

# **EXHIBIT 1**

## **EASEMENT**

THIS INDENTURE is entered into by and between Lake Superior Center Authority, a governmental corporation created and existing under the laws of the State of Minnesota (AUTHORITY) and the CITY OF DULUTH, a municipal corporation created and existing under the laws of the State of Minnesota (CITY).

WITNESSETH, that Authority, in consideration of the sum of One Dollar and other good and valuable consideration (\$1.00) to it in hand paid by City, the receipt and sufficiency of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto City, its successors and assigns, a permanent public right-of-way easement for public recreational, walkway, and trail purposes under, over, upon, across and along the following described tract or parcel of land lying and being in the County of St. Louis, State of Minnesota, legally described as follows, to-wit:

See attached Exhibit A (the "Property")

The Property is depicted on the attached Exhibit B.

Authority retains any and all riparian rights held by or accruing to the Authority as a result of its ownership of the Property.

Authority specifically does not warrant or represent that it will take any action to protect the Property from erosion.

At its sole choice, City may record this Easement and any amendments hereto with the St. Louis County Recorder, and Authority shall make available all necessary title instruments for such recording. All costs of recording shall be borne by City.

Authority represents to the City that the execution of this easement has been duly and fully authorized by its governing body or board and that the officers of Authority who executed this easement on its behalf are fully authorized to do so.

IN TESTIMONY WHEREOF, the Authority has caused these presents to be executed in its corporate name the day and year first written below.

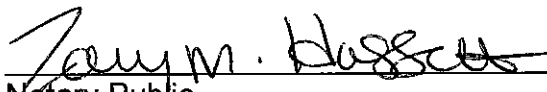
LAKE SUPERIOR CENTER AUTHORITY

By: 

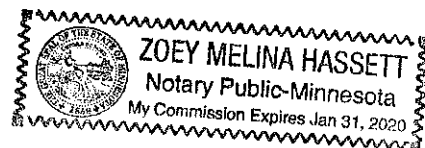
Its: Chair

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

The foregoing instrument was acknowledged before me this 13 day of February, 2017, by Elaine Hansen, the Chair of Lake Superior Center Authority, a governmental corporation, created and existing under the Laws of the State of Minnesota, on behalf of said corporation.

  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
Catherine Baker (#353875)  
Assistant City Attorney  
Room 410 City Hall  
Duluth, MN 55802



# EXHIBIT A

## City of Duluth Public Recreation Easement

Grantor's Legal Land Description of Record – P/O COT 211779

### Public Recreation Easement Description:

Those parts of Lots 19 through 22, Block 1, BAY FRONT DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying easterly of Line "A"; northeasterly of Line "B"; northwesterly of Line "C"; and southerly of Line "F", described as follows:

Line "A" (see Reg. of Titles Document No. 876969): Beginning at the most Southerly (a.k.a. Southwesterly) Corner of said Lot 21; thence northerly to a point on the Northwesterly Line of Lot 23, Block 1, said point being 100 feet northeasterly of the most Westerly (a.k.a. Northwesterly) Corner of said Lot 23, and there terminating.

Line "B" (a.k.a. "Line B" Reg. of Titles Document No. 660875): Beginning at the intersection of the extended Easterly Line of platted Fifth Avenue West and the U.S. Government Harbor Line as approved by the Secretary of War on November 17, 1899, and running westerly along said Harbor Line 460.00 feet to the Point of Beginning; and thence running northerly along a line 460.00 feet distant westerly and parallel with the Easterly Line of platted Fifth Avenue West, a distance of 601.28 feet, and there terminating.

Line "C" (see Reg. of Titles Document No. 497063): Commencing at the intersection of the duly established United States Government Harbor Line in the Bay of Superior, as approved by the Secretary of the Army on July 18, 1966, and the Northeast Line of Commerce Slip; thence proceed northwesterly along the Northeast Line of Commerce Slip, and said Northeast Line extended 490 feet to the Point of Beginning; thence deflect 90 degrees to the left and proceed 350 feet to a point, and there terminating.

Line "F": Commencing at the most Southerly (a.k.a. Southwesterly) Corner of said Lot 21, said point being the beginning of said "Line A"; thence northerly along "Line A" 64.17 feet to the Point of Beginning; thence deflect 87 degrees 29 minutes 06 seconds right for a distance of 25.52 feet; thence deflect 35 degrees 18 minutes 55 seconds right for a distance of 60.45 feet to the intersection with "Line C" and there terminating.

### TOGETHER WITH

Those parts of Lots 3 through 12, said Block 1, BAY FRONT DIVISION OF DULUTH, lying northeasterly of Line "B"; southerly of Line "D"; southeasterly of Line "E"; southwesterly of Line "G"; and northwesterly of the Southeast Line of said Lot 3, described as follows:

Line "B" (a.k.a. "Line B" Reg. of Titles Document No. 660875): Beginning at the intersection of the extended Easterly Line of platted Fifth Avenue West and the U.S. Government Harbor Line as approved by the Secretary of War on November 17, 1899, and running westerly along said Harbor Line 460.00 feet to the Point of Beginning; and thence running northerly along a line 460.00 feet distant westerly and parallel with the Easterly Line of platted Fifth Avenue West, a distance of 601.28 feet, and there terminating.

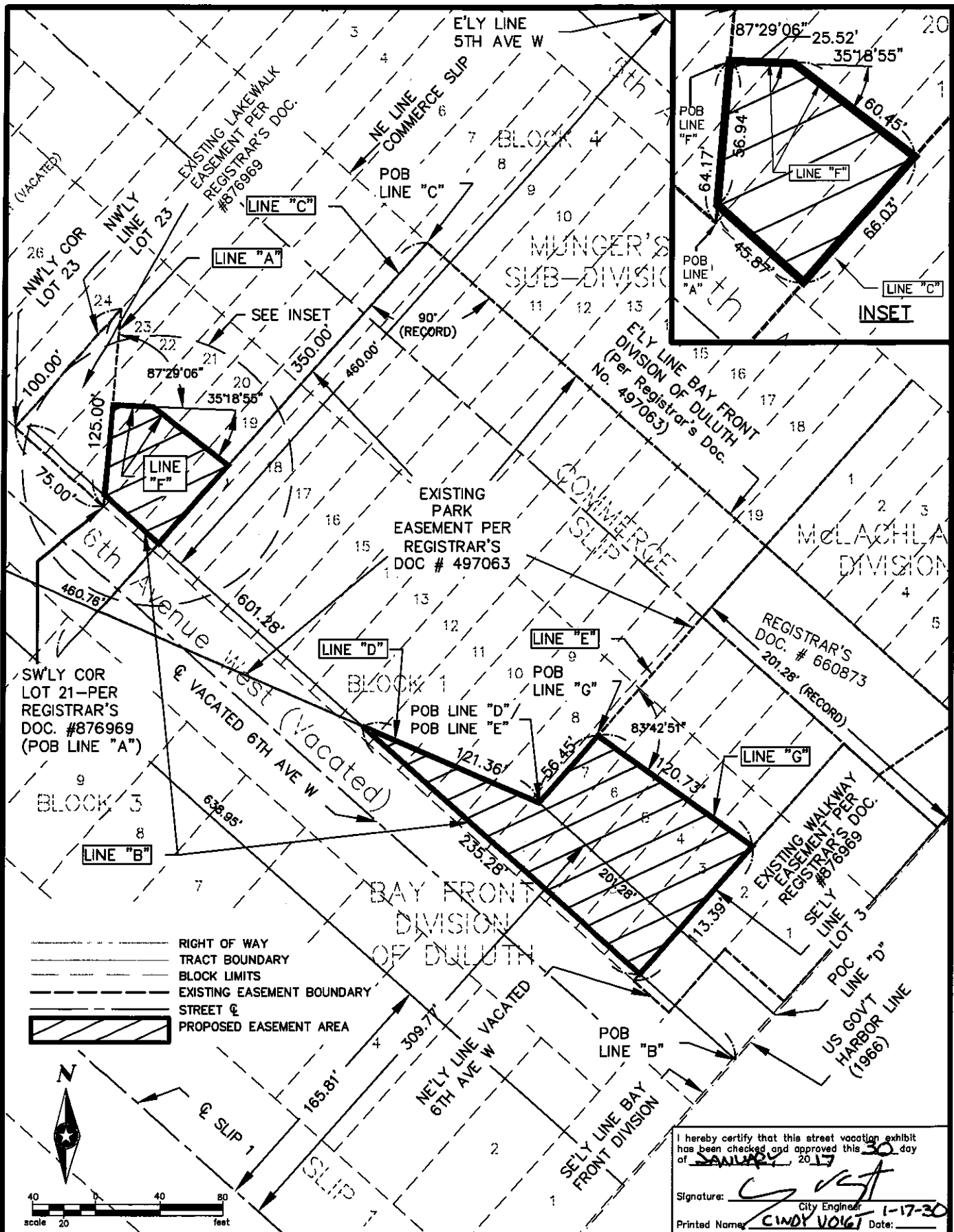
Line "D" (a.k.a. "Line D" Reg. of Titles Document No. 497063): Commencing at a point on the duly established United States Government Harbor Line in the Bay of Superior, as approved by the Secretary of War on November 17, 1899, said point being 309.77 feet northeasterly from the intersection of said Harbor Line and the extended centerline of Slip No. 1; thence proceed in a northwesterly direction along a line which is parallel with and distant 309.77 feet from said slip centerline for a distance of 201.28 feet to the Point of Beginning of the line to be described; thence in a generally western direction a distance of 460.76 feet to the intersection of a line which is 638.95 feet distant, parallel with, and northwesterly of said Harbor Line, said point also being located on a line which is 165.81 feet distant, parallel with, and northeasterly of said Slip No. 1 centerline, and there terminating.

Line "E" (a.k.a. "Line E" Reg. of Titles Document No. 497063): Beginning at the Point of Beginning of "Line D" above, thence proceed in a northeasterly direction along a line which is 201.28 feet distant northwesterly and parallel to the duly established United States Government Harbor Line in the Bay of Superior, as approved by the Secretary of War on November 17, 1899 a distance of 216.23 feet, more or less, to the easterly boundary line of said BAY FRONT DIVISION OF DULUTH, said easterly boundary as noted in Document No. 497063.

Line "G": Commencing at the Point of Beginning of "Line D" above, thence proceed in a northeasterly direction along "Line E" above for a distance of 56.45 feet to the Point of Beginning of the line to be described; thence deflect 83 degrees 42 minutes 51 seconds right for a distance of 120.73 to the Southeast Line of said Lot 3 and there terminating.

Contains approximately 0.423 acres. Subject to restrictions, reservations, and easements of record.

S:\AE\0\01\135606\9-survey\92-CAD\15-dwg\Bayfront Easement.dwg 1/25/2017 6:10 AM konderson



I hereby certify that this street vacation exhibit has been checked and approved this 30 day of JANUARY, 20 17  
Signature: [Signature] City Engineer  
Printed Name: CINDY VOLGT Date: 1-17-30

**SEH**  
PHONE: 218.279.3000  
418 W SUPERIOR ST STE 200  
DULUTH, MN 55802-1512  
www.sehinc.com

I HEREBY CERTIFY THAT THIS PLAN 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] Chris A. Larsen, P.L.S.  
Date: 01/25/2017 Lic. No. 45848

**PUBLIC  
RECREATION  
EASEMENT**

FILE NO.  
DULUT 135606  
DATE:  
01/25/2017

**EXHIBIT  
B**