

EXHIBIT 1

DECLARATION

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

(Check the appropriate box.)

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

and as owner of such easement interest, 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.

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 _____, 2023, by Emily Larson, the Mayor of the City of Duluth, a municipal corporation 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 _____, 2023, by Ian Johnson, the City Clerk of the City of Duluth, a municipal corporation 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

A permanent nonexclusive easement interest in, under and through the following described real property in St. Louis County, Minnesota, as created in that certain Easement Agreement dated _____, 2023 between St. Luke's Hospital of Duluth, a Minnesota nonprofit corporation, and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, and recorded on _____, 2023 in the office of the St. Louis County Recorder as Document No. _____, and on _____, 2023 in St. Louis County Registrar of Titles as Document No. _____:

That tract of land in PORTLAND DIVISION OF DULUTH, enclosed within the following described boundary lines, to-wit:

- (a) The center line of Tenth Avenue East, as such avenue was dedicated by the original plat of said Portland Division of Duluth, which plat was filed for record in the office of the Register of Deeds of said County, on April 23, 1870, in Book A of Plats, on page 91 thereof.
- (b) The extended E'ly side line of Lot 4, Block 40, Portland Division of Duluth,
- (c) A line drawn parallel to and 55 feet distant in a N'ly direction from the center line of the alleyway in the rear of said Block 40,
- (d) The extended center line of the alleyway between Block 40 and Block 36, Portland Division of Duluth.

AND

Lots 5 and 6, Block 40, PORTLAND DIVISION OF DULUTH

AND

The tract of land enclosed within four boundary lines in PORTLAND DIVISION OF DULUTH, which four boundary lines are as follows:

- 1. The center line of East Second Street;
- 2. The W'ly line as extended, of Lot 7, in Block 40;
- 3. The center line of the alley between Block 40 and Block 36; and
- 4. The E'ly line as extended, of Lot 8, in said Block 40

AND

Lots 9 and 10, Block 40, PORTLAND DIVISION OF DULUTH

AND

The northwest 18.00 feet of the following described lands:

All that part of Block 36 in PORTLAND DIVISION OF DULUTH, according to the plat thereof, on file and of record in the office of the Register of Deeds, in Book A of Plats, page 91, included within the following described boundaries, to-wit: The extended centerline of East First Street; the centerline of Tenth Avenue East; the extended centerline of the alley between said Block 36 and Block 40; and a line drawn parallel with and 10 feet distant Easterly from the Westerly line of Lot 10 in said Block 36. All assuming First Street to run East and West.

AND

That tract of land in PORTLAND DIVISION OF DULUTH enclosed by the boundary lines hereinafter described to-wit: (a) The original centerline of East First Street as such street was dedicated by the original plat of said Portland Division of Duluth, which plat was filed for record in the office of the Register of Deeds on April 3, 1870 in Book A of Plats on page 91 thereof (b) The extended centerline of the alley between Blocks 36 and 40 in said Portland Division of Duluth (c) An extended line parallel with and distant 15 feet W'ly from the E'ly line of Lot 10 in said Block 36, Portland Division of Duluth (d) The E'ly line of Lot 11 in said Block 36, Portland Division of Duluth

AND also the alley lying between said Blocks 36 and 40, lying: (i) west of a line extending from the northeast corner of Lot 10, said Block 36, to the southeast corner of Lot 10, said Block 40 and (ii) east of a line extending from the northwest corner of Lot 1, said Block 36, to the southwest corner of Lot 1, said Block 40, Portland Division of Duluth.