

# **EXHIBIT 1**

## **EASEMENT AGREEMENT**

THIS EASEMENT AGREEMENT is entered into by and between JAY GILPIN AND STACI GILPIN, husband and wife, as joint tenants ("Grantor") and the CITY OF DULUTH, a municipal corporation created and existing under the laws of the State of Minnesota ("City").

Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to City, its successors and assigns, a perpetual, non-exclusive easement ("Easement") for public recreational, walkway, and trail purposes over, under and across property in the County of St. Louis, State of Minnesota, legally described as follows:

A ten foot (10') wide easement over under and across all that part of Outlot "A", LAKEVIEW DIVISION FIRST ADDITION, City of Duluth, St. Louis County, Minnesota centered on the following described line:

Commencing at the most northerly corner of Outlot "A" of said LAKEVIEW DIVISION FIRST ADDITION; thence southeasterly 78.21 feet along said Outlot "A" being a non-tangential curve concave southwesterly having a radius of 100.00 feet, a central angle of 44 degrees 48 minutes 42 seconds and a chord bearing South 37 degrees 51 minutes 01 seconds East, bearings referenced to the St. Louis County Transverse Mercator 1996 coordinate system, to the POINT OF BEGINNING of the centerline to be described; thence South 26 degrees 06 minutes 40 seconds West, a

distance of 34.33 feet, thence south 77.15 feet along a non-tangential curve concave westerly having a radius of 103.00 feet and a central angle of 34 degrees 00 minutes 07 seconds; thence South 45 degrees 21 minutes 04 seconds West, a distance of 53.50 feet; thence South 11 degrees 09 minutes 08 seconds West, a distance of 32.50 feet; thence South 28 degrees 36 minutes 36 seconds West, a distance of 115.00 feet; thence southwesterly 15.57 feet along a tangential curve concave northerly having a radius of 10.00 feet and a central angle of 89 degrees 12 minutes 53 seconds to the northwesterly line of said Outlot "A" and said centerline there terminating.

The sidelines of said easement are prolonged or shortened to terminate at the extents of said Outlot "A".

(the "Easement Area").

The Easement Area is depicted on the attached Exhibit A.

The Easement granted herein includes the right of the City, its contractors, agents, and employees to enter the Easement Area at all reasonable times for the purposes of locating, constructing, operating, maintaining and repairing a trail or other improvements within the Easement Area. The Easement granted herein also includes the right to cut, trim, or remove from the Easement Area trees, shrubs or other vegetation in the City's discretion; however, City agrees that it will plant or maintain a reasonable amount of screening in the Easement Area. City further agrees that it will maintain signage in the Easement Area identifying the area that is open to the public.

Grantor shall have no obligation or duty to maintain, repair, or replace any improvements or vegetation in the Easement Area. Grantor specifically does not warrant or represent that it will take any action to protect the Easement Area from erosion.

IN WITNESS WHEREOF, the parties have caused this Easement Agreement to be executed on the day and year first written below.

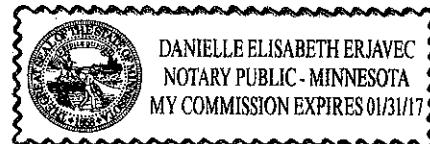
Jay Gilpin  
Jay Gilpin

Staci Gilpin  
Staci Gilpin

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

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of  
September, 2016, by Jay Gilpin and Staci Gilpin, husband and wife.

Danielle Erjavec  
Notary Public



CITY OF DULUTH

By: \_\_\_\_\_  
Emily Larson, Mayor

Attest: \_\_\_\_\_  
Jeffrey Cox, City Clerk

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

The foregoing instrument was subscribed and sworn before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016, 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.

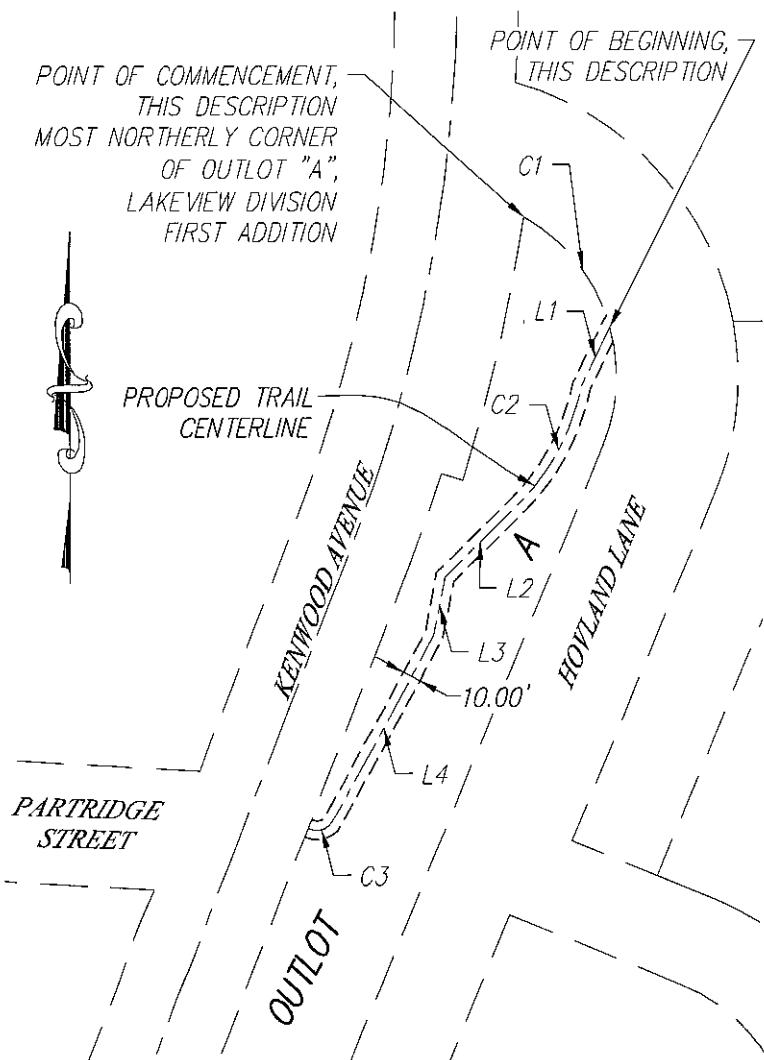
\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Catherine Baker (#353875)  
Assistant City Attorney  
Room 410 City Hall  
Duluth, MN 55802

# EXHIBIT A

## TRAIL EASEMENT



LINE TABLE		
LINE	BEARING	LENGTH
L1	S26°06'40"W	34.33
L2	S45°21'04"W	53.50
L3	S11°09'08"W	32.50
L4	S28°36'36"W	115.00

CURVE TABLE				
CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD BEARING
C1	100.00	44°48'42"	78.21	S37°51'01"E
C2	103.00	34°00'07"	77.15	S28°19'45"W
C3	10.00	89°12'53"	15.57	S73°13'02"W

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.

Print Name: Paul A. Vogel

License # 44075

Signature: 

Date: 9/08/2016

DATE REVISED: 9/08/16

DATE PREPARED: 8/17/16

PROJ NO: 160615

FILE: 160615vSURV.

SHEET 1 of 1 SHEETS



PERFORMANCE  
DRIVEN DESIGN.  
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FILE: 160615vSURV.dwg