

EXHIBIT 1

UTILITY EASEMENT

This UTILITY EASEMENT is made by STC BUILDING 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 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 B and depicted on the attached Exhibit C (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 October ____, 2023.

STC BUILDING LLC

Lazar Ostreicher, Managing Member

STATE OF _____)
) ss
COUNTY OF _____)

This instrument was acknowledged before me this _____ day of October, 2023 by Lazar Ostreicher, the Managing Member of STC BUILDING LLC, a Minnesota limited liability company, on behalf of the limited liability company.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Jennifer L. Carey
Hanft Fride, A Professional Association
130 West Superior Street, Suite 1000
Duluth, MN 55802
(218) 722-4766

Exhibit A

Legal Description of the Property

Lot 3, Block 1, CENTRAL OVERLOOK, St. Louis County, Minnesota

EXHIBIT B

LEGAL DESCRIPTION OF UTILITY EASEMENT

A 20-foot-wide easement for utility purposes lying over, under and across Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, lying 10 feet on each side of the following described centerline:

Commencing at the intersection of the East line of H Courtney Drive and the South line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence on an assumed bearing of North 85 degrees 58 minutes 54 seconds West, along the South line of said Portia Johnson Drive 80.74 feet to the point of beginning of the easement centerline herein described; thence South 4 degrees 24 minutes 37 seconds East 51.10 feet; thence South 13 degrees 33 minutes 38 seconds West 133.07 feet; thence South 21 degrees 17 minutes 55 seconds West 163.49 feet and there terminating. The side lines of said easement shall be prolonged or shortened to terminate on the South line of said Portia Johnson Drive and a line perpendicular to the centerline at the point of termination. Said easement contains 6,953 square feet or 0.16 acres.

SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
4. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
5. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the
City of Duluth, MN this 18 day
of Oct 2023

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: 10-11-2023

EASEMENT EXHIBIT

CLIENT: NCE

REVISIONS:

ADDRESS: 802 E CENTRAL ENTRANCE
DULUTH, MN 55811

DATE: 10-11-2023

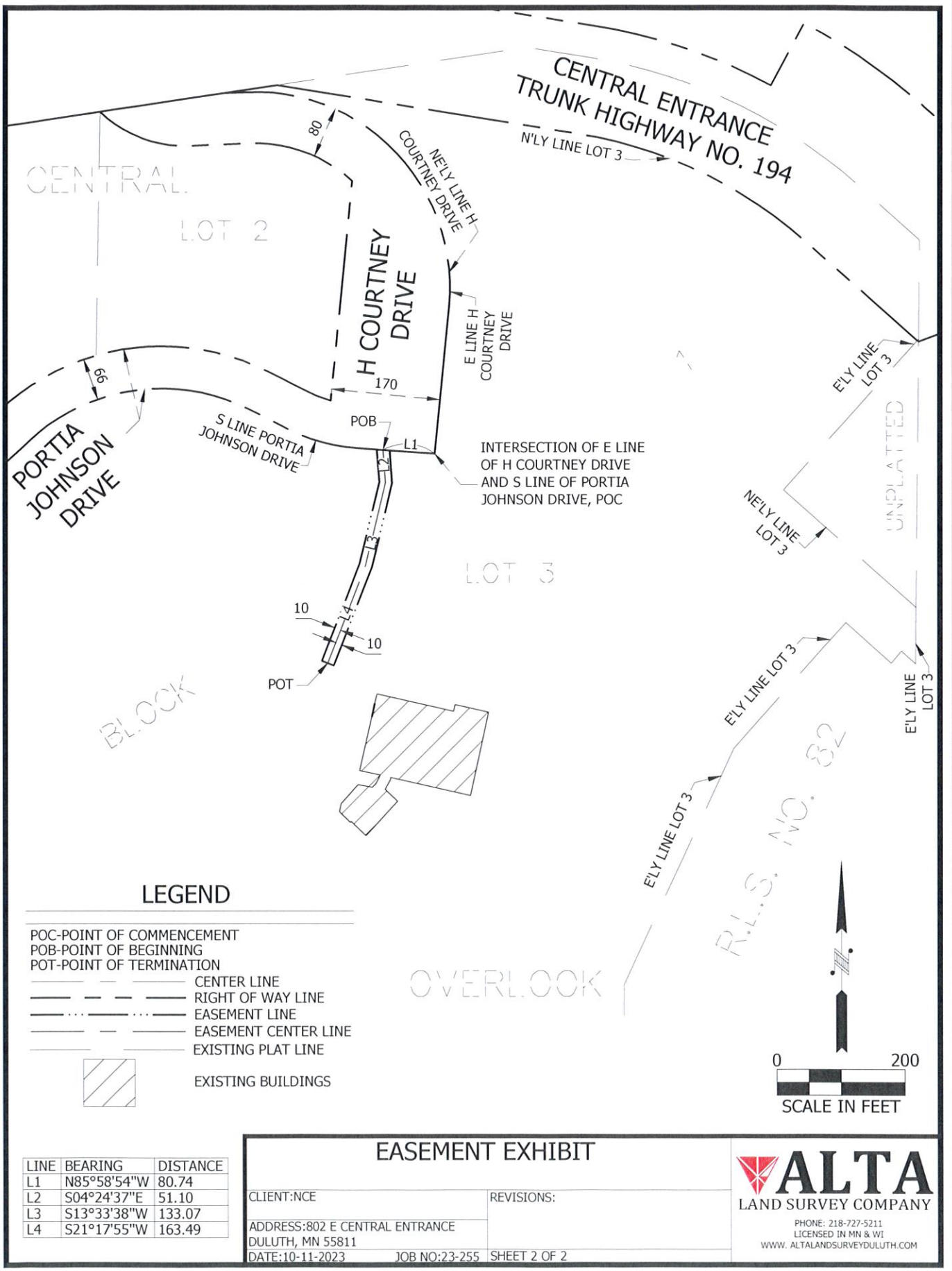
JOB NO: 23-255

SHEET 1 OF 2

 **ALTA**
LAND SURVEY COMPANY

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


EXHIBIT C



LEGEND

POC-POINT OF COMMENCEMENT
 POB-POINT OF BEGINNING
 POT-POINT OF TERMINATION

— — — — — CENTER LINE
 — — — — — RIGHT OF WAY LINE
 - - - - - EASEMENT LINE
 - - - - - EASEMENT CENTER LINE
 — — — — — EXISTING PLAT LINE

 EXISTING BUILDINGS

LINE	BEARING	DISTANCE
L1	N85°58'54"W	80.74
L2	S04°24'37"E	51.10
L3	S13°33'38"W	133.07
L4	S21°17'55"W	163.49

EASEMENT EXHIBIT	
CLIENT:NCE	REVISIONS:
ADDRESS:802 E CENTRAL ENTRANCE DULUTH, MN 55811	
DATE:10-11-2023	JOB NO:23-255 SHEET 2 OF 2

ALTA
 LAND SURVEY COMPANY

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