

Exhibit 1

EASEMENT AND CONSENT

This Indenture is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by One Roof Community Housing, a Minnesota non-profit corporation ("Grantor").

Whereas, Grantor is the owner of property in St. Louis County, Minnesota, as hereinafter described, and wishes to convey to the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota ("Grantee"), a permanent easement for utility purposes over said property.

NOW THEREFORE, Grantor does hereby grant to Grantee in trust for the general public, a permanent easement for utility purposes under, over, across and along the following described property in St. Louis County, Minnesota:

See Exhibit A attached hereto and made a part hereof

The easement intended to be granted is more clearly shown on Exhibit B attached hereto and made a part hereof.

One Roof Community Housing

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

Its: \_\_\_\_\_

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, the \_\_\_\_\_ of One Roof Community Housing, a Minnesota non-profit corporation, on behalf of the corporation.

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

## CONSENT

This Consent is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Kimberly J. Traen, a single person ("Consentor").

Whereas, on July 31, 2017, Consentor entered into a Land Lease Agreement and Community Land Trust Ground Lease Rider with One Roof Community Housing (said document was recorded on August 10, 2017 in the Office of the County Recorder as Document No. 1315056 and in the Office of the St. Louis County Registrar of Titles as Document No. 988425), which provides for Consentor to lease certain property FROM One Roof Community Housing for 99 years for residential use, said property is located in St. Louis County, Minnesota, and legally described as follows:

The easterly 14.00 feet of Lot 3, Block 104, LONDON ADDITION TO DULUTH according to the recorded plat thereof, St. Louis County, Minnesota, together with that part of the vacated Alley lying Southerly and adjacent to said Lot 3 described as follows:

Beginning at the Southeast corner of said Lot 3; thence on an assumed bearing of South 89 degrees 29 minutes 59 seconds West, along the South line of said Lot 3 for a distance of 14.00 feet to the West line of the easterly 14.00 feet of said Lot 3; thence South 00 degrees 29 minutes 42 seconds East, along the Southerly extension of said West line of the Easterly 14.00 feet of Lot 3 for a distance of 10.00 feet to the intersection with the centerline of said vacated Alley; thence North 89 degrees 29 minutes 59 seconds East, along said centerline of the vacated Alley for a distance of 14.00 feet to the intersection with the Southerly extension of the East line of said Lot 3; thence North 00 degrees 29 minutes 42 seconds West, along said Southerly extension of the East line of Lot 3 for a distance of 10.00 feet to the Point of Beginning.

AND

Lot 4 EXCEPT the easterly 22.00 feet of said Lot 4, and EXCEPT the vacated Alley lying adjacent to said Lot 4, all in Block 104, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota

(the "Property") and;

Whereas, Consentor wishes to provide her consent to that portion of the aforesaid utility easement which affects the Property, and to further agree that her leasehold interest in the Property is subordinate to the utility easement.

NOW THEREFORE, Consentor does hereby consent to Grantor's grant in trust for the general public of that portion of the aforesaid utility easement under, over, across and along the Property and further agrees that Consentor's leasehold interest in that portion of the Property shall be subordinate to the Easement.

CONSENTORS

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Kimberly J. Traen

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Kimberly J. Traen, a single person, Consentor.

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Notary Public

This instrument was drafted by:  
Joan M. Christensen  
Assistant City Attorney  
411 West First Street  
Duluth, MN 55802  
(218) 730-5273

# EXHIBIT A

## LEGAL DESCRIPTION OF PROPOSED UTILITY EASEMENT

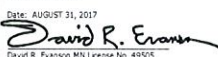
A 14.00 foot wide easement for utility purposes lying over, under, and across that part of Lots 3 and 14 and that part of the vacated alley lying between Lots 3 through 14 inclusive, in Block 104, LONDON ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota, said easement is described as follows:

Beginning at the southeast corner of Lot 8, said Block 104, said point also being at the intersection of the northerly line of the vacated Alley lying within said Block 104 and the easterly line of said Block 104; thence on an assumed bearing of South 89 degrees 29 minutes 59 seconds West along the said northerly line of the vacated Alley for a distance of 264.00 feet to the intersection with a line parallel with and distant 136.00 feet easterly of the westerly line of said Block 104; thence North 00 degrees 29 minutes 51 seconds West, along said parallel line for a distance of 51.00 feet to the intersection with a line parallel with and distant 51.00 feet north of the said northerly line of the vacated Alley; thence South 89 degrees 29 minutes 59 seconds West, along said parallel line for a distance of 14.00 feet to the intersection with a line parallel with and distant 122.00 feet easterly of the said westerly line of Block 104; thence South 00 degrees 29 minutes 42 seconds East, along said parallel line for a distance of 211.00 feet to the intersection with the southerly line of the said Block 104; thence North 89 degrees 29 minutes 59 seconds East, along said southerly line of Block 104 for a distance of 14.00 feet to the intersection with a line parallel with and distant 136.00 feet easterly of the said westerly line of Block 104; thence North 00 degrees 29 minutes 42 seconds West, along said parallel line for a distance of 146.00 feet to the intersection with a line parallel with and distant 14.00 feet southerly of the said northerly line of the vacated Alley; thence North 89 degrees 29 minutes 59 seconds East, along said parallel line for a distance of 264.00 feet to the intersection with the easterly line of said Block 104; thence North 00 degrees 29 minutes 42 seconds West, along said easterly line of Block 104 for a distance of 14.00 feet to the point of beginning.

Said easement contains 6,650 square feet or 0.15 acres.

SHEET 1 OF 2

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: AUGUST 31, 2017  
  
David R. Evanson MN License No. 49505

UTILITY EASEMENT EXHIBIT	
CLIENT: ONE ROOF HOUSINGS	REVISIONS: 8-5-17 REVISE EASEMENT BOUNDARY AND LEGAL
DATE: AUGUST 31, 2017	9-14-17 REMOVE PID'S AND PARCEL LINES, EDIT LEGAL
ADDRESS: 40TH AVENUE EAST AND JAY STREET, DULUTH, MN	
JOB NUMBER: 17-078	

**ALTA**  
LAND SURVEY COMPANY

- LAND SURVEYING
- LAND DEVELOPMENT
- PLATTING
- LEGAL DESCRIPTIONS
- CONSTRUCTION STAKING

PHONE: 218-727-5211  
LICENSED IN MN & WI  
CERTIFIED FEDERAL SURVEYOR  
WWW.ALTAANDSURVEYDULUTH.COM

## DODGE STREET

41ST AVE E

JAY STREET

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VACATED ALLEY

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### LEGEND

PROPOSED UTILITY EASEMENT

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SCALE IN FEET

THIS IS NOT A BOUNDARY SURVEY  
MEASUREMENTS ARE BASED ON THE ST. LOUIS COUNTY  
TRANSFEROR RECTOR COORDINATE SYSTEM OF 1986.  
NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED  
ON THIS LOT BY ALVA ALVA AND SURVEY COMPANY, THE  
SURVEY OF THIS LOT BY ALVA ALVA AND SURVEY COMPANY, THE  
SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC  
STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF  
ALVA ALVA AND SURVEY COMPANY OR THE SURVEYOR.  
THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A  
TITLE COMMITMENT OR TITLE OPINION, A TITLE SEARCH  
FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY  
AFFECT OR INCLUDE THIS PROPERTY HAS NOT BEEN  
CONDUCTED BY ALVA ALVA AND SURVEY COMPANY.

Approved by the City Engineer of the City of Duluth, MN, this 14 day of SEP/2017  
By [Signature]

SHEET 2 OF 2

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: AUGUST 31, 2017

David R. Evanson MN License No. 49505

UTILITY EASEMENT EXHIBIT

CLIENT: ONE ROOF HOUSING

DATE: AUGUST 31, 2017

ADDRESS: 40TH AVENUE EAST AND JAY STREET, DULUTH, MN

JOB NUMBER: 17-078

REVISIONS: 9-5-17 REVISE EASEMENT  
BOUNDARY AND LEGAL  
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LINES, EDIT LEGAL

[illegible]

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