

EXHIBIT A

HIGHWAY EASEMENT

C.S. 6982 (35=390) 906
Parcel 213
County of St. Louis

Date: _____

For and in consideration of the sum of _____ Dollars (\$ _____),
City of Duluth, a municipal corporation under the laws of the state of Minnesota, Grantor,
hereby grants and conveys to the State of Minnesota, Grantee, together with the unrestricted
right to improve the same, a perpetual easement for highway right of way purposes, on and
over real property in St. Louis County, Minnesota, described as follows (the "Permanent
Easement Area"):

Those portions of the following-described Tracts A, B and C which lie westerly and southerly
of the following described line ("Line C"): Beginning at a point on the southerly line of Lot 2,
Block K, said Duluth Proper Second Division, distant 430 feet easterly of the southwest
corner thereof; thence northerly to a point distant 20 feet northerly and 410 feet easterly of
the southwest corner of Lot 1, said Block K; thence westerly parallel with the southerly line of
said Lot 1 to the westerly line of Tract A hereinafter described and there terminating;

Tract A. All that part of Lots 1 and 2, Block K, Duluth Proper, Second Division, according
to the plat thereof on file and of record in the office of the County Recorder in
and for St. Louis County, Minnesota, (also known as Lots 1 and 2, Block K
Auditor's Plat No. 4), in Section 4, Township 49 North, Range 14 West of the
Fourth Principal Meridian; which lies easterly of the following described line:

Beginning at the point of intersection of the centerline of 26th Avenue West with
the centerline of Courtland Street (as platted in Martin's Division of Duluth);
thence run northeasterly along the centerline of said Courtland Street for 289.14
feet; thence deflect to the left on a 36 degree 00 minute curve (delta angle 70
degrees 23 minutes 57 seconds for 195.55 feet; thence on tangent to said
curve for 0.22 foot; thence deflect to the right on a 40 degree 00 minute curve
(delta angle 61 degrees 22 minutes 14 seconds) for 153.43 feet; thence on

tangent to said curve for 6.32 feet; thence deflect to the left on a 05 degree 00 minute curve (delta angle 06 degrees 48 minutes 19 seconds) for 136.11 feet; thence on tangent to said curve for 258.14 feet; thence deflect to the left on a 01 degree 30 minute curve (delta angle 07 degrees 12 minutes 44 seconds) for 480.81 feet; thence on tangent to said curve for 118.16 feet; thence deflect to the right on a 04 degree 00 minute curve (delta angle 07 degrees 30 minutes) for 187.5 feet; thence on tangent to said curve for 152.31 feet; thence deflect to the right on a 04 degree 00 minute curve (delta angle 10 degrees 41 minutes 58 seconds) to the northerly line of said Lot 1, and there terminating;

Together with all riparian rights;

AND

Tract B

All that part of Lot X, Auditor's Plat No. 4, and Twenty First Avenue West as platted in Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, in Section 4, Township 49 North, Range 14 West, and Section 33, Township 50 North, Range 14 West of the Fourth Principal Meridian, which lies southerly of Lines 1 and 2 described below:

- Line 1. Beginning at the point of intersection of the centerline of 26th Avenue West with the centerline of Courtland Street (as platted in Martin's Division of Duluth); thence run northeasterly along the centerline of said Courtland Street for 289.14 feet; thence deflect to the left on a 36 degree 00 minute curve (delta angle 70 degrees 23 minutes 57 seconds) for 195.55 feet; thence on tangent to said curve for .022 foot; thence deflect to the right on a 40 degree 00 minute curve (delta angle 61 degrees 22 minutes 14 seconds) for 153.43 feet; thence on tangent to said curve for 6.32 feet; thence deflect to the left on 05 degree 00 minute curve (delta angle 06 degrees 48 minutes 19 seconds) for 136.11 feet; thence on tangent to said curve for 258.14 feet; thence deflect to the left on a 01 degree 30 minute curve (delta angle 07 degrees 12 minutes 44 seconds) for 480.81 feet; thence on tangent to said curve for 118.16 feet; thence deflect to the right on a 04 degree 00 minute curve (delta angle 07 degrees 30 minutes) for 187.5 feet; thence on tangent to said curve for 152.31 feet; thence deflect to the right on a 04 degree 00 minute curve (delta angle 10 degrees 41 minutes 58 seconds) to the intersection with Line 2 described below and there terminating;
- Line 2. Commencing at the point of intersection of the centerline of Michigan Street with the centerline of 21st Avenue West, run southeasterly along the centerline of 21st Avenue West for 449.84 feet; thence deflect to the right at an angle of 86 degrees 36 minutes 07 seconds for 502.92 feet; thence deflect to the left on a 01 degree 30 minute curve (delta angle 12 degrees 09 minutes 14 seconds

for 810.27 feet; thence on tangent to said curve for 207.41 feet; thence deflect to the left at an angle of 90 degrees for 12 feet; thence deflect to the left at an angle of 90 degrees for 100 feet; thence deflect to the right on a 02 degree 30 minute curve (delta angle 07 degrees 50 minutes 54 seconds) for 313.94 feet; thence on tangent to said curve for 249.04 feet; thence deflect to the right on a 03 degree 30 minute curve (delta angle 10 degrees 23 minutes 45 seconds) for 297.02 feet; thence deflect to the right on a 07 degree 00 minute curve (delta angle 92 degrees 11 minutes 47 seconds) to the intersection with Line 1 described above, which is the point of beginning of Line 2; thence continue along last described course to the northeasterly line of Twenty First Avenue West, and there terminating;

Together with all riparian rights;

AND

Tract C

All that part of Lots V-IX, Auditor's Plat No. 4; and Lots 7-20, Block G, Duluth Proper, Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota, (also known as Lots 7-20, Block G, Auditor's Plat No. 4), in Section 4, Township 49 North, Range 14 West, and Section 33, Township 50, North, Range 14 West of the Fourth Principal Meridian; which lies southerly and southwesterly of Lines A and B described below:

Line A. From the point of intersection of the centerline of Michigan Street with the centerline of 21st Avenue West, run southeasterly along the centerline of said 21st Avenue West for 449.84 feet; thence deflect to the right at an angle of 86 degrees 36 minutes 07 seconds for 502.92 feet; thence deflect to the left on a 01 degree 30 minute curve (delta angle 12 degrees 09 minutes 14 seconds) for 810.27 feet; thence on tangent to said curve for 207.41 feet; thence deflect to the left at an angle of 90 degrees for 12 feet; thence deflect to the left at an angle of 90 degrees for 100 feet to the point of beginning of Line A to be described; thence deflect to the right on a 02 degree 30 minute curve (delta angle 07 degrees 50 minutes 54 seconds) for 313.94 feet; thence on tangent to said curve for 249.04 feet; thence deflect to the right on a 03 degree 30 minute curve (delta angle 10 degrees 23 minutes 45 seconds) for 297.02 feet; thence deflect to the right on a 07 degree 00 minute curve (delta angle 92 degrees 11 minutes 47 seconds) to the intersection with the southeasterly line of Lot 8, Block G, Duluth Proper, Second Division, (also known as Lot 8, Block G, Auditor's Plat No. 4);

Line B. From a point on the centerline of Elm Avenue in the City of Duluth, distant 541.18 feet southwesterly of its intersection with the City of Duluth, Garfield Avenue, Monument Line run southeasterly at an angle of 59 degrees 22

minutes 54 seconds with the center line of said Elm Avenue (measured from northeast to southeast) for 120.19 feet to the point of beginning of Line B to be described; thence run northwesterly along the last described course for 100 feet; thence deflect to the right on a 01 degree 30 minute curve (delta angle 20 degrees 15 minutes 15 seconds) for 1350.28 feet; thence on tangent to said curve to the intersection with the southeasterly line of Lot 8, Block G, Duluth Proper Second Division, (also known as Lot 8, Block G, Auditor's Plat No. 4); thence westerly along the southeasterly line of said Lot 8 to its intersection with Line A described above, and there terminating;

Together with all riparian rights;

excepting therefrom the right of way of the Burlington Northern and Santa Fe Railroad, and Trunk Highway No. 35 (both as now located and established);

also excepting therefrom the existing channel change lying within a distance of 25 feet on each side of the following described line: From the point of intersection of the center line of 26th Avenue West with the center line of Courtland Street, run northeasterly along the center line of said Courtland Street for 289.14 feet; thence deflect to the left on a 36 degree 00 minute curve (delta angle 70 degrees 23 minutes 57 seconds) for 195.55 feet; thence on tangent to said curve for 0.22 foot; thence deflect to the right on 40 degree 00 minute curve (delta angle 61 degrees 22 minutes 14 seconds) for 153.43 feet; thence on tangent to said curve for 6.32 feet; thence deflect to the left on a 05 degree 00 minute curve (delta angle 06 degrees 48 minutes 19 seconds) for 136.11 feet; thence on tangent to said curve for 258.14 feet; thence deflect to the left on a 01 degree 30 minute curve (delta angle 07 degrees 12 minutes 44 seconds) for 480.81 feet; thence on tangent to said curve for 302.77 feet; thence deflect to the right at an angle of 82 degrees 43 minutes 30 seconds for 66.09 feet to the point of beginning of the line to be described; thence run northwesterly along the last described course for 138.51 feet; thence deflect to the left on a curve having a radius of 88.15 feet (delta angle 11 degrees 00 minutes 01 second) for 16.92 feet; thence on tangent to said curve for 200 feet and there terminating;

also excepting therefrom that part of Government Lot 5 of Section 33, Township 50 North, Range 14 West, said St. Louis County, described as follows: Beginning at a point on the south line of said Section 33, distant 152.4 feet east from the center line of the main track, measured along said south line; thence continuing east along said south line for 113.32 feet to a point; thence northwesterly along a line making an angle of 43 degrees 52 minutes 42 seconds with the last described line in the northwest quadrant, 111.06 feet; thence southwesterly along a line making an angle of 69 degrees 29 minutes 39 seconds with the last described line in the southwest quadrant for 83.86 feet to the point of beginning;

TOGETHER WITH

a temporary easement over and across the following described strips for highway purposes (the "Temporary Easement Area"), which right shall cease on December 1, 2023, or on such

earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes:

A strip being that part of Tract A hereinbefore described, lying within Lots 1 and 2, Block K and Twenty First Avenue West, said Duluth Proper, Second Division and Lots IX and X, said Auditor's Plat No. 4, adjoining and easterly and northerly of Line C described above;

AND

A strip being that part of Tract A hereinbefore described, which lies northeasterly of a line run parallel with and distant 20 feet southwesterly (measured at right angles) of the following described line: Beginning at a point on the southwesterly right of way line of said Trunk Highway No. 35, distant 70 feet northwesterly of the southeasterly line of Lot 15, Block G, said Duluth Proper Second Division; thence continue northwesterly along said right of way line for 50 feet and there terminating.

Grantor, for themselves, their heirs, successors and assigns, do covenant never to cut, damage, destroy, or remove any tree or shrub or other natural growth upon the Permanent Easement Area; do hereby grant and convey to the State of Minnesota all grasses, shrubs, trees and natural growth now existing on the Permanent Easement Area or that may be hereafter planted or grown thereon, and the right to remove and use all earth and other materials lying within the Permanent Easement Area.

The said Grantor does hereby release the State of Minnesota from any claims for damages to the fair market value of the Permanent Easement Area or the Temporary Easement Area and for its use, or any claims for damages to the fair market value of the remaining property of Grantor caused by the use of the easements, including grading and removal of materials from the Permanent Easement Area or the Temporary Easement Area for highway purposes. Notwithstanding the foregoing, Grantor does not release any claims Grantor may have as a result of the negligence of the Grantee, its agents or contractors, in conducting any of the above activities.

[Remainder of this page is intentionally left blank.]

CITY OF DULUTH

By: _____

Its Mayor

And: _____

Its Clerk

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

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Emily Larson and Chelsea Helmer, the Mayor and Clerk, respectively, of City of Duluth, a municipal corporation under the laws of the state of Minnesota, on behalf of the municipal corporation.

NOTARY PUBLIC

My commission expires: _____

This instrument was drafted by the
State of Minnesota
Department of Transportation
Legal and Property Management Unit
395 John Ireland Blvd.
St. Paul, MN 55155-1800