

Exhibit 1

UTILITY EASEMENT

This UTILITY EASEMENT is made by David Benson and Paige Benson, a married couple (the “Grantors”), 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.

WITNESSETH:

Whereas, the Grantors are the owner of certain property in St. Louis County, Minnesota legally described as follows (the “Property”):

The Northerly Seven Hundred Ninety-two feet of the West Half of the Northwest Quarter of the Southwest Quarter (N’ly 792’ of W ½ of NW ¼ of SW ¼) of Section Six (6), Township Fifty (50) North of Range Thirteen (13), West, according to the United States Government Survey thereof

and;

Whereas, the Grantors wishes to grant to the City a 20-foot wide permanent utility easement for natural gas purposes over a portion of the Property for the benefit of the public and at no cost to City.

NOW THEREFORE, for good and valuable consideration, the Grantors grant to the City, in trust for the benefit of the public, a perpetual utility easement for natural gas purposes over, under, and across that portion of the Property legally described on the attached Exhibit A and depicted on the attached Exhibit B (the “Easement”). 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 the Grantors and the City and shall run with the land.

EXHIBIT A

A 20.00-foot-wide strip of land that is 10.00 feet on each side of the following described center line in that part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 50 North, Range 13 West of the 4th Principal Meridian, and that part of the Northeast Quarter of the Southeast Quarter of Section 1, Township 50 North, Range 14 West of the 4th Principal Meridian, the centerlines of said strip of land are described as follows:

Commencing at the intersection of the east line of the Northwest Quarter of the Southwest Quarter of said Section 6 with a line that is parallel and distant 792.00 feet south of the north line of said Northwest Quarter of the Southwest Quarter of Section 6 ("Line A");
thence South 89° 23' 49" West 338.00 feet along said Line A to the intersection of a line that is parallel and distant 338.00 feet west of said east line of the Northwest Quarter of the Southwest Quarter of said Section 6;
thence South 0° 35' 06" East 10.00 feet to the Point of Beginning of said center line;
thence South 89° 23' 49" West 253.05 feet to a tangential curve;
thence 226.22 feet along said curve, concave to the south, radius 700.00 feet, central angle 18° 31' 00" to a tangential line;
thence South 70° 52' 50" West 214.01 feet to a point hereinafter called "Point A;"
thence South 61° 39' 48" West 149.77 feet to a point hereinafter called "Point B;"
thence South 77° 05' 18" West 308.68 feet to a tangential curve;
thence 355.39 feet along a curve concave to the north, radius 1,180.00 feet, central angle 17° 15' 23" to a tangential line;
thence North 85° 39' 19" West 279.83 feet to the terminus of this portion of center line on the center line of the road known as the East Duluth and Lester River Road, said Road center line is described as:

Commencing at the NE corner of the said NE 1/4 of SE 1/4 of said Section 1, thence West on the North line of said NE 1/4 of SE 1/4 674.25 feet more or less to a point which is on the center line of the road known as the East Duluth and Lester River Road, thence Southerly along said center line in a straight line to a point on the South line of said NE 1/4 of SE 1/4, which point is 702.70 feet more or less West from the SE corner of said NE 1/4 of SE 1/4;

AND

Beginning at said Point A for continuation of said center line;
thence North 22° 19' 48" East 290.25 feet to a tangential curve;
thence 358.74 feet along said curve, concave to the southeast, radius 776.04 feet, central angle 26° 29' 10", to the east line of the west half of said Northwest Quarter of the Southwest Quarter of Section 6, for a terminus of this portion of center line;

AND

Beginning at said Point B for continuation of said center line;
thence South 20° 44' 36" East 46.84 feet to a tangential curve;
thence 104.30 feet along said curve, concave to the west, radius 220.00 feet, central angle 27° 09' 48" to a tangential line;

thence South 6° 25' 13" West 204.08 feet to the south line of said Northwest Quarter of the Southwest Quarter of Section 6, for a terminus of this portion of center line.

Basis of bearing is St. Louis County Transverse Mercator System 96.

