

Exhibit 1

**ROAD AND UTILITY EASEMENT**

THIS ROAD AND UTILITY EASEMENT is made this 24<sup>th</sup> day of August, 2018, by NORTHERN TIER RETAIL, LLC, (“Grantor”), a limited liability company organized and existing under the laws of the state of Delaware, in favor of CITY OF DULUTH, a municipal corporation under the laws of the State of Minnesota (“City”).

WHEREAS, Grantor is the owner of real property in St. Louis County, Minnesota described as follows (the “Property”):

That part of Lot 1, Block 118, LONDON ADDITION TO DULUTH, St. Louis County, Minnesota, lying northwesterly of the northwesterly right of way line of the Duluth, Missabe & Iron Range Railroad.

WHEREAS, Grantor wishes to grant to City a permanent easement for roadway and utility purposes over a portion of the Property at no cost to City;

NOW, THEREFORE, Grantor, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, does grant to City, its successors and assigns, forever, in trust for the benefit of the public, a permanent easement for roadway and utility purposes over, under, and across the Property in the location legally described and depicted on the attached Exhibit A.

IN WITNESS WHEREOF, the foregoing has been executed as of the day and year first above written.

Northern Tier Retail, LLC

By: \_\_\_\_\_

*Matthew L. Yoder*

Its: SVP - Northern Area Value Chain

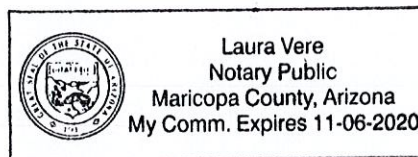
STATE OF Arizona )  
 ) SS  
COUNTY OF Maricopa )

The foregoing instrument was acknowledged before me this 24 day of August, 2018, by Matthew L. Yoder the SVP - Northern Area Value Chain of Northern Tier Retail, LLC, a limited liability company organized and existing under the laws of the State of Delaware.

*Laura Vere*

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
Melissa Maloney (#0316167)  
City of Duluth  
Office of the City Attorney  
411 West First Street, Room 410  
Duluth, MN 55802



# EXHIBIT A

## PARCEL DESCRIPTION

That part of Lot 1, Block 118, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying northwesterly of a line described as commencing at the northeast corner of said Lot 1; thence westerly along north line of said Lot 1 on an assumed bearing of North 89 degrees 03 minutes 08 seconds West, 32.11 feet to the point of beginning of the line to be described; thence South 52 degrees 21 minutes 36 seconds West, 4.02 feet; thence North 37 degrees 38 minutes 24 seconds West, 1.36 feet; thence South 52 degrees 21 minutes 36 seconds West, 10.39 feet; thence South 37 degrees 38 minutes 24 seconds East, 1.36 feet; thence South 52 degrees 21 minutes 36 seconds West, 8.36 feet to the west line of said Lot 1 and said line there terminating.

I hereby certify that this sketch, 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.

Dated this 21st day of December, 2017

SUNDE LAND SURVEYING, LLC.

By: *Ailee J. Carlson*  
Ailee J. Carlson, P.L.S. Minn. Lic. No. 44900

Approved by the City Engineer of the  
City of Duluth, MN. this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_

By \_\_\_\_\_

SHEET 2 OF 2 SHEETS



9001 East Bloomington Freeway (35W) • Suite 118  
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952-881-2455 (Fax: 952-888-9526)  
www.sunde.com

Parcel Sketch

STREET

EAST SUPERIOR

VACATED PEABODY STREET

PEABODY STREET

POINT OF BEGINNING

N37°38'24"W 1.36

SOUTH LINE OF VACATED PEABODY STREET 32.11

POINT OF COMMENCEMENT

NORTH LINE OF LOT 1, BLOCK 118, LONDON ADDITION TO DULUTH

S52°21'36"W 4.02

NORTHEAST CORNER OF LOT 1, BLOCK 118, LONDON ADDITION TO DULUTH

WEST LINE OF LOT 1

S37°38'24"E 1.36

S52°21'36"W 10.39

PARCEL AREA=113 SQ FT

S52°21'36"W 8.36

EAST LINE OF LOT 1

DULUTH

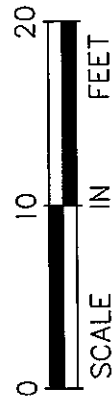
TO LOT 2

WYOMING

LONDON

BLOCK

118



SHEET 1 OF 2 SHEETS



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