

# **EXHIBIT 1**

## **STREET AND UTILITY EASEMENT**

This STREET AND UTILITY EASEMENT is made by and between REGENTS OF THE UNIVERSITY OF MINNESOTA, a Minnesota constitutional corporation (“Grantor”) and the CITY OF DULUTH, a municipal corporation and political subdivision 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 and depicted on the attached Exhibits A, B and C (collectively, the “Easement Area”).

B. Grantor wishes to grant the City a street and utility easement over the Easement Area in trust for the benefit of the public and at no cost to the City (the “Easement”).

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. Grantor grants to the City, in trust for the benefit of the public, a perpetual easement for street and 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.

2. City agrees that the following shall be done in consultation with Grantor: (i) cutting, trimming or removing trees, shrubs, or other vegetation from the Easement Area, and (ii) permanently grading or altering the grade of the Easement Area.

3. City’s use of the Easement is subject to (i) Grantor’s existing utility facilities owned and operated by Grantor; (ii) other existing utilities owned and operated by the Grantor, including without limitation water, sewer, steam, fiber optic communications, and electrical lines

(collectively, (i) and (ii) are “**Grantor’s Utilities**”), and to the right to maintain, repair and replace Grantor’s Utilities; and (iii) the right of Grantor to use the Easement Area for any lawful and permitted purpose including grading, erection of improvements or fixtures, adding additional utilities, and/or access to the public right-of-way, so long as such use does not unreasonably interfere with City’s Easement or use of the Easement Area. Grantor shall be responsible, at its sole cost, for restoration and repair to City standards, as determined by the City Engineer. Grantor agrees to apply and obtain permits from City prior to entering onto the Easement Area for any such purposes, and City agrees not to unreasonably withhold or condition approval of such permits. Upon presentment of this Easement by Grantor with such application, City hereby agrees to waive permit fees for Grantor and its contractors for work on the Easement Area.

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

IN WITNESS WHEREOF, the parties have agreed and caused this street and utility easement to be executed effective as of \_\_\_\_\_, 2025.

REGENTS OF THE UNIVERSITY OF  
MINNESOTA

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

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

STATE OF MINNESOTA    )  
  ) SS  
COUNTY OF HENNEPIN    )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2025 by \_\_\_\_\_, the \_\_\_\_\_ of REGENTS OF THE  
UNIVERSITY OF MINNESOTA, a Minnesota constitutional corporation.

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

CITY OF DULUTH

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

Attest: \_\_\_\_\_  
City Clerk

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025, by Roger J. Reinert, 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

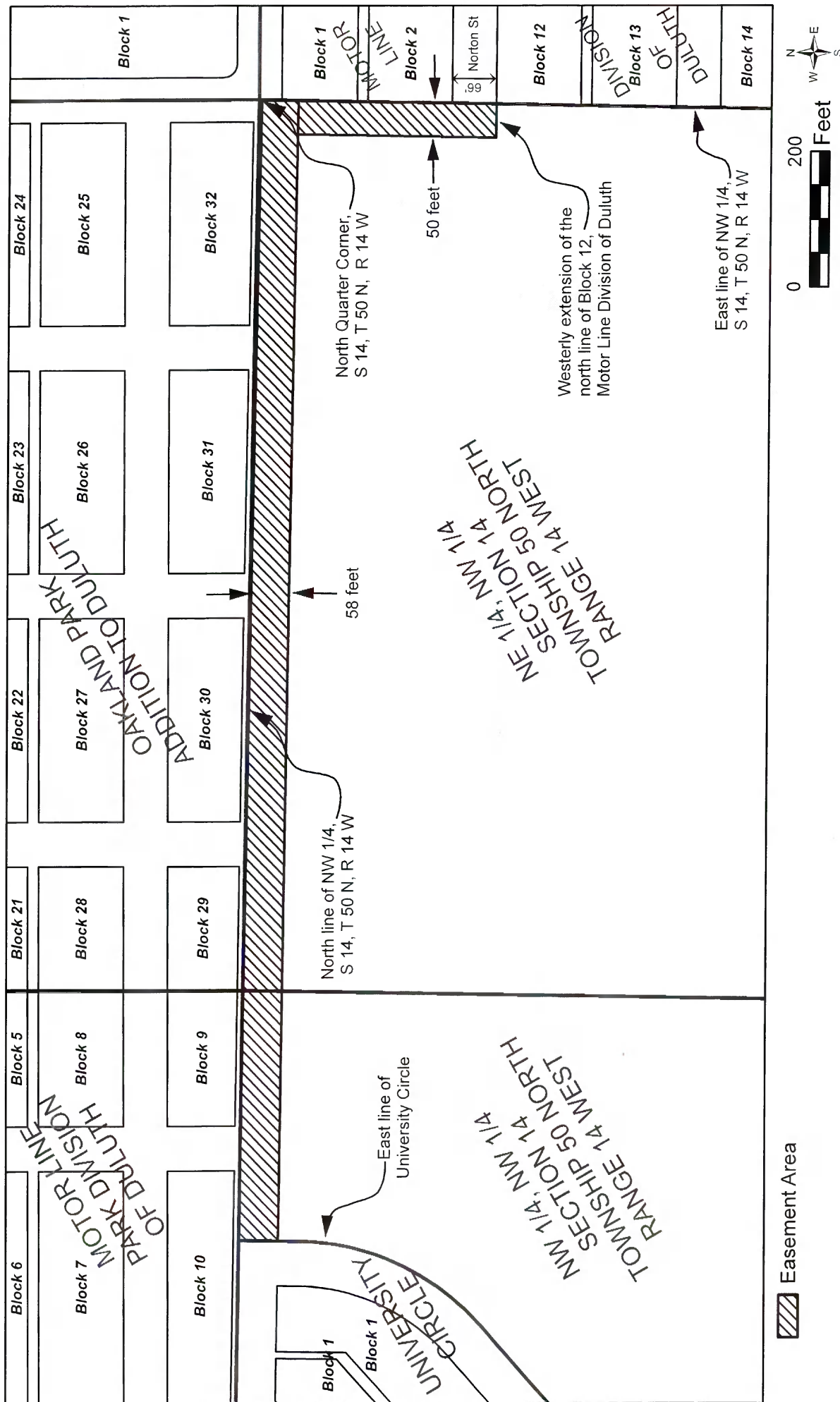
STATE OF MINNESOTA    )  
  ) ss  
COUNTY OF ST. LOUIS    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, 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 instrument was drafted by:  
Office of the City Attorney  
Room 440 City Hall  
411 West 1st Street Duluth, MN 55802-1198

# EXHIBIT A



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.

Approved by the City Engineer of the City of Duluth, MN  
this the 21<sup>ST</sup> day of April 2025.

Greg Stoewer

MN. License #

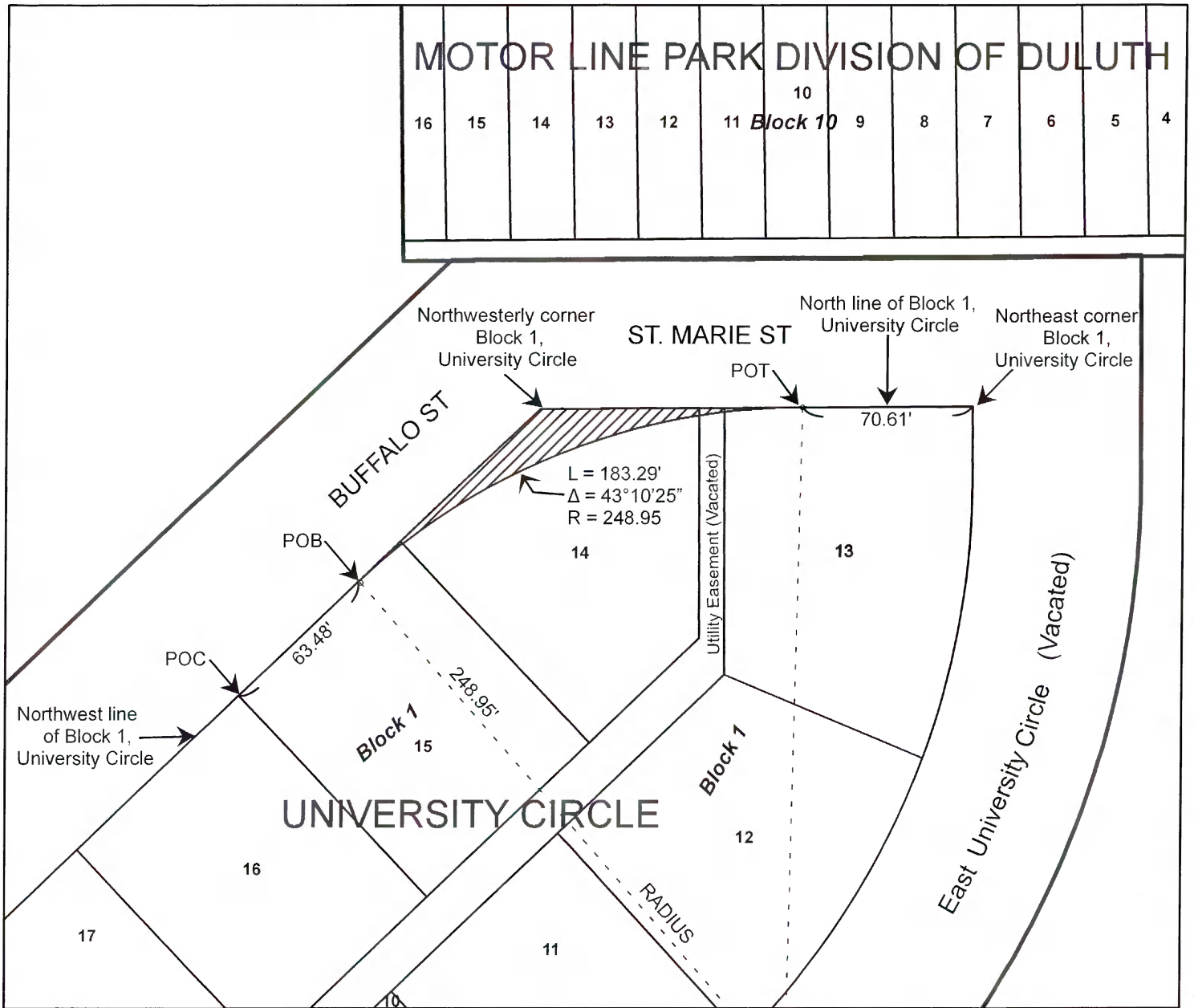
Date \_\_\_\_\_

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An easement over, under, and across that part of the Northwest Quarter of Section 14, Township 50 North, Range 14 West of the Fourth Principal Meridian described as follows: The north 58.00 feet of said Northwest Quarter, bounded on the east by the east line of said Northwest Quarter and bounded on the west by the east line of the plat of University Circle, as recorded in St. Louis County, Minnesota.

Together with an easement over, under, and across that part of the Northeast Quarter of the Northwest Quarter of Section 14, Township 50 North, Range 14 West of the Fourth Principal Meridian described as follows: That part of the east 50.00 feet of said NE 1/4 of the NW 1/4, bounded on the north by a line that is parallel with and 58.00 feet south of the north line of said NE 1/4 of the NW 1/4, and bounded on the south by the westerly extension of the north line of Block 12 of the plat of Motor Line Division of Duluth, according to the recorded plat of St. Louis County, Minnesota.

# EXHIBIT B



 Easement Area

0 60 ft



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.

  
Greg Stoewer

21774  
MN. License #

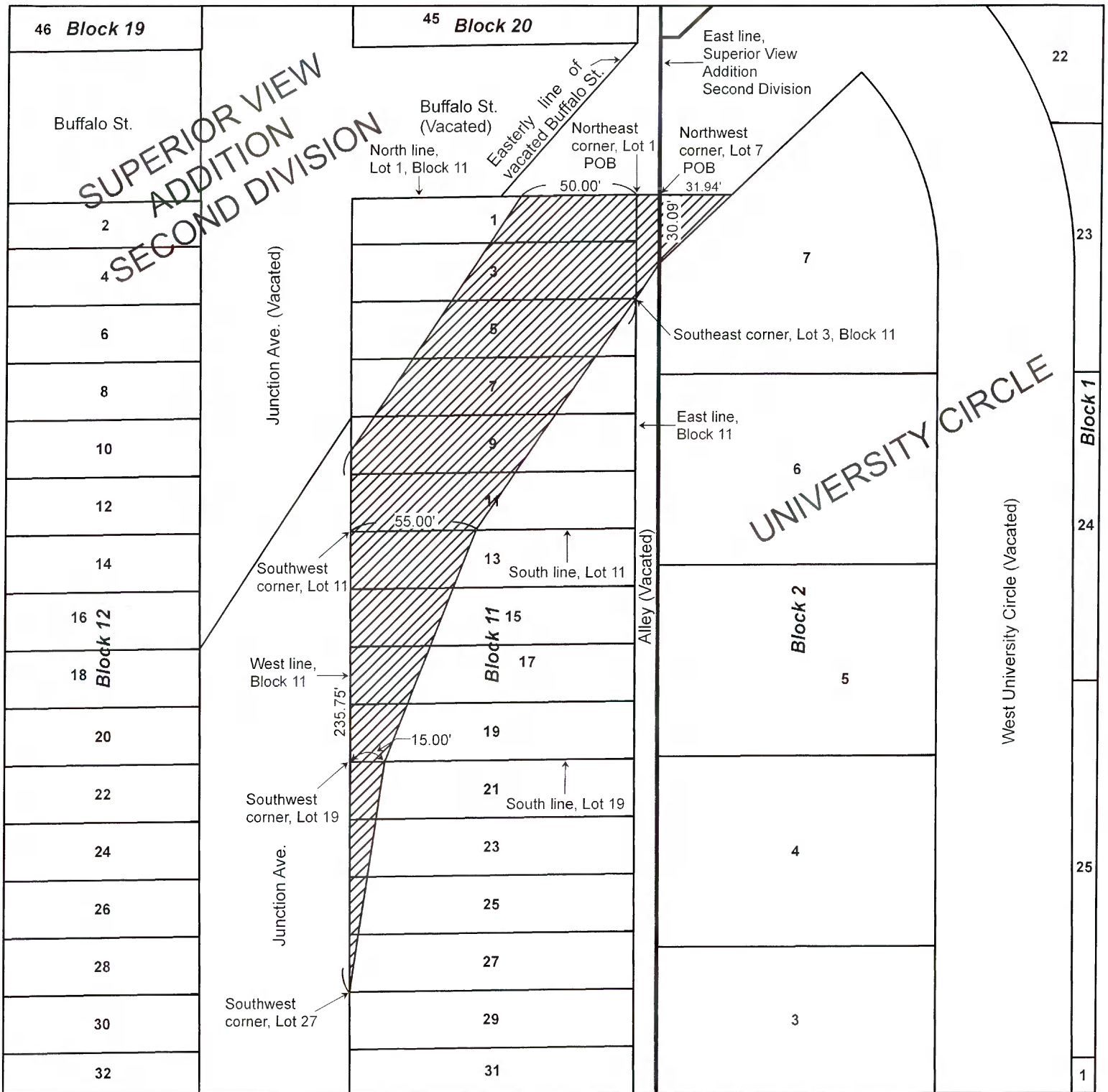
May 1, 2025  
Date

Approved by the City Engineer of the City of Duluth, MN  
this the 1ST day of MAY 2025.

By 

An easement over, under and across Lots 13, 14, 15, Block 1, University Circle, and the vacated utility easement lying between said Lots 13 & 14 in Block 1, University Circle, according to the recorded plat thereof in St. Louis County, Minnesota that lies northwest of a tangent arc, described as follows: Commencing at the West corner of said Lot 15 (POC), thence northeasterly along the northwesterly line of said Lot 15 for a distance of 63.48 feet to the Point of Beginning (POB) of said tangent arc, thence northeasterly along said arc; said arc lying concave to the southeast having a radius of 248.95 feet, a central angle of  $43^{\circ}10'25''$ , and a chord length of 183.29 feet; to a point of tangency (POT) on the north line of said Block 1, said point of tangency lying 70.61 feet west of the northeast corner of said Lot 13 of Block 1 and there terminating.

# EXHIBIT C



Easement Area

0 60 ft



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.

Greg Stoewer

21774  
MN. License #

May 1, 2025  
Date

Approved by the City Engineer of the City of Duluth, MN  
this the 1ST day of MAY 2025.

By   
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An easement over, under, and across all those parts of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27, Block 11, Superior View Addition Second Division, according to the recorded plat thereof in St Louis County, Minnesota, described as follows: Beginning at the northeast corner of said Lot 1; thence southerly along the east line of said Block 11 to the southeast corner of said Lot 3; thence southwesterly to a point on the south line of said Lot 11 that is 55.00 feet east of the southwest corner of said Lot 11; thence southerly to a point on the south line of said Lot 19 that is 15.00 feet east of the southwest corner of said Lot 19; thence southerly to the southwest corner of said Lot 27; thence northerly along the west line of said Block 11 a distance of 235.75 feet; thence northeasterly to a point on the north line of said Lot 1 that is 50.00 feet west of the northeast corner of said Lot 1; thence easterly along said north line of Lot 1 a distance of 50.00 feet to the point of beginning and there terminating.

Together with an easement over, under and across the vacated alley adjacent to Lots 1 and 3, Block 11, Superior View Addition Second Division, according to the recorded plat in St. Louis County, Minnesota, described as follows: Beginning at the northeast corner of said Lot 1; thence easterly along the easterly extension of the north line of said Lot 1 to its intersection with the east line of said Superior View Addition Second Division; thence south along the east line of said Superior View Addition Second Division for a distance of 30.09 feet; thence southwesterly to the southeast corner of said Lot 3; thence northerly along the east line of said Block 11 to the point of beginning and there terminating.

Together with an easement over, under, and across that part of Lot 7, Block 2, University Circle, according to the recorded plat thereof in St. Louis County, Minnesota, described as follows: Beginning at the northwest corner of said Lot 7, thence easterly along the north line of said Lot 7 for a distance of 31.94 feet, thence southwesterly to a point on the west line of said Lot 7 that is 30.09 feet south of the northwest corner of said Lot 7, thence 30.09 feet northerly on said west line of Lot 7 to the point of beginning and there terminating.