to the City (the “Easement”).

C. 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, 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

the Easement Area. The Easement shall extend to and bind the heirs, successors and assigns of Grantor 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. 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.

IN WITNESS WHEREOF, Grantor has caused this utility easement to be executed effective as of _____, 2022.

GRANTOR:

DULUTH ECONOMIC DEVELOPMENT
AUTHORITY

By: _____
Its: President

By: _____
Its: Secretary

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

This instrument was acknowledged before me this _____ day of _____, 2022, by Matt Cartier, the President of the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority under Minnesota Statutes (1989) Chapter 469 created and existing under the laws of the State of Minnesota.

Notary Public

[illegible]

This instrument was acknowledged before me this _____ day of _____, 2022, by Ellie Just, the Secretary of the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority under Minnesota Statutes (1989) Chapter 469 created and existing under the laws of the State of Minnesota.

Notary Public

This instrument was drafted by:
Office of the City Attorney
Room 440 City Hall
411 West 1st Street
Duluth, MN 55802-1198

EXHIBIT A

LEGAL DESCRIPTION OF UTILITY EASEMENT

A 20-foot-wide easement for utility purposes lying over, under and across that part of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 5, Township 49 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota described as follows:

Beginning at the Northwest corner of said Northeast Quarter of the Northeast Quarter of the Southwest Quarter, said point also being the Southwest corner of CENTREDALE ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota; thence on an assumed bearing of North 89 degrees 13 minutes 48 seconds East along the North line of said Northeast Quarter of the Northeast Quarter of the Southwest Quarter, said line also being the South line of said CENTREDALE ADDITION TO DULUTH 28.96 feet; thence South 47 degrees 05 minutes 44 seconds East 200.79 feet to the Northwestern right of way line of Grand Avenue; thence South 43 degrees 47 minutes 38 seconds West, along said Northwestern right of way line 20.00 feet; thence North 47 degrees 05 minutes 44 seconds West 221.43 feet to the point of beginning.

Said utility easement contains 4,222 square feet or 0.10 acres.

SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the
City of Duluth, MN this 4th day
of AUG 2022

By [Signature]

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
MN License #49505
DATE: 08-03-2022

UTILITY EASEMENT EXHIBIT

CLIENT: NCE

REVISIONS:

ADDRESS: 3401 GRAND AVENUE
DULUTH, MN 55807

DATE: 08-03-2022

JOB NO: 22-039

SHEET 1 OF 2

 **ALTA**
LAND SURVEY COMPANY

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

EXHIBIT B

