

# EXHIBIT A

## EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between Barrington Waldorf, LLC, a limited liability company under the laws of the state of Minnesota, "Grantor" and the City of Duluth, a municipal corporation created 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 on Attachment 1 attached hereto and incorporated herein (the "Property");

and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for street and utility purposes over the Property for the benefit of the Property and at no cost to Grantee.

NOW THEREFORE, in consideration of the conditions indicated above and 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 over the Property, the location of which easement is more particularly described as follows:

The west 12.00 feet of the south 25.00 feet of Lot One (1), Block Six (6), KENWOOD PARK ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota.

and;

Vacated East Cleveland Street between the west line of Blocks Six (6) and Seven (7) extended, KENWOOD PARK ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota, and 8.00 feet westerly thereof.

and:

The west 12.00 feet of vacated East Cleveland Street between the west line of Blocks Six

(6) and Seven (7) extended, KENWOOD PARK ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota, and a line 12.00 feet easterly of, and parallel with, said west line of said Blocks 6 and 7 extended.

The easement intended to be granted is more clearly shown on Attachment 2 attached hereto and made a part hereof.

\_\_\_\_\_  
Marcia O'Brien, Vice-President

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by Marcia O'Brien, the Vice-President of POFABE Development Corporation, a corporation under the laws of the State of Minnesota, on behalf of the corporation.

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

This instrument drafted by:

Robert E. Asleson  
Assistant City Attorney  
City of Duluth  
411 W. 1<sup>st</sup> St.  
Room 411 City Hall  
Duluth, MN 55802  
(218)730-5490

# ATTACHMENT 1

## LEGAL DESCRIPTION

### TRACT I

That tract of land situate in KENWOOD PARK ADDITION TO DULUTH, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, in and for St. Louis County, Minnesota, which is described as follows, to-wit:

Commencing at a point on the extended center line of that certain alley, now vacated, shown by the plat of Kenwood Park Addition to Duluth, which alley lies between Blocks Four (4) and Five (5), as shown on said plat and which point is 33 feet North of the extended North line of said Block Five; and running thence Southerly along the center line of said alley, now vacated, to its intersection with the North line extended of Lot Eight (8), in Block Three (3), Kenwood Park Addition to Duluth; thence West along said North line and said line extended to the point of its intersection with the center line of Kenwood Avenue; thence South along the center line of Kenwood Avenue to the point of its intersection with the extended South line of said Lot Eight, thence East along said South line and said South line extended to the point of its intersection with the center line of the alley, now vacated lying and being between Blocks Three (3) and Seven (7), in said Kenwood Park Addition to Duluth; thence South along the center line of said alley, now vacated, to the point of its intersection with the extended center line of that alley, now vacated, lying and being between Blocks Seven (7) and Eight (8) in said Kenwood Park Addition to Duluth; thence East along the center line and the extended center line of said last described alley, now vacated and along the South line of Lot Six (6) in Block Fifteen (15) in said Kenwood Park Addition and said South line extended and along the extended South line of Lot Six (6) in Block Eighteen (18) in said Kenwood Park Addition to Duluth to its intersection with the center line of that alley, now vacated, lying and being between Blocks Eighteen (18) and Twenty-six (26) in said Kenwood Park Addition to Duluth; thence North along the last described center line extended to its intersection with a line drawn parallel to and 33 feet North of the South line of Saint Marie Street, according to the plat of Kenwood Park Addition to Duluth; thence West along the last described line to the place of beginning, EXCEPT that part described as follows:

Commencing at a point on the extended center line of that certain alley, now vacated, shown by the plat of Kenwood Park Addition to Duluth, which alley lies between Blocks Four (4) and Five (5), as shown on said plat, and which point is 33 feet North of the extended North line of said Block Five (5); and running thence Southerly along the center line of said alley, now vacated, a distance of 218.0 feet; thence East, at right angles to said center line, a distance of 225.0 feet; thence North parallel with said center line, a distance of 133.0 feet; thence West, parallel with the North line of said Block Five (5), a distance of 40.0 feet; thence North, parallel with said center line, a distance of 85.0 feet; more or less, to a point lying 33 feet North of the North line of said Block Five (5); thence West, parallel with the North line of said Block Five (5), a distance of 185.0 feet, more or less, to the point of beginning.

Together with all streets and alleys situated within the above described premises heretofore vacated, the same being Registered Land.

# ATTACHMENT 1

(Continued)

EXCEPTING all minerals in, upon or under the above described land except Lots 1 and 2, Block 17, and Lots 3, 4 and 5, Block 6 herein.

Torrens Property.

## TRACT II

Lots One (1) to Seventeen (17), both inclusive, Block Twenty-six (26); and Lots One (1) to Fifteen (15), both inclusive, Block Twenty-seven (27), KENWOOD PARK ADDITION TO DULUTH.

EXCEPT all minerals and mineral rights.

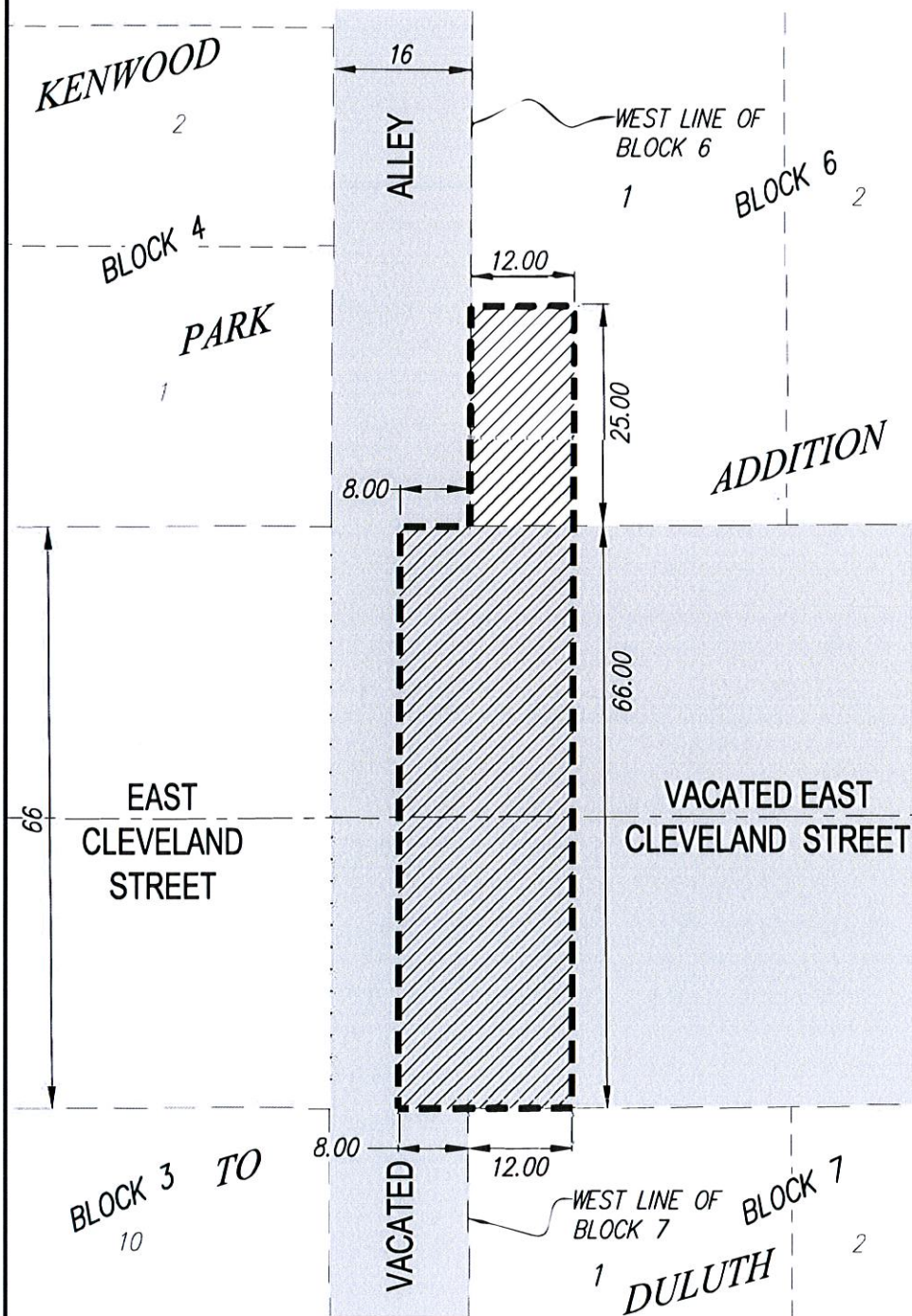
Torrens Property.

## TRACT III

Lots Six (6) and Seven (7) in Block 3, Kenwood Park Addition to Duluth, all according to the plat thereof, on file and of record in the office of the Register of Deeds for St. Louis County, Minnesota, together with half of vacated alley adjoining.

Abstract Property.

# ATTACHMENT 2



## PERMANENT EASEMENT:

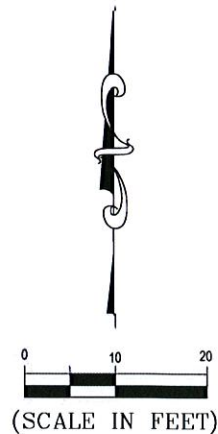
The west 12.00 feet of the south 25.00 feet of Lot One (1), Block Six (6), KENWOOD PARK ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota.

AND

Vacated East Cleveland Street between the west line of Blocks Six (6) and Seven (7) extended, KENWOOD PARK ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota and 8.00 feet westerly thereof.

AND

The west 12.00 feet of vacated East Cleveland Street between the west line of Blocks Six (6) and Seven (7) extended, KENWOOD PARK ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota and a line 12.00 feet easterly of, and parallel with, said west line of said Blocks 6 and 7 extended.



APPROVED BY: \_\_\_\_\_  
CITY ENGINEER

Basis of Bearing is Grid North, St. Louis County Transverse Mercator 96 Coordinate System.

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: [Signature] Date: 06/07/2016

REVISED: 06/07/16

DATE PREPARED: 05/23/16

PROJ NO: 150746

FILE: 150746vSurv-

SHEET 1 of 1 SHEETS



**PERFORMANCE  
DRIVEN DESIGN.**  
LHBcorp.com

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