

# Exhibit 1

## STREET AND UTILITY EASEMENT

This STREET AND UTILITY EASEMENT is made by CityView Flats, LLC, a/k/a City View Flats, LLC, a Minnesota limited liability company (“CityView Flats”) in favor of 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. CityView Flats owns the real property in St. Louis County, Minnesota legally described as follows (the “Property”):

Lots 18 and 20, including vacated alley adjacent to Lots 18 and 20, Duluth Proper, First Division, West Fourth Street

AND

E ½ of Lot 22, including vacated alley adjacent to the E ½ of Lot 22, Duluth Proper, First Division, West Fourth Street

AND

Westerly One-half (1/2) of Lot Twenty-two (22), including vacated alley adjacent to Westerly One-half of Lot 22, Duluth Proper, First Division, West Fourth Street

AND

E’ly 46 feet of Lot 24, including vacated alley adjacent to the E’ly 46 feet of Lot 24, Duluth Proper, First Division, West Fourth Street.

B. CityView Flats wishes to grant the City a street and utility easement over a portion of the Property for the benefit of the public and at no cost to the City (the “Street and Utility Easement”).



**Exhibit 1  
EXHIBIT A**

**LEGAL DESCRIPTION OF EASEMENT AREA**

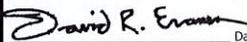
All that part of the vacated platted alley located between Lots 17, 19, 21, and 23, Duluth Proper, First Division, West Third Street and and Lots 18, 20, 22, and 24, Duluth Proper, First Division, West Fourth Street, according to the recorded plat thereof, St. Louis County, Minnesota  
Said easement area contains 4,012 square feet or 0.09 acres.

**SURVEYORS NOTES**

1. THIS SURVEY HAS BEEN PREPARED BASED ON ATTORNEYS TITLE GUARANTY FUND, INC. TITLE COMMITMENT FILE REFERENCE NO. 3741-M18-15324 DATED AUGUST 30, 2018.
2. THIS IS NOT A BOUNDARY SURVEY.

SHEET 1 OF 2

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.

  
David R. Evanson

Date: SEPTEMBER 17, 2018 MN Lic. No. 49505

**EASEMENT EXHIBIT**

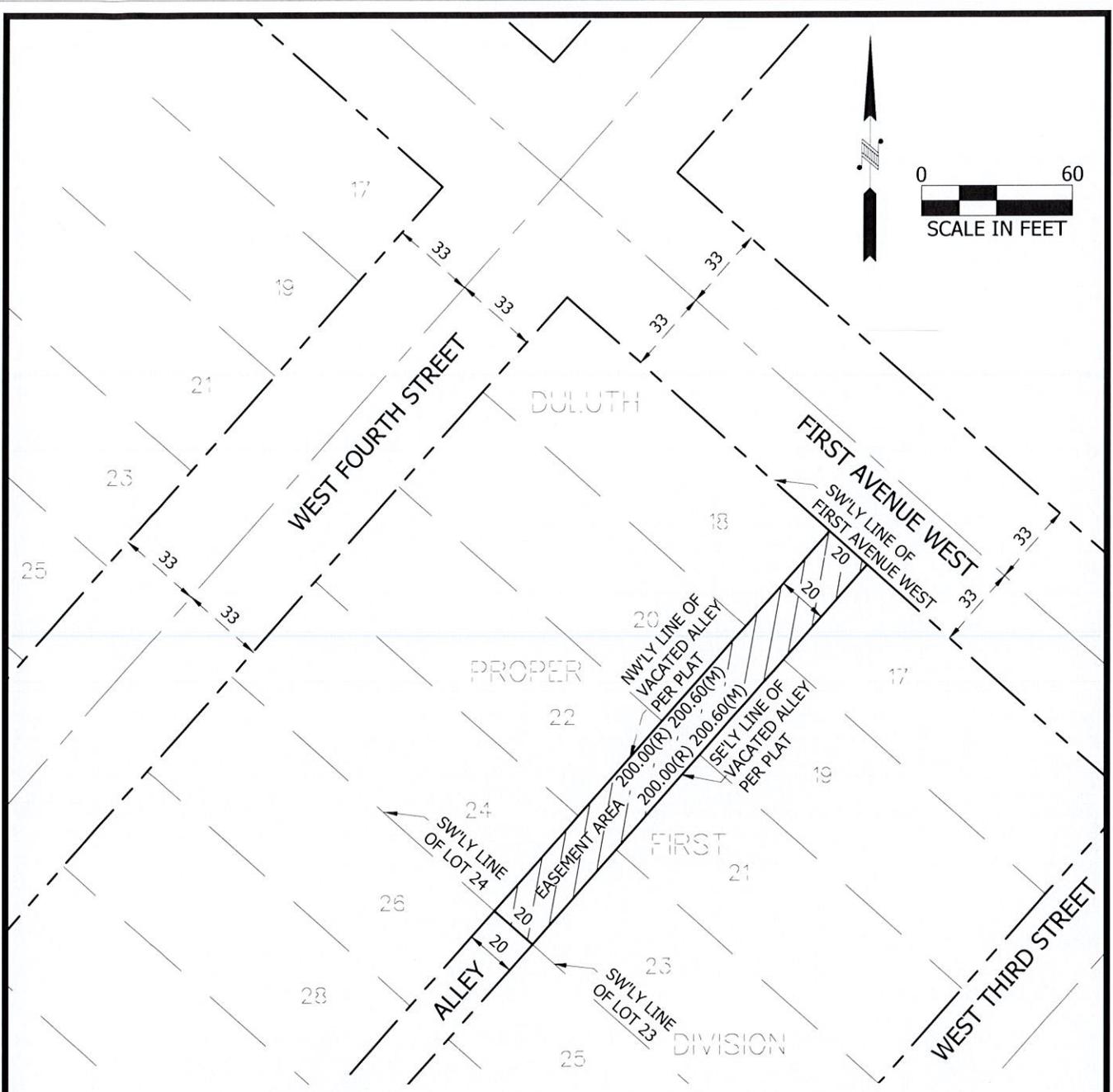
CLIENT: MARSHALL JACKSON	REVISIONS: XXX
DATE: SEPTEMBER 17, 2018	
ADDRESS: 1ST AVE WEST-W 4TH ST AND W 3RD ST, DULUTH, MN	
JOB NUMBER: 17-180	



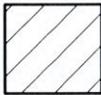
**LAND SURVEY COMPANY**

\* LAND SURVEYING      PHONE: 218-727-5211  
 \* LAND DEVELOPMENT      LICENSED IN MN & WI  
 \* PLATTING      CERTIFIED FEDERAL SURVEYOR  
 \* LEGAL DESCRIPTIONS      WWW. ALTALANDSURVEYDULUTH.COM  
 \* CONSTRUCTION STAKING

Exhibit 1  
**EXHIBIT B**



**LEGEND**

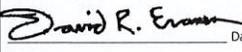
- RIGHT OF WAY LINE
- CENTER LINE
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
-  PORTION OF ALLEY VACATED PER BOOK O OF DEEDS, PAGE 565, ST. LOUIS COUNTY OFFICE OF REGISTER OF DEEDS AND PROPOSED EASEMENT AREA

Approved by the City Engineer of the City of Duluth, MN this 16 day of Sept 2019

By 

SHEET 2 OF 2

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.

  
David R. Evanson

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