

Exhibit 1

UTILITY EASEMENT

This UTILITY EASEMENT is made by CityView Flats, LLC, a/k/a City View Flats, LLC, a Minnesota limited liability company (“CityView Flats”) in favor of the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota (the “City”) for the benefit of the public as set forth herein.

RECITALS

A. CityView Flats owns the real property in St. Louis County, Minnesota legally described as follows (the “Property”):

Lots 18 and 20, including vacated alley adjacent to Lots 18 and 20, Duluth Proper, First Division, West Fourth Street.

B. CityView Flats wishes to grant the City a utility easement over a portion of the Property for the benefit of the public and at no cost to the City (the “Utility Easement”).

C. The location of the Utility Easement is that portion of the Property legally described and depicted on the attached Exhibit A (the “Utility Easement Area”).

NOW, THEREFORE, for good and valuable consideration, CityView Flats grants to the City, in trust for the benefit of the public a perpetual easement for utility purposes over, under and across the Utility Easement Area. The Utility Easement shall extend to and bind the successors and assigns of CityView Flats 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. CityView Flats represents to the City that the individuals executing this document on behalf of CityView Flats have the requisite authority to execute this document, and to bind CityView Flats thereto.

IN WITNESS WHEREOF, CityView Flats has caused this stormwater and drainage easement to be executed effective as of October 4, 2019.

CityView Flats, LLC, a Minnesota limited liability company

By: [Signature]

Printed Name: Marshall Jackson,

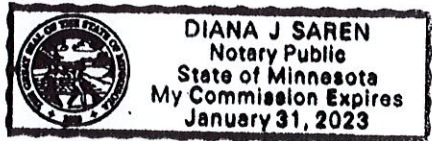
Its: Member

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

This instrument was acknowledged before me this 4 day of OCTOBER, 2019 by MARSHALL JACKSON, the MEMBER of CityView Flats, LLC, a Minnesota limited liability company.

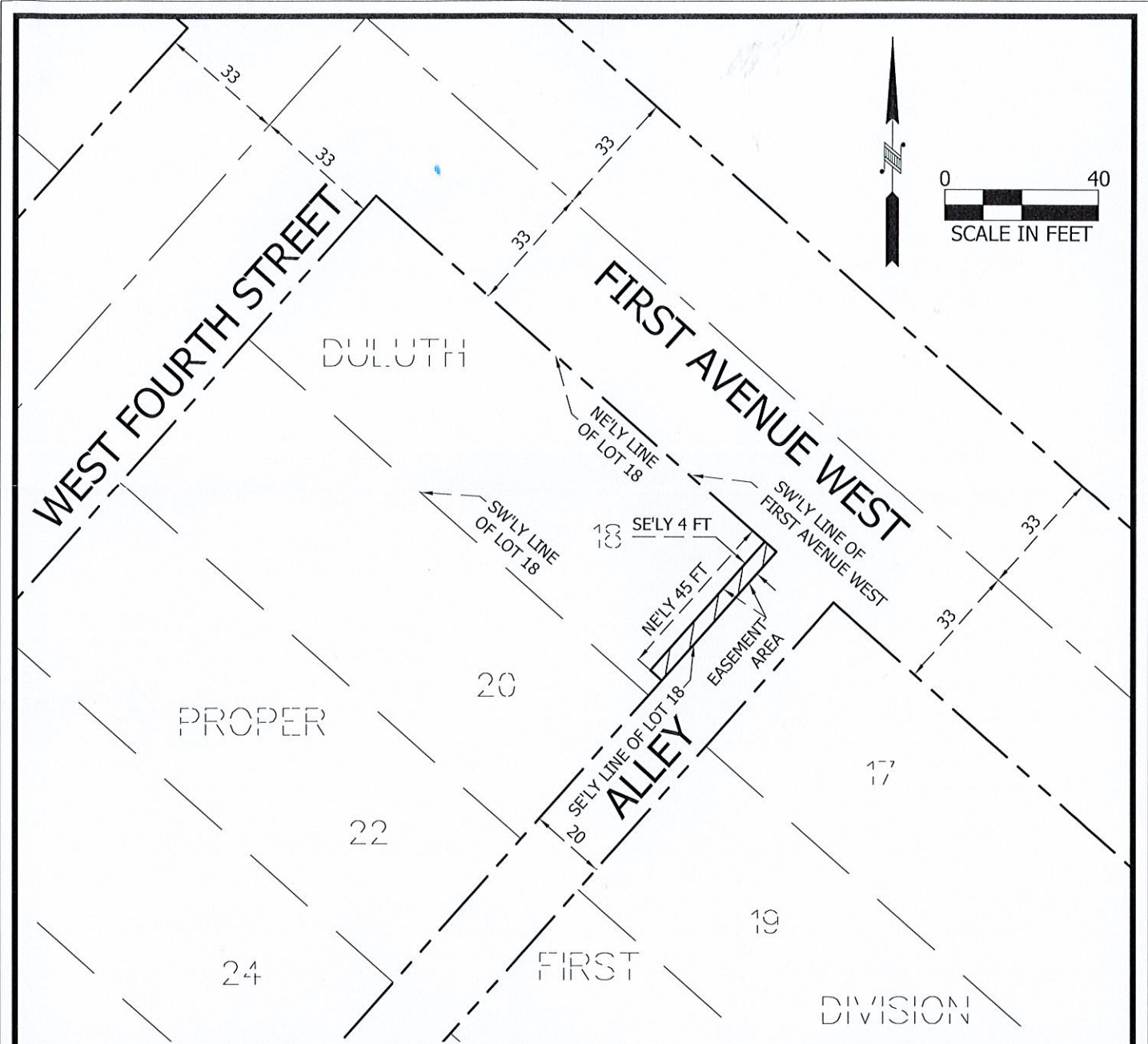
[Signature]

Notary Public






This instrument was drafted by:
Office of the City Attorney
Room 410 City Hall
411 West 1st Street
Duluth, MN 55802-1198

EXHIBIT A



LEGEND

-  RIGHT OF WAY LINE
-  CENTER LINE
-  UTILITY EASEMENT AREA

SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED BASED ON ATTORNEYS TITLE GUARANTY FUND, INC. TITLE COMMITMENT FILE REFERENCE NO. 3741-M18-15324 DATED AUGUST 30, 2018.
2. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the City of Duluth, MN this 23 day of Sept 2019

By 

LEGAL DESCRIPTION OF UTILITY EASEMENT

The Southeasterly 4 feet of the Northeasterly 45 feet of Lot 18, Duluth Proper, First Division, West Fourth Street, according to the recorded plat thereof, St. Louis County, Minnesota. Said utility easement area contains 180 square feet.

I hereby certify that this survey, plan, 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.


David R. Evanson

Date: SEPTEMBER 16, 2019 MN Lic. No. 49505

UTILITY EASEMENT EXHIBIT

CLIENT: MARSHALL JACKSON	REVISIONS: XXX
DATE: SEPTEMBER 16, 2019	
ADDRESS: 1ST AVE WEST-W 4TH ST AND W 3RD ST, DULUTH, MN	
JOB NUMBER: 17-180	



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