

# **EXHIBIT 1**

## **ROAD AND UTILITY EASEMENT**

THIS ROAD AND UTILITY EASEMENT is made this 7 day of February, 2019, by WASHINGTON REALTY LLC, a Minnesota limited liability company, (“Grantor”), in favor of CITY OF DULUTH, a municipal corporation under the laws of the State of Minnesota (“City”).

WHEREAS, Grantor is the owner of certain portions of Lot 4, Block F, Duluth Proper Second Division, St. Louis County, Minnesota, including that portion legally described and depicted on the attached Exhibit A (the “Easement Area”).

WHEREAS, Grantor wishes to grant to City a permanent easement for roadway and utility purposes over the Easement Area at no cost to City;

NOW, THEREFORE, Grantor, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, does grant to City, its successors and assigns, forever, in trust for the benefit of the public, a permanent easement for roadway and utility purposes (the “Easement”) over, under, and across the Easement Area.

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. The Easement shall extend to and bind the successors and assigns of Grantor and City and shall run with the land.

IN WITNESS WHEREOF, the foregoing has been executed as of the day and year first above written.

WASHINGTON REALTY LLC,  
a Minnesota limited liability company

By: [Signature]

Printed Name: William M. Hocht

Its: EVP - Ziebell Inc.

STATE OF MINNESOTA )  
  ) SS  
COUNTY OF HENNEPIN )

This instrument was acknowledged before me this 7<sup>th</sup> day of February, 2019 by William M. Hocht, the EXECUTIVE VICE-PRESIDENT of WASHINGTON REALTY LLC, a Minnesota limited liability company.



[Signature]  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
City of Duluth  
411 West First Street, Room 410  
Duluth, MN 55802