UTILITY EASEMENT AGREEMENT

This Utility Easement is made by and between FIRST LUTHERAN CHURCH OF DULUTH, MINNESOTA, a Minnesota non-profit corporation ("First Lutheran Church") 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. First Lutheran Church owns the real property in St. Louis County, Minnesota legally described as follows (the "Property"):

Lot Six (6), Block One (1), BANNING AND RAY'S SUBDIVISION IN DULUTH, except that portion of said Lot 6 acquired by the State of Minnesota in the Final Certificate In the Matter of Condemnation of Certain Lands for Trunk Highway Purposes dated June 10, 1993 and recorded in the Office of the St. Louis County Recorder on October 21, 1993 as Document No. 586574.

- B. First Lutheran Church wishes to grant the City a utility easement over a portion of the Property for the benefit of the public (the "Easement").
- C. The location of the Easement is legally described and depicted on the attached Exhibit A (the "Easement Area").

NOW, THEREFORE, for good and valuable consideration, First Lutheran Church 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 parties acknowledge that the Easement Area contains a tree with a root system. Although the City does not anticipate that the pipe to be installed within the Easement Area will affect the tree or its root system, if the tree dies within two years of the Effective Date (defined

below), the City shall replace the tree with a healthy tree no less than three inches in diameter as measured two feet above the ground with an available species of First Lutheran Church's choosing.

The Easement shall extend to and bind the successors and assigns of First Lutheran Church 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. First Lutheran Church represents to the City that the individuals executing this document on behalf of First Lutheran Church have the requisite authority to execute this document, and to bind First Lutheran Church thereto.

IN WITNESS WHEREOF, First Lutheran Church has caused this utility easement to be executed effective as of <u>D(ANW 17</u>, 2018 (the "Effective Date").

By: The Rev. Jane D. Journan

Printed Name: The Rev. Diame D. Journan

Its: Tasta

First Lutheran Church of Duluth, Minnesota,

STATE OF MINNESOTA) SS COUNTY OF St. Lowis)

This instrument was acknowledged before me this 17th day of 10hw, 2018 by Diamh Lowen, the 11th of First Lutheran Church of Duluth, Minnesota, a Minnesota non-profit corporation.

Notary Public

DANIELLE ELISABETH ERJAVEC

Notary Public-Minnesota

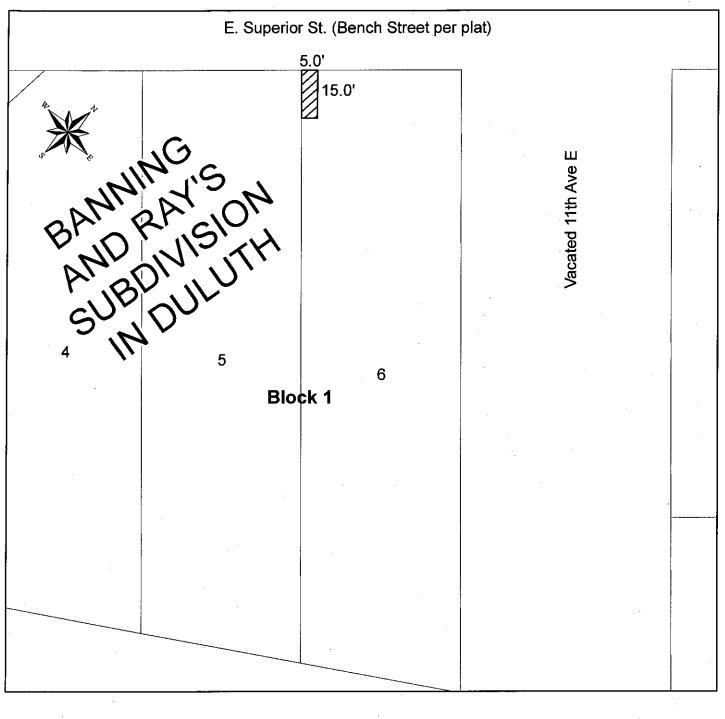
My Commission Expires Jan 31, 2022

CITY OF DULUTH

		By:			
		Emily Lar			
•		Attest:			
		Chelsea H	lelmer, City Clerk		
				•	
STATE OF MINNESOTA)	•			
) ss				
COUNTY OF ST. LOUIS	<u> </u>				
This instrument was	acknowledge	ged before me this	day of	, 2018 by En	illy
Larson and Chelsea Helme	r, the Mayor	r and City Clerk,	respectively, of t	he City of Duluth	ı, a
municipal corporation create	ed and existin	ng under the laws	of the State of Mi	nnesota.	
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r				•	
		Notary Public	<u> </u>		-
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This instrument was drafted by: Office of the City Attorney Room 410 City Hall 411 West 1st Street Duluth, MN 55802-1198

Exhibit A



Utility Easement 0 30

A utility easement over the southwesterly 5.0 feet of the northwesterly 15.0 feet of Lot 6, Block 1, BANNING & RAY'S SUBDIVISION IN DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

APPROVED CITY ENGINEER DATE