

# EXHIBIT 1

## UTILITY EASEMENT

This UTILITY EASEMENT is made by SPIRIT VALLEY LAND COMPANY, LLC, a Minnesota limited liability company ("Grantor"), in favor of 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 below (the "Property"):

Lot 1 Block 4 KAYAK BAY

and

OutLot B KAYAK BAY

B. Grantor wishes to grant the City a utility easement over a portion of the Property in trust for the benefit of the public and at no cost to the City (the "Easement").

C. The location of the Easement is legally described on the attached Exhibit A and depicted on the attached Exhibit B (the "Easement Area").

NOW, THEREFORE, for good and valuable consideration, Grantor grants to the City, in trust for the benefit of the public, a perpetual easement for 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.



## EXHIBIT A

### DESCRIPTION:

A Forty foot wide easement over, under and across that part of Lot One (1), Block Four (4) and Outlot B, all in KAYAK BAY, City of Duluth, St. Louis County, Minnesota centered on the following described line:

Commencing at the northeast corner of said Lot One (1), Block Four (4), KAYAK BAY; thence South 80 degrees 42 minutes 41 seconds West along the North line of said Lot One (1), Block Four (4), KAYAK BAY, a distance of 43.01 feet, bearings referenced to the St. Louis County Transverse Mercator 1996 coordinate system; thence 69.96 feet along tangential curve concave to the north having radius of 332.99 feet and a central angle of 12 degrees 02 minutes 16 seconds to the POINT OF BEGINNING of the line to be described; thence South 36 degrees 54 minutes 37 seconds West, a distance of 52.05 feet to a point hereinafter referred to as Point A; thence South 36 degrees 54 minutes 37 seconds West, a distance of 5.04 feet to a point hereinafter referred to as Point B; thence South 36 degrees 54 minutes 37 seconds West, a distance of 223.03 feet and said line there terminating.

The sidelines of said easement are prolonged or shortened to terminate on the north line of said Lot One (1), Block Four (4), KAYAK BAY.

AND

A Forty foot wide easement over, under and across that part of Lot One (1), Block Four (4), KAYAK BAY, City of Duluth, St. Louis County, Minnesota centered on the following described line:

Beginning at the aforementioned Point A; thence North 03 degrees 35 minutes 45 seconds West, a distance of 45.10 feet to the north line of said Lot 1 and said line there terminating.

The sidelines of said easement are prolonged or shortened to terminate on the north line of said Lot One (1), Block Four (4), KAYAK BAY.

AND

A Thirty foot wide easement over, under and across that part of Lot One (1), Block Four (4), KAYAK BAY, City of Duluth, St. Louis County, Minnesota centered on the following described line:

Beginning at the aforementioned Point B; thence South 65 degrees 20 minutes 45 seconds East, a distance of 117.86 feet; thence South 51 degrees 29 minutes 35 seconds East, a distance of 188.87 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 60.86 and said line there terminating.

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.

Paul A. Vogel

Signed 

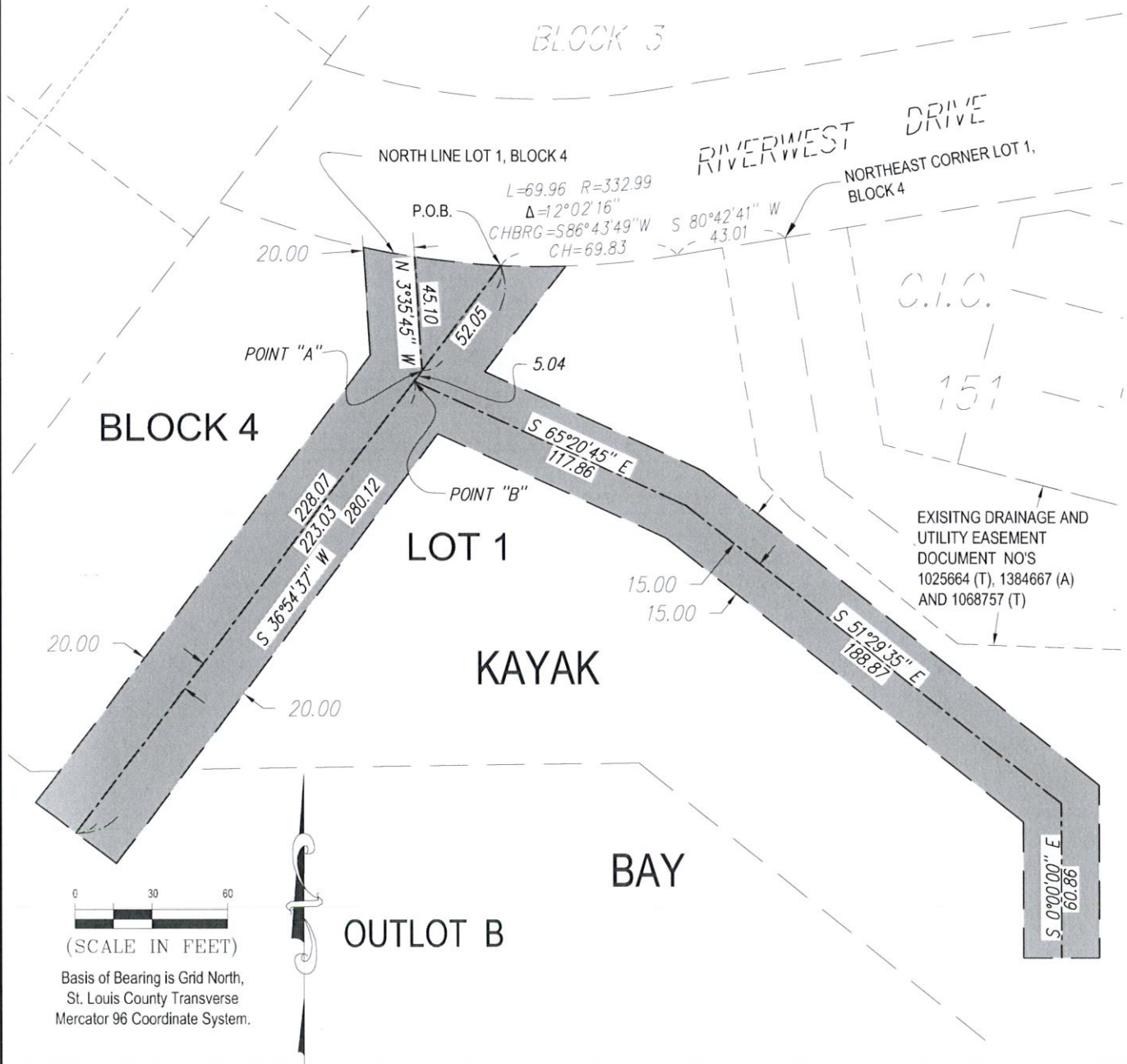
Date 07/13/2023 License No. 44075

# EXHIBIT B

 = UTILITY EASEMENT AREA

APPROVED BY:

*CVU* 7-14-23  
CITY ENGINEER



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.

Print Name: Paul A. Vogel License # 44075

Signature: *Paul A. Vogel* Date: 07/13/2023

DATE PREPARED: 07/13/23

PROJ NO: 221375

FILE: 221375 vUTIL

SHEET 1 of 1 SHEETS



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