

# Exhibit 1

## **STREET AND UTILITY EASEMENT**

This STREET AND UTILITY EASEMENT is made by J&T Kolar AHW Properties, LLC, a Minnesota limited liability company (“J&T”) 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. J&T owns the real property in St. Louis County, Minnesota legally described as follows (the “Property”):

Lots 21 and 23, including vacated alley adjacent to Lots 21 and 23, Duluth Proper, First Division, West Third Street.

B. J&T 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 “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, J&T 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 Easement Area. The Easement shall extend to and bind the successors and assigns of J&T 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. J&T represents to the City that the individuals executing this document on behalf of J&T have the requisite authority to execute this document, and to bind J&T thereto.



Exhibit 1  
**EXHIBIT A**

LEGAL DESCRIPTION OF EASEMENT AREA

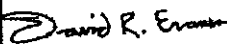
All that part of the vacated platted alley located between Lots 17, 19, 21, and 23,  
Duluth Proper, First Division, West Third Street and and Lots 18, 20, 22, and 24, Duluth  
Proper, First Division, West Fourth Street, according to the recorded plat thereof, St.  
Louis County, Minnesota  
Said easement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

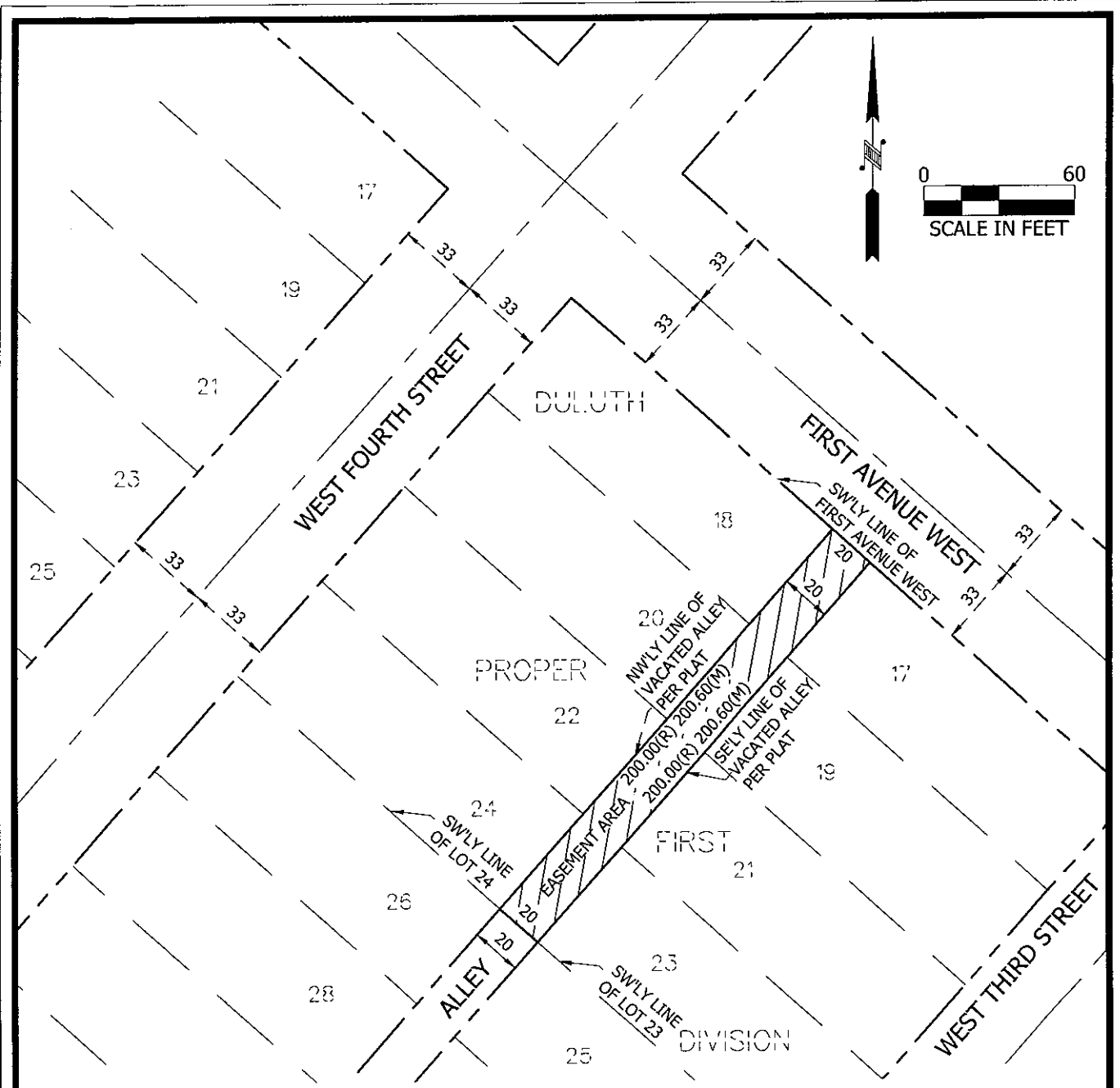
CLIENT: MARSHALL JACKSON	REVISIONS: XXX
DATE: SEPTEMBER 17, 2018	
ADDRESS: 1ST AVE WEST-W 4TH ST AND W 3RD ST, DULUTH, MN	
JOB NUMBER: 17-180	



**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

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**ALTA**

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