

EXHIBIT 2

UTILITY AND DRAINAGE EASEMENT

This UTILITY AND DRAINAGE EASEMENT is made by DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority created pursuant to general statutory authority (“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 4 Block 2 ATLAS INDUSTRIAL PARK

Lot 5 Block 2 ATLAS INDUSTRIAL PARK

B. Grantor wishes to grant the City a utility and drainage 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 that portion of the Property 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 and drainage 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 has the requisite authority to execute this document and bind Grantor thereto.

[Remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, Grantor has caused this utility and drainage easement to be executed effective as of _____, 2023.

GRANTOR:

DULUTH ECONOMIC DEVELOPMENT AUTHORITY

By: _____
Its: President

By: _____
Its: Secretary

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

This instrument was acknowledged before me this _____ day of _____, 2023, by ChaQuana McEntyre, the President of the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority under the laws of the State of Minnesota, Chapter 469.

Notary Public

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

This instrument was acknowledged before me this _____ day of _____, 2023, by Ellie Just, the Secretary of the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority under the laws of the State of Minnesota, Chapter 469.

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

EASEMENT DESCRIPTION

THAT PART OF LOTS 4 AND 5, BLOCK 2, ATLAS INDUSTRIAL PARK, ACCORDING TO THE RECORD PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE NORTH 89 DEGREES 38 MINUTES 47 SECONDS EAST, ASSUMED BEARING ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 33.51 FEET TO THE EASTERLY LINE OF A DRAINAGE AND UTILITY EASEMENT REGISTERED WITH THE ST. LOUIS COUNTY REGISTRAR OF TITLES AS DOCUMENT NO. 924480; THENCE SOUTH 00 DEGREES 34 MINUTES 17 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 123.65 FEET TO THE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED; THENCE SOUTH 20 DEGREES 28 MINUTES 54 SECONDS WEST, A DISTANCE OF 203.49 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 40 SECONDS EAST, A DISTANCE OF 283.76 FEET; THENCE SOUTH 33 DEGREES 02 MINUTES 18 SECONDS WEST, A DISTANCE OF 140.44 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF NICK GLUMAC DRIVE, AS DEDICATED ON SAID PLAT OF ATLAS INDUSTRIAL PARK; THENCE NORTHWESTERLY 174.30 FEET ALONG SAID NORTHERLY LINE BEING A NON-TANGENTIAL CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 110 DEGREES 57 MINUTES 36 SECONDS AND A CHORD THAT BEARS NORTH 68 DEGREES 00 MINUTES 19 SECONDS WEST; THENCE NORTH 33 DEGREES 28 MINUTES 04 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 5, A DISTANCE OF 29.36 FEET; THENCE NORTH 21 DEGREES 24 MINUTES 16 SECONDS EAST, A DISTANCE OF 109.78 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST, A DISTANCE OF 69.27 FEET; THENCE NORTH 45 DEGREES 16 MINUTES 01 SECOND EAST, A DISTANCE OF 53.73 FEET; THENCE SOUTH 79 DEGREES 07 MINUTES 18 SECONDS EAST, A DISTANCE OF 24.94 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 40 SECONDS WEST, A DISTANCE OF 190.67 FEET; THENCE NORTH 20 DEGREES 28 MINUTES 54 SECONDS EAST, A DISTANCE OF 172.90 FEET; THENCE NORTH 70 DEGREES 47 MINUTES 54 SECONDS EAST, A DISTANCE OF 72.77 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

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DESIGNED:	..
CHECKED:	CA
DRAWN:	ACW
FIELD CREW:	..
FIELD WORK DATE:	..

Atlas Industrial Park
Duluth, Minnesota

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

EASEMENT DESCRIPTION

SHEET NUMBER:

1 OF 2

DATE: 7/13/2023

PROJECT NUMBER: 0043016.00

COMMONWEALTH AVENUE

NORTHWEST CORNER OF LOT 4,
BLOCK 2, ATLAS INDUSTRIAL PARK
P.O.C.

N89°38'47"E
33.51

UTILITY AND DRAINAGE EASEMENT
PER DOC. NO. 924480(T)

NORTH LINE OF LOT 4,
BLOCK 2, ATLAS
INDUSTRIAL PARK

I HEREBY CERTIFY THAT THIS PLAN
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

WESTERLY LINE OF UTILITY
AND DRAINAGE EASEMENT
PER DOC. NO. 924480(T)

EASTERLY LINE OF
UTILITY AND DRAINAGE
EASEMENT PER
DOC. NO. 924480(T)

POINT OF BEGINNING

Chin Debra

LOT 5

LICENSE NO. 43055

DATE: 7/13/2023

APPROVED BY THE CITY ENGINEER OF
THE CITY OF DULUTH, MN

THIS ____ DAY OF _____, 2023.

BY _____

BLOCK 2

LOT 4

INDUSTRIAL

ATLAS

S79°07'18"E
24.94

N45°16'01"E
53.73

N27°24'16"E
109.78

69.27
N89°49'20"E

NORTHERLY RIGHT OF WAY
OF NICK GLUMAC DRIVE


SOUTHERLY LINE OF LOT
5, BLOCK 2, ATLAS
INDUSTRIAL PARK

N33°28'04"W
29.36

OUTLOT A

NICK
GLUMAC
DRIVE

L=174.30
R=90.00
Δ=110°57'36"
CH=148.31
CHB=N 68°00'19" W

 EASEMENT AREA



DESIGNED:	
CHECKED:	CA
DRAWN:	ACW
FIELD CREW:	
FIELD WORK DATE:	

N:\10043016.00\DWG\SURVEY\43016.00-SKF03.DWG

Atlas Industrial Park
Duluth, Minnesota

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

EASEMENT SKETCH

SHEET NUMBER:

2 OF 2

DATE: 7/13/2023

PROJECT NUMBER: 0043016.00