

Exhibit 1

**AMENDED AND RESTATED  
EASEMENT AGREEMENT**

This AMENDED AND RESTATED EASEMENT AGREEMENT, entered into this 14<sup>th</sup> day of December, 2018, is by and between J & S PARTNERSHIP, LLP, a Minnesota limited liability partnership ("Grantor") and the City of Duluth, a municipal corporation organized and existing under the laws of the State of Minnesota ("Grantee").

WITNESSETH:

Whereas, Grantor is the owner of the property in St. Louis County, Minnesota legally described as follows (the "Property"):

Lot 16, Block 70, TOWN OF ONEOTA, according to the plat thereof, including the adjacent vacated West Second Street, f/k/a Traverse Street (originally platted as Fifth St.) and the adjacent vacated 44<sup>th</sup> Avenue West (originally platted as St. Paul Av.)

AND

S1/2 of West Second Street f/k/a Traverse Street, lying between the extended centerline of 44th Avenue West and the extended west line of Lot 8 Block 62 ONEOTA.

and;

Whereas, Grantor dedicated an easement over and across a portion of the Property by Easement Agreement dated October 7, 2010, recorded in the Office of the St. Louis County Registrar of Titles on January 28, 2011 as Document No. 895922 and in the Office of the St. Louis County Recorder on January 28, 2011 as Document No. 1154132 (the "2011 Easement Agreement"); and

Whereas, the 2011 Easement Agreement contained errors in the legal description for the Property; and

Whereas, Grantor and Grantee wish to correct the error in the 2011 Easement Agreement,

and have therefore entered into this Amended and Restated Easement Agreement, the purpose of which is to amend and completely replace the 2011 Easement Agreement.

NOW THEREFORE, in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant, sell, bargain and convey to Grantee in trust for the general public a permanent, perpetual and exclusive easement for street and utility purposes, including the installation and maintenance of public utilities, over the Property, the location of which easement is more particularly described as follows:

Beginning at the intersection of the centerline of said West Second Street and the centerline of 44<sup>th</sup> Avenue West; thence southeasterly 40.00 feet along the centerline of 44<sup>th</sup> Avenue West to the prolongation of the southeast right of way of West Second Street; thence southwesterly 45.00 feet along the southeast right of way of West Second Street; thence northwesterly 80.00 feet on a line parallel with the centerline of 44<sup>th</sup> Avenue West to the northwest right-of-way of West Second Street; thence northeasterly 45.00 feet along the prolongation of the northwest right of way of West Second Street to the centerline of 44<sup>th</sup> Avenue West; thence southeasterly 40.00 feet along the prolongation of the centerline of 44<sup>th</sup> Avenue West to the point of beginning.

The easement intended to be granted is more clearly shown on Exhibit A attached hereto and made a part hereof.

This Amended and Restated Easement Agreement amends and completely replaces the 2011 Easement Agreement.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Amended and Restated Easement Agreement to be executed as of the dates set forth below.

J & S Partnership, LLP,  
a Minnesota limited liability partnership

By: Fred Strom

Printed Name: FRED STROM

Its: PARTNER

STATE OF MINNESOTA )  
                                      ) SS  
COUNTY OF St. Louis )

This instrument was acknowledged before me this 14<sup>th</sup> day of December, 2018 by Fred Strom, the Partner of J & S Partnership, LLP, a Minnesota limited liability partnership.

TERRI E. CROSSMON  
Notary Public



CITY OF DULUTH

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

By: \_\_\_\_\_  
City Clerk

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

The foregoing instrument was subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by Emily Larson and Chelsea Helmer, Mayor and City Clerk, respectively, of the City of Duluth, a municipal corporation organized 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

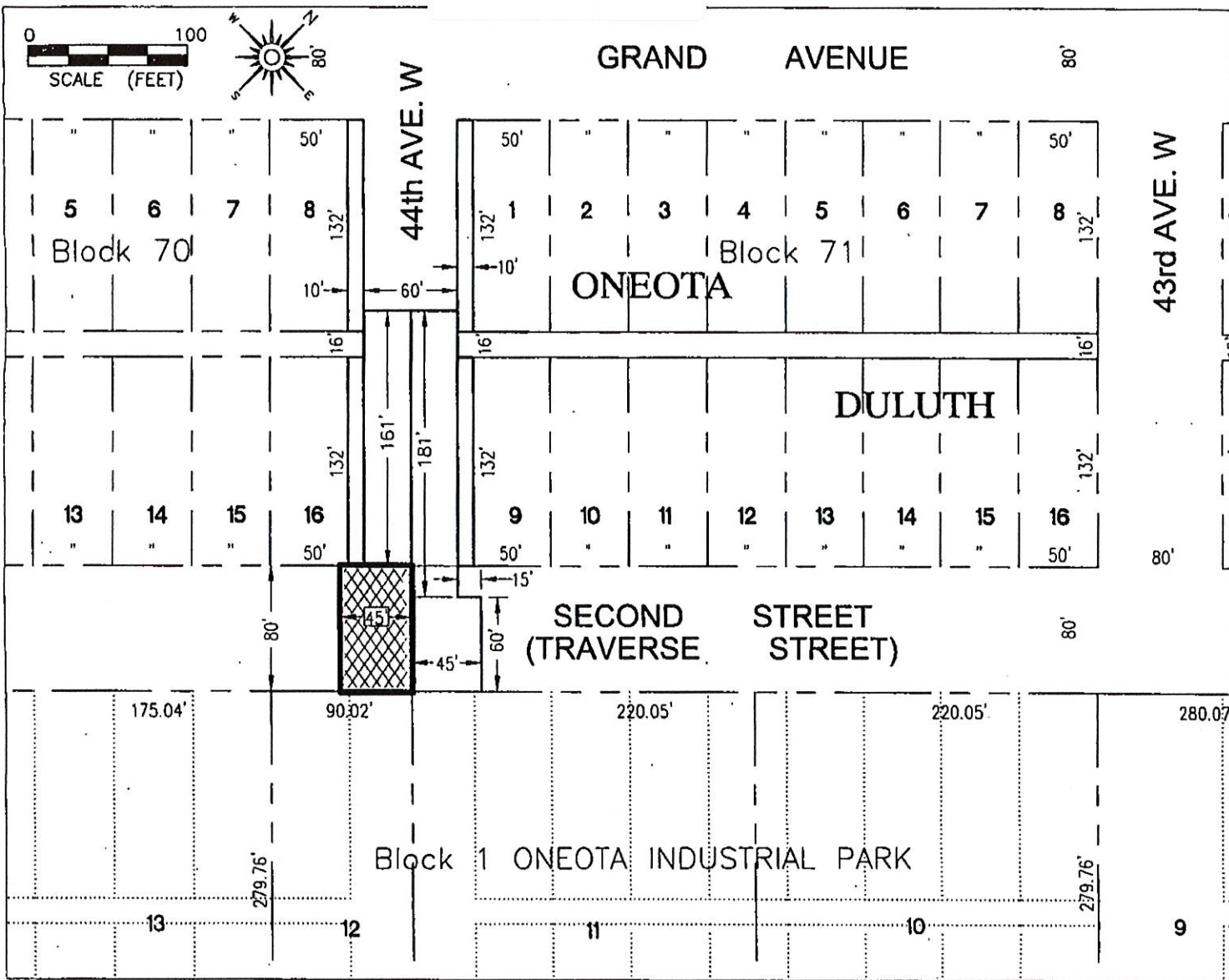



EXHIBIT SHOWING THE VACATIONS AND DEDICATIONS FOR 44th AVENUE WEST AND SECOND STREET IN THE PLAT OF TOWN OF ONEOTA, DULUTH, MINNESOTA.

THE PORTION TO BE DEDICATED AS AN EASEMENT FOR PUBLIC RIGHT-OF-WAY IS SHOWN  ON THE ABOVE PLAT.

  
CITY ENGINEER

10-30-10  
DATE.