

# EXHIBIT 3

## STREET AND UTILITY EASEMENT

This STREET AND UTILITY EASEMENT is made by RFP 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 (the “City”).

### RECITALS

A. Grantor owns the real property in St. Louis County, Minnesota legally described on the attached Exhibit A (the “Property”).

B. Grantor wishes to grant the City a street and 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 are those portions of the Property legally described on the attached Exhibits C and E and depicted on the attached Exhibits B and D (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 street and utility purposes over, under and across the Easement Area. The Easement shall extend to and bind the 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 individuals executing this document on behalf of Grantor have the requisite authority to execute this document, and to bind Grantor thereto.

*[Remainder of this page is intentionally left blank.]*

IN WITNESS WHEREOF, Grantor has caused this street and utility easement to be executed effective as of \_\_\_\_\_, 2021.

RFP LLC

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF MINNESOTA   )  
  ) SS  
COUNTY OF HENNEPIN   )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_, the \_\_\_\_\_ of RFP LLC, a Minnesota limited liability company, on behalf of the limited liability company.

\_\_\_\_\_  
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 GRANTOR PROPERTY**

A parcel of land in the SE 1/4 of NW 1/4, Section 21, Township 50 North of Range 14 West, described more particularly as follows: Beginning at the center of said Section 21, thence extending north along the north and south quarter line of said Section for a distance of 180 feet; thence extending west on a line parallel with and 180 feet distant from the east and west quarter line of said Section for a distance of 132 feet; thence extending south on a line parallel with and 132 feet distant from the north and south quarter line of said Section for a distance of 180 feet to the east and west quarter line of said Section; thence east along the east and west quarter line to the point of beginning.

Torrens – Certificate of Title No. 288971.0

**AND**

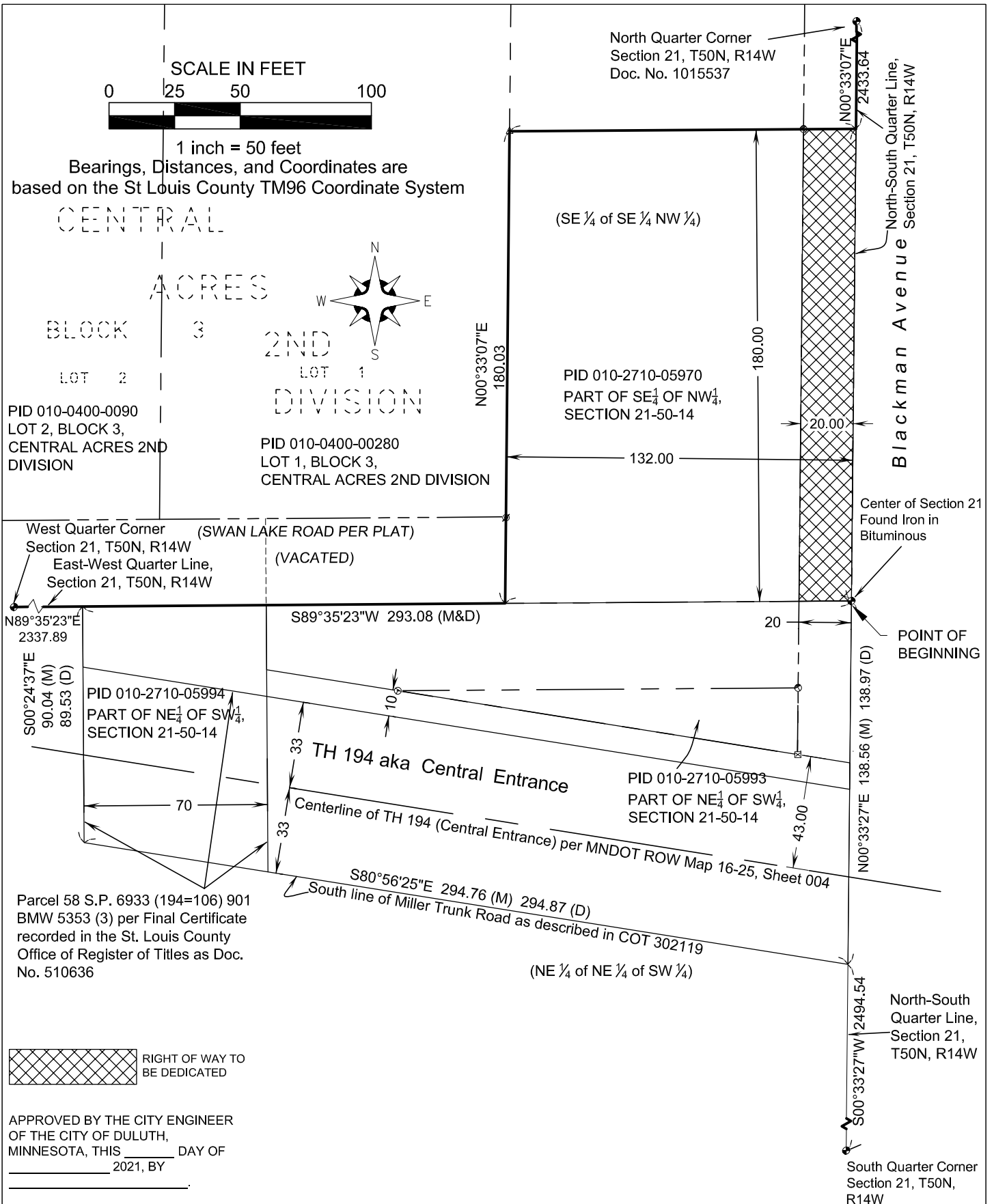
That part of the NE1/4 of the NE1/4 of the SW1/4 of Section 21, Township 50 North of Range 14 West of the Fourth Principal Meridian, described as follows: Beginning at the center of said Section 21, go Westerly along the Northerly line of said NE1/4 of NE1/4 of SW1/4 for a distance of 293.08 feet, thence deflect 90 degrees to the left for a distance of 89.53 feet to a point which is on the Southerly line of Miller Trunk Road as such road was laid out and established across said land on June 4, 1940; thence deflect 81 degrees 20 minutes to the left along the Southerly line of the Miller Trunk Road for a distance of 294.87 feet to a point which is on the North South center line of said Section 21; thence deflect to the left 81 degrees 20 minutes for a distance of 138.97 feet, more or less, to the point of beginning.

EXCEPT That part of Tract A described below:

Tract A: That part of the NE 1/4 of the NE 1/4 of the SW 1/4 of Section 21, Township 50 North, Range 14 West, St. Louis County, Minnesota, described as follows: Beginning at the center of said Section 21, thence run Westerly along the east and west quarter line of said Section 21, for 293.08 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds to an intersection with the northerly right of way line of Trunk Highway No. 194 as now located and established; thence run easterly on the northerly right of way line of said Trunk Highway No. 194 to an intersection with the north and south quarter line of said Section 21; thence run northerly to the point of beginning; which lies westerly of Blackman Avenue and southerly of a line run parallel with and distant 10 feet northerly of the south line of Tract A hereinbefore described; Together with that part of the western 70 feet of Tract A hereinbefore described, adjoining and northerly of the above described strip.

Torrens – Certificate of Title No. 356971.0

# EXHIBIT B



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, 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.

Date : 09/16/2021  
*Greg Stower*  
Greg Stower  
MINNESOTA LICENSE NO. 21774



11 East Superior Street  
Suite 420  
Duluth, MN 55802  
218-724-8578  
tkda.com  
Job Number: 17970.000

**RIGHT OF WAY  
EXHIBIT in  
SECTION 21-50-14  
Sheet 1 of 2 Sheets**

# EXHIBIT C

## Legal Description

### Right of Way for Blackman Avenue

The East 20.00 feet of the following described tract of land: A parcel of land in the SE 1/4 of NW 1/4, Section 21, Township 50 North of Range 14 West, described more particularly as follows:

Beginning at the center of said Section 21, thence extending north along the north and south quarter line of said Section for a distance of 180 feet; thence extending west on a line parallel with and 180 feet distant from the east and west quarter line of said Section for a distance of 132 feet; thence extending south on a line parallel with and 132 feet distant from the north and south quarter line of said Section for a distance of 180 feet to the east and west quarter line of said Section; thence east along the east and west quarter line to the point of beginning.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, 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.

*Greg Stoewer*  
Greg Stoewer  
MINNESOTA LICENSE NO. 21774

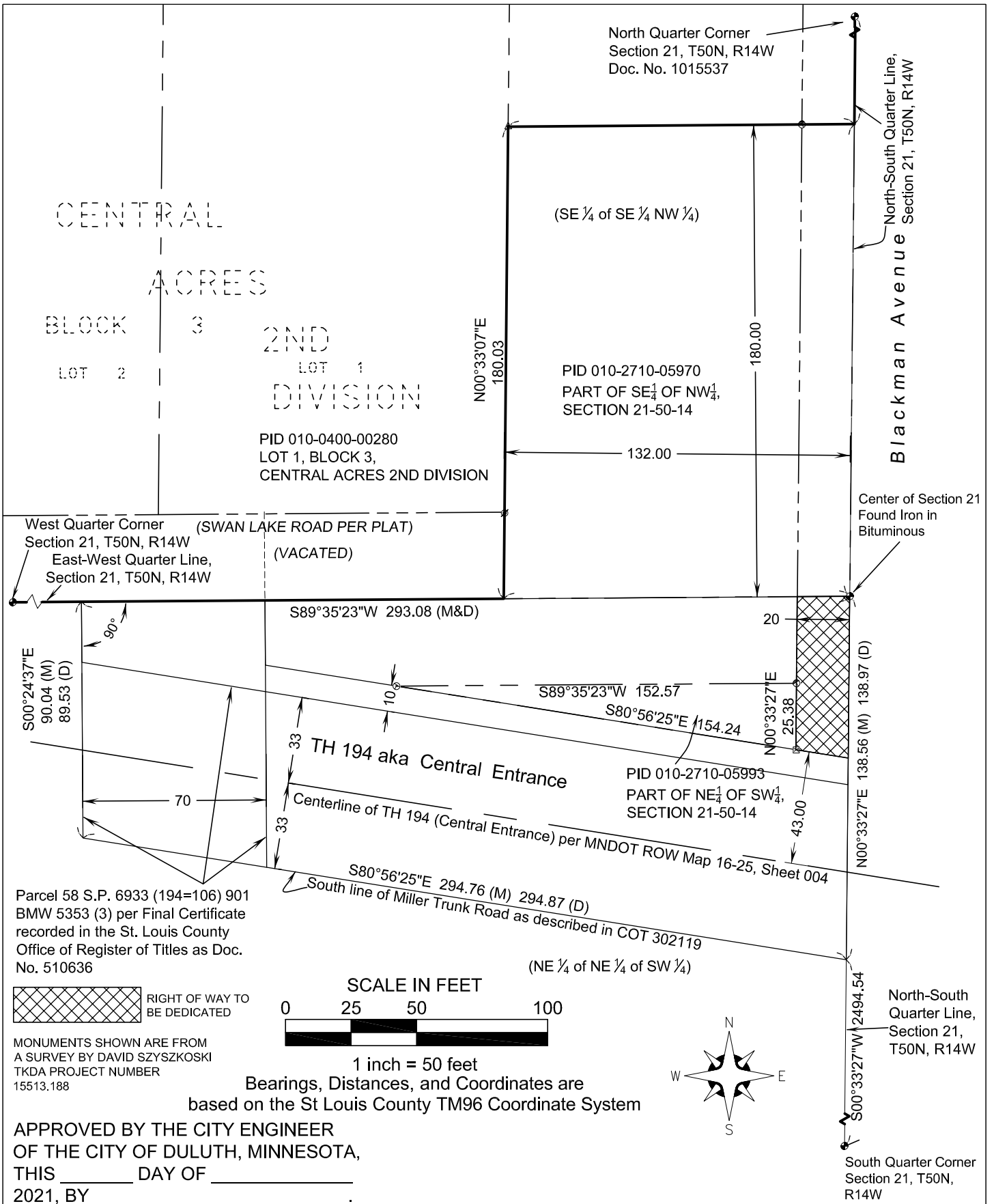
09/16/2021



11 East Superior Street  
Suite 420  
Duluth, MN 55802  
218-724-8578  
tkda.com  
Job Number: 17970.000

RIGHT OF WAY EXHIBIT  
in  
SECTION 21-50-14  
Sheet 2 of 2 Sheets

# EXHIBIT D



Parcel 58 S.P. 6933 (194=106) 901  
BMW 5353 (3) per Final Certificate  
recorded in the St. Louis County  
Office of Register of Titles as Doc.  
No. 510636

RIGHT OF WAY TO  
BE DEDICATED

MONUMENTS SHOWN ARE FROM  
A SURVEY BY DAVID SZYSZKOSKI  
TKDA PROJECT NUMBER  
15513.188

APPROVED BY THE CITY ENGINEER  
OF THE CITY OF DULUTH, MINNESOTA,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
2021, BY \_\_\_\_\_.

I HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATION, 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.

Date : 09/16/2021  
  
Greg Stoewer  
MINNESOTA LICENSE NO. 21774

11 East Superior Street  
Suite 420  
Duluth, MN 55802  
218-724-8578  
tkda.com  
Job Number: 17970.000

**RIGHT OF WAY  
EXHIBIT in  
SECTION 21-50-14  
Sheet 1 of 2 Sheets**


# EXHIBIT E

## Legal Description of Right of Way for Blackman Avenue

That part of the East 20.00 feet of Tract A described below:

Tract A: That part of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 21, Township 50 North, Range 14 West, described as follows: Beginning at the center of said Section 21; thence run westerly along the east and west quarter line of said Section 21, for 293.08 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds to an intersection with the northerly right of way line of Trunk Highway No. 194 as now located and established; thence run easterly on the northerly right of way of said Trunk Highway No. 194 to an intersection with the north and south quarter line of said Section 21; thence run northerly to the point of beginning; EXCEPT that part of Tract A which lies southerly of a line run parallel with and distant 10 feet northerly of the south line of Tract A hereinbefore described.

I HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATION, 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.

09/16/2021  
  
Greg Stoewer  
MINNESOTA LICENSE NO. 21774



11 East Superior Street  
Suite 420  
Duluth, MN 55802  
218-724-8578  
tkda.com  
Job Number: 17970.000

RIGHT OF WAY  
EXHIBIT in  
SECTION 21-50-14  
Sheet 2 of 2 Sheets