

EXHIBIT 1

AMENDED AND RESTATED STREET AND UTILITY EASEMENT

This AMENDED AND RESTATED STREET AND UTILITY EASEMENT is made by and between THE DULUTH CLINIC, LTD., a Delaware corporation (“Grantor”) and 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 on the attached Exhibit A (the “Property”).

B. Grantor and Grantee entered into a Street and Utility Easement dated July 24, 2024 affecting a portion of the Property which was recorded in the Office of the St. Louis County Registrar of Titles on August 16, 2024 as Document No. 1082127 (the “Original Easement”), and in which Grantor granted to the City a street and utility easement in trust for the benefit of the public and at no cost to the City.

C. Grantor and Grantee wish to enter into this Amended and Restated Street and Utility Easement to amend and restate, in its entirety, the Original Easement, in order to correct a legal description error in the Original Easement.

D. The location of the easement (the “Easement”) is that portion of the Property legally described 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 and at no cost to the City, a perpetual easement for street and utility purposes over, under and across the Easement Area. City shall at all times maintain, at City’s sole expense, in good order and condition, the improvements constructed within the Easement Area including, but not limited to, a retaining wall and drainage system. 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.

This Amended and Restated Street and Utility Easement, including the exhibits, constitutes the entire agreement between the parties and supersedes all prior written and oral agreements and negotiations between the parties relating to the subject matter hereof. **This Amended and Restated Street and Utility Easement amends, restates, and replaces the Original Easement in its entirety.**

[Remainder of this page is intentionally left blank.]

CITY OF DULUTH

By: _____
Roger J. Reinert, Mayor

By: _____
Ian B. Johnson, City Clerk

STATE OF MINNESOTA)
) SS
COUNTY OF SAINT LOUIS)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2024, by Roger J. Reinert, the Mayor of the City of Duluth, a municipal corporation and political subdivision organized and existing under the laws of the State of Minnesota.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF SAINT LOUIS)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2024, by Ian B. Johnson, the Clerk of the City of Duluth, a municipal corporation and political subdivision organized and existing under the laws of the State of Minnesota.

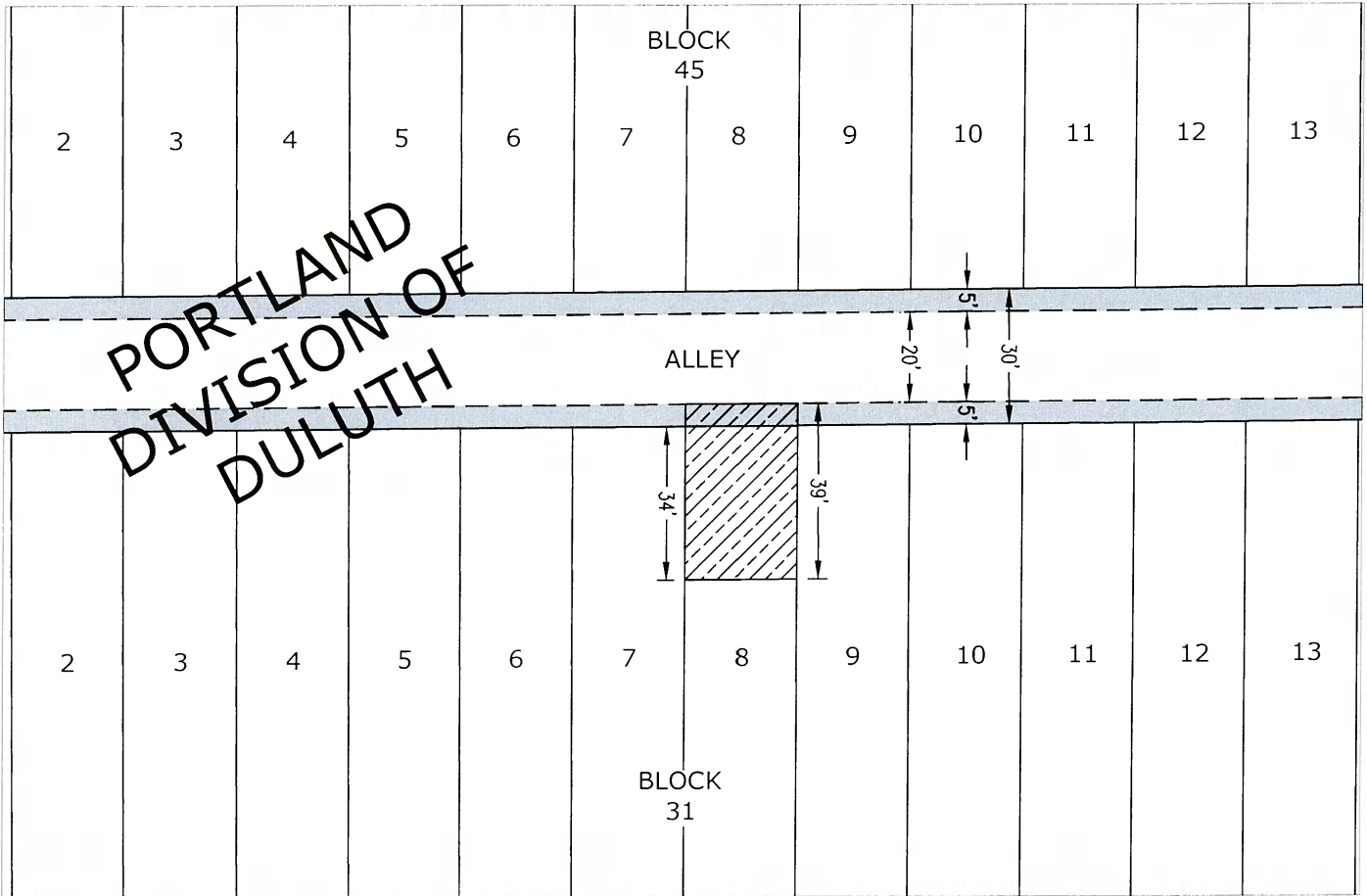
Notary Public

This instrument was drafted by:
Office of the City Attorney
Room 440 City Hall
411 West 1st Street
Duluth, MN 55802-1198

EXHIBIT A
LEGAL DESCRIPTION OF GRANTOR PROPERTY

That certain tract of land in PORTLAND DIVISION OF DULUTH, included within the following boundary lines to-wit: The extended easterly and westerly side lines of Lot 8 Block 31 in said division, the center line of First Street in said division, the center line of the alley between Block 31 and 45 in said division.

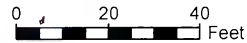
EXHIBIT B



PORTLAND
DIVISION OF
DULUTH



EASEMENT AREA



EASEMENT AREA OVER VACATED ALLEY
PER TORRENS DOC. NO. 488936 AND
ALSO RECORDED IN BOOK C OF
MISCELLANEOUS PAGE 590.



VACATED ALLEY PER TORRENS DOC.
NO. 488936 AND ALSO RECORDED IN
BOOK C OF MISCELLANEOUS PAGE 590.

THE NORTHWESTERLY 34.00 FEET OF LOT 8, BLOCK 31 OF PORTLAND DIVISION OF DULUTH, ACCORDING TO SAID PLAT RECORDED IN THE ST. LOUIS COUNTY RECORDER OFFICE, MINNESOTA, TOGETHER WITH THE SOUTHERLY 5 FEET OF THE VACATED ALLEY ABUTTING SAID LOT 8.

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.

Greg Stoewer

21774

MN. License #

Date

Approved by the City Engineer of the City of Duluth, MN

this the 10th day of sept 2024.

By [Signature]