

# EXHIBIT 1

## DECLARATION

The undersigned has the following interest in the real property legally described in **Exhibits A and B** attached hereto and all facilities situated thereon (collectively, the “Restricted Property”):

(Check the appropriate box.)

- a fee simple title,
- a lease, or
- an easement,

and as owner of such fee title, lease or easement, does hereby declare that such interest in the Restricted Property is subject to those provisions, requirements, restrictions and encumbrances contained in the “General Fund Appropriation Bond Proceeds Master Grant Agreement Construction Grant for the Duluth Regional Exchange District Project” dated June 24, 2019, as amended from time to time, between the City of Duluth and the Minnesota Department of Employment and Economic Development. The Restricted Property shall remain subject to such provisions, requirements, restrictions and encumbrances until it is released therefrom by a written release in recordable form signed by the Commissioner of Minnesota Management and Budget, and such written release is recorded in the real estate records relating to the Restricted Property.

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

CITY OF DULUTH

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

By: \_\_\_\_\_  
City Clerk

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

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Roger J. Reinert, the Mayor of the City of Duluth, a municipal corporation and political subdivision created and existing under the laws of the State of Minnesota.

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

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

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by Ian B. Johnson, the City Clerk of the City of Duluth, a municipal corporation and political subdivision created and existing under the laws of the State of Minnesota.

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

This declaration was drafted by:  
City of Duluth  
411 W. First St.  
Duluth, MN 55802

**EXHIBIT A TO DECLARATION  
LEGAL DESCRIPTION OF RESTRICTED PROPERTY**

The City of Duluth's easement interest as set forth in that certain Street and Utility Easement dated August 31, 2023 by SMDC Medical Center, a Minnesota nonprofit corporation in favor of the City of Duluth, a municipal corporation and political subdivision created and existing under the laws of the State of Minnesota, and registered in the Office of the St. Louis County Registrar of Titles on September 12, 2023 as Document No. 1072168 over, under and across the following described real property in St. Louis County, Minnesota:

Those parts of vacated right of way adjacent to Lot 16, Block 30, PORTLAND DIVISION OF DULUTH described as follows:

The westerly 25 feet of Sixth Avenue East from East First Street northerly a distance of 130 feet

AND

Air rights 14 feet above that portion of 6<sup>th</sup> Avenue East lying eight feet westerly of the following described line: beginning at the intersection of the center line of Sixth Avenue East and of First Street, thence northwesterly along said center line of Sixth Avenue East for a distance of 83.0 feet to a point, said point being the point of beginning of the line to be described, thence continuing northwesterly along said center line for a distance of 36.0 feet and there terminating.

**EXHIBIT B TO DECLARATION  
LEGAL DESCRIPTION OF RESTRICTED PROPERTY**

The City of Duluth's easement interest as set forth in that certain Street and Utility Easement dated July 24, 2024 between The Duluth Clinic, Ltd., a Delaware corporation, and the City of Duluth, a municipal corporation and political subdivision created and existing under the laws of the State of Minnesota, and registered in the Office of the St. Louis County Registrar of Titles on August 16, 2024 as Document No. 1082127 over, under and across the following described real property in St. Louis County, Minnesota:

The northwesterly 39.00 feet of Lot 8, Block 31 of PORTLAND DIVISION OF DULUTH, according to said plat recorded in the St. Louis County Recorder Office, Minnesota