

STREET AND UTILITY EASEMENT AGREEMENT

This Street and Utility Easement Agreement (this “Agreement”) is made by and between ZENITH TERRACE ASSOCIATES, LLP, a Minnesota limited liability partnership (“Zenith Terrace”) and 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.

RECITALS

A. Zenith Terrace owns the real property in St. Louis County, Minnesota legally described as follows (the “Property”):

Outlot D, Block 4, STEEL PLANT TERMINAL ADDITION TO
DULUTH.

B. Zenith Terrace has agreed to grant the City a street and utility easement over a portion of the Property and the City wishes to accept such street and utility easement for the benefit of the public.

C. The location of the street and utility easement is depicted on the attached Exhibit A and legally described on the attached Exhibit B (the “Easement Area”).

NOW, THEREFORE, for good and valuable consideration, Zenith Terrace grants to the City, in trust for the benefit of the public, a perpetual easement for street and utility purposes over, under and across the Easement Area.

This Agreement shall be governed by the laws of the State of Minnesota, and all terms, conditions, and covenants herein shall be interpreted in accordance therewith.

IN WITNESS WHEREOF, the City and Zenith Terrace have caused this Agreement to be executed effective as of October 9th, 2018.

ZENITH TERRACE ASSOCIATES, LLP,
a Minnesota limited liability partnership

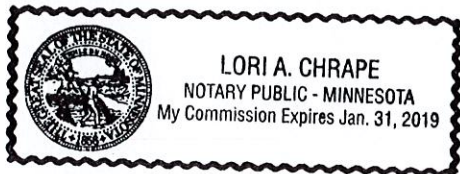
By: Michael J Ives

Printed Name: Michael J. IVES

Its: Managing Partner

STATE OF MINNESOTA)
) SS
COUNTY OF Itasca)

This instrument was acknowledged before me this 9th day of October, 2018 by Michael J. Ives, the Partner of ZENITH TERRACE ASSOCIATES, LLP, a Minnesota limited liability partnership.



Lori A. Chrape
Notary Public

CITY OF DULUTH

By: _____
Emily Larson, Mayor

Attest: _____
Chelsea Helmer, City Clerk

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

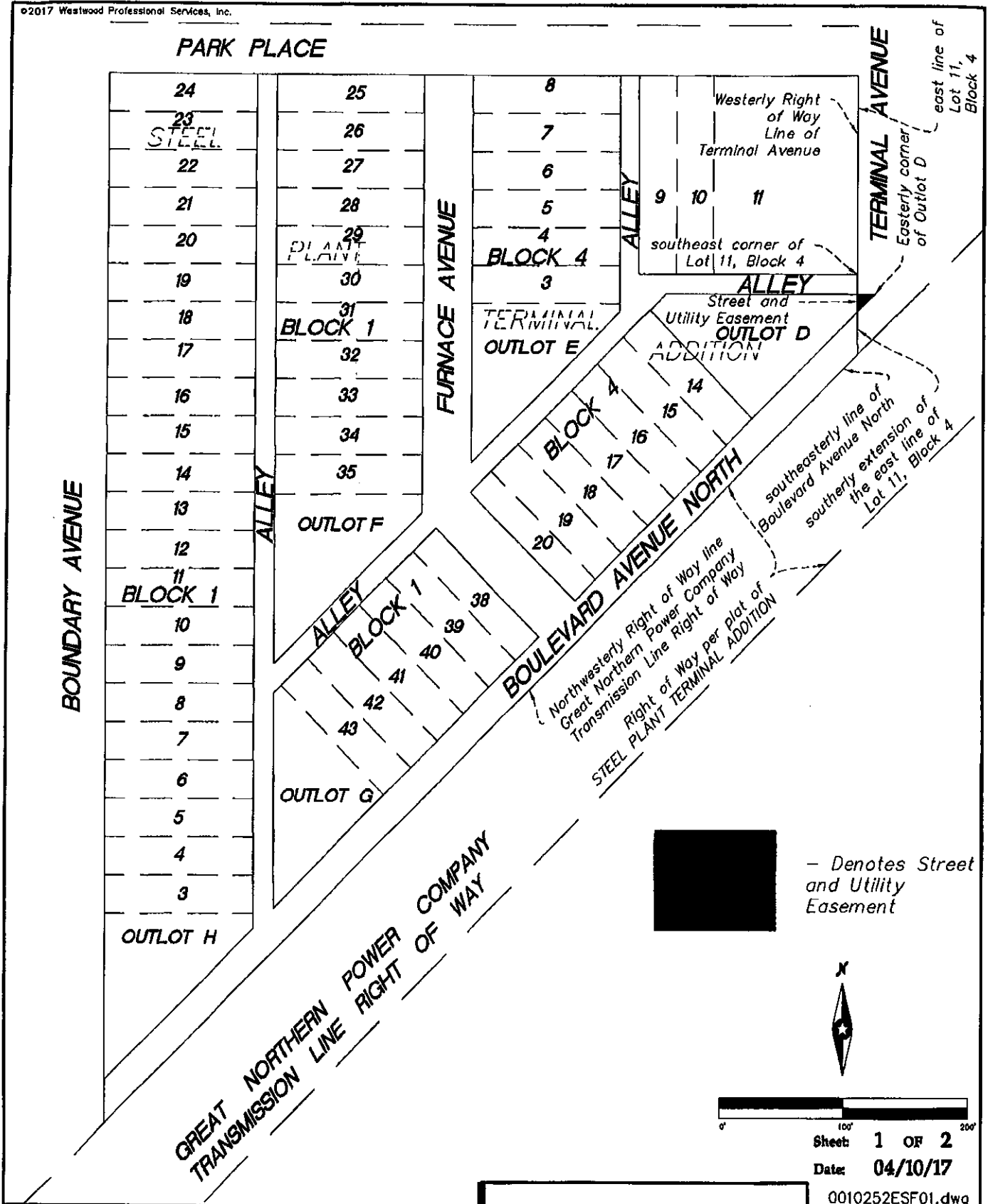
This instrument was acknowledged before me this ___ day of _____, 2018 by Emily Larson and Chelsea Helmer, the Mayor and City Clerk, respectively, of the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota.

Notary Public

This instrument was drafted by:
Office of the City Attorney
Room 410 City Hall
411 West 1st Street
Duluth, MN 55802-1198

EXHIBIT A

©2017 Westwood Professional Services, Inc.



Westwood

Phone (42) 937-4902 7000 Aangren Drive
 Fax (42) 937-8222 Eden Prairie, MN 55344
 T/E Fax (42) 937-1901 westwood@ps.com
 Westwood Professional Services, Inc.

Crew: _____
 Checked: CWM
 Drawn: BTW
 Record Drawing by/date: _____

**Steel Plant
Terminal Addition**

St. Louis County, Minnesota

Street and
Utility Easement
Sketch

Sheet: **1 OF 2**
 Date: **04/10/17**

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EXHIBIT B

Street and Utility Easement Description

A Street and Utility Easement lying over, under and across that part of Outlot D, STEEL PLANT TERMINAL ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota lying easterly of the southerly extension of the east line of Lot 11, Block 4, said STEEL PLANT TERMINAL ADDITION.

Approved by the City Engineer of the City of Duluth, Minnesota this 5th day of MAY, 2017

By [Signature]

I hereby certify that this survey 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.

[Signature]

04/24/17

Craig W. Morse, R.L.S.
License No. 23021

Date

Sheet 2 OF 2

Date 04/10/17

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Westwood

Phone (212) 637-6100 2600 Ardenway Drive
Fax (212) 637-6882 East Prairie, MN 55334
Toll Free (866) 637-6100 westwoodps.com

Westwood Professional Services, Inc.

Crew: _____

Checked: CWM

Drawn: BTW

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**Steel Plant
Terminal Addition**

St. Louis County, Minnesota

Street and
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Sketch