

# EXHIBIT 1

## UTILITY EASEMENT

This UTILITY EASEMENT is made by Dale Maynard Johnson, as Trustee of the Dale Maynard Johnson Trust Under Agreement Dated September 18, 2003 ("Grantor"), in favor of the CITY OF DULUTH, a municipal corporation 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 wishes to grant the City a utility easement over a portion of the Property in trust for the benefit of the public and at no cost to the City (the "Easement").

C. The location of the Easement is that portion of the Property legally described on the attached Exhibit B and depicted on the attached Exhibit C (the "Easement Area").

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

*[Remainder of this page is intentionally left blank.]*

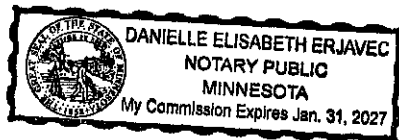
IN WITNESS WHEREOF, Grantor has caused this utility easement to be executed effective as of September 12, 2022.

DALE MAYNARD JOHNSON TRUST UNDER  
AGREEMENT DATED SEPTEMBER 18, 2003

Dale M. Johnson  
Dale Maynard Johnson, Trustee

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

This instrument was acknowledged before me this 12<sup>th</sup> day of September, 2022 by Dale Maynard Johnson, as Trustee of the Dale Maynard Johnson Trust Under Agreement Dated September 18, 2003.



Danielle Erjavec  
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**

Lot 2, Block 4, Kayak Bay, St. Louis County, Minnesota, EXCEPT MINERALS.

## EXHIBIT B

### DESCRIPTION:

A Forty foot wide easement over, under and across all that part of Lot Two (2), Block Four (4), KAYAK BAY, City of Duluth, St. Louis County, Minnesota centered on the following described line:

Commencing at the northwest corner of said Lot Two (2), Block four (4), KAYAK BAY; thence North 80 degrees 42 minutes 41 seconds East along the North line of said Lot Two (2), Block Four (4), KAYAK BAY, a distance of 196.77 feet, bearings referenced to the St. Louis County Transverse Mercator 1996 coordinate system, to the POINT OF BEGINNING of the line to be described; thence South 09 degrees 17 minutes 19 seconds East, a distance of 13.74 feet; thence 12.40 feet along a tangential curve concave to the west having radius of 30.00 feet and a central angle of 23 degrees 41 minutes 07 seconds; thence South 14 degrees 23 minutes 48 seconds West, a distance of 124.04 feet to the northerly line of an existing utility and drainage easement per the plat of KAYAK BAY and said line there terminating.

The sidelines of said easement are prolonged or shortened to terminate on the north line of said Lot two (2), Block four (4), KAYAK BAY.

I hereby certify that this survey, 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.

Paul A. Vogel

Signed \_\_\_\_\_

Date 05/20/2022 License No. 44075

**EXHIBIT C**

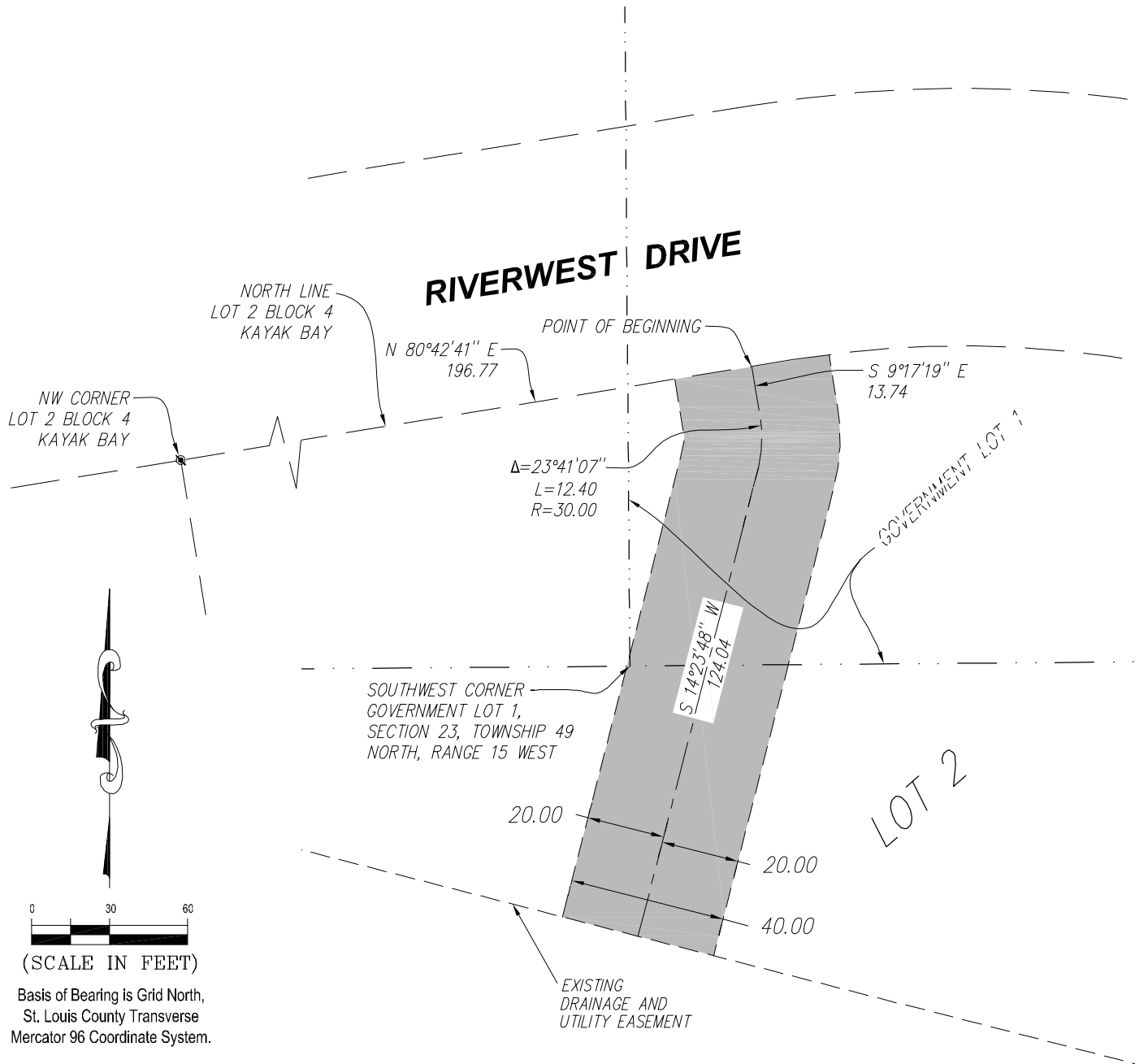
██████████ = UTILITY EASEMENT AREA

APPROVED BY:

DocuSigned by:

Cindy Voigt

9/12/2022

3CE89AC02DB8436...  
CITY ENGINEER

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.

Print Name: Paul A. Vogel

License # 44075

Signature: 

Date: 05/20/2022

DATE PREPARED: 05/20/22

PROJ NO: 210341

FILE: V-Easement-E

SHEET 1 of 1 SHEETS



**PERFORMANCE  
DRIVEN DESIGN.**

LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446