

## EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this \_\_\_ day of \_\_\_\_\_, 2018, by and **Independent School District #709**, "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 as follows (the "Property"):

The Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE 1/4 of SW 1/4 of NW 1/4) of Section Five (5), Township Forty-Nine (49) North, Range Fourteen (14) West of the Fourth (4<sup>th</sup>) Principal Meridian, EXCEPT the South Half of the South Half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (S 1/2 of S 1/2 of NE 1/4 of SW 1/4 of NW 1/4) of said Section 5;

and;

Whereas, Grantor wishes to convey to Grantee, at no cost to Grantee, an easement for road and utility purposes over the Property for the benefit of the Property more particularly described as follows (the "Easement"):

Beginning at the northeast corner of the SW 1/4 of NW 1/4 of Section 5; thence west along the north line of said SW 1/4 of NW 1/4 of Section 5 to the intersection of a line that is 35.00 feet distant from and parallel with the east line of said SW 1/4 of NW 1/4 of Section 5; thence south along said parallel line 80.00 feet to a point; thence southeasterly to a point on the east line of said SW 1/4 of NW 1/4 of Section 5 that is 115.00 feet south of said northeast corner of said SW 1/4 of NW 1/4 of Section 5 to a point; thence north along the east line of said SW 1/4 of NW 1/4 of Section 5 a distance of 115.00 feet to the point of beginning.

NOW THEREFORE, 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 the Easement in trust for the general public, a permanent, perpetual and exclusive easement for road and utility purposes.

The easement intended to be granted is more clearly shown on **Exhibit A** attached hereto and made a part hereof.

**INDEPENDENT SCHOOL DISTRICT #709**

By: \_\_\_\_\_  
Name: David Kirby  
Title: Chair

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

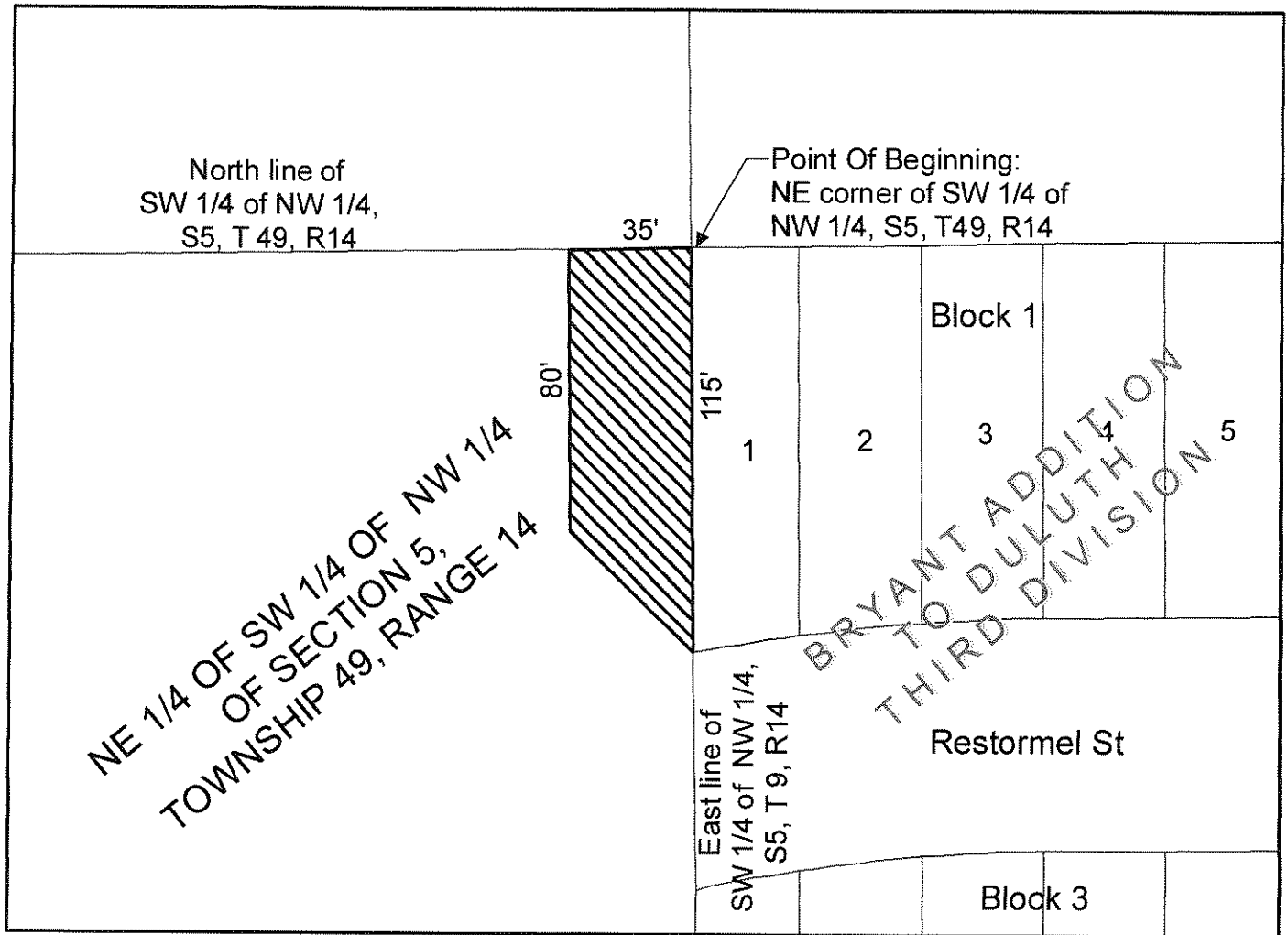
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018 by David Kirby, the Chair of the Board of Independent School District #709, a public corporation and political subdivision under the laws of Minnesota on behalf of the corporation.

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

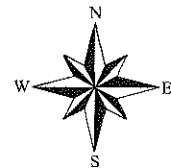
This instrument drafted by:

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

# Exhibit A



Easement



A Road and Utility Easement over that part of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE 1/4 of SW 1/4 of NW 1/4) of Section Five (5), Township Forty-Nine (49) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, except the South Half of the South Half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (S 1/2 of S 1/2 of NE 1/4 of SW 1/4 of NW 1/4) of said Section Five (5), described as follows:

Beginning at the northeast corner of the SW 1/4 of NW 1/4 of Section 5; thence west along the north line of said SW 1/4 of NW 1/4 of Section 5 to the intersection with a line that is 35.00 feet distant from and parallel with the east line of said SW 1/4 of NW 1/4 of Section 5; thence south along said parallel line 80.00 feet to a point; thence southeasterly to a point on the east line of said SW 1/4 of NW 1/4 of Section 5 that is 115.00 feet south of said northeast corner of said SW 1/4 of NW 1/4 of Section 5 to a point; thence north along the east line of said SW 1/4 of NW 1/4 of Section 5 a distance of 115.00 feet to the point of beginning.

*[Signature]*  
 APPROVED BY CITY ENGINEER

8-4-17

DATE



# City of Duluth

411 West First Street  
Duluth, Minnesota  
55802

## Certified Copy

Resolution: 18-0396R

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**File Number: 18-0396R**

RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR ROAD AND UTILITY PURPOSES FROM INDEPENDENT SCHOOL DISTRICT #709.

**CITY PROPOSAL:**

RESOLVED, that the proper city officials are hereby authorized to accept a permanent easement for road and utility purposes over real property as described on the Easement Agreement attached as Attachment 1 from Independent School District #709, Grantor, over the following described property in St. Louis County, Minnesota as depicted on Exhibit A to Attachment 1:

Beginning at the northeast corner of the SW 1/4 of the NW 1/4 of Section 5; thence west along the north line of said SW 1/4 of NW 1/4 of Section 5 to the intersection of a line that is 35.00 feet distant from and parallel with the east line of said SW 1/4 of NW 1/4 of Section 5; thence south along said parallel line 80.00 feet to a point; thence southeasterly to a point on the east line of said SW 1/4 of NW 1/4 of Section 5 that is 115.00 feet south of said northeast corner of said SW 1/4 of NW 1/4 of Section 5 to a point; thence north along the east line of said SW 1/4 of NW 1/4 of Section 5 a distance of 115.00 feet to the point of beginning.

This Resolution was adopted unanimously.

I, Jeffery J. Cox, City Clerk of the City of Duluth, Minnesota, do hereby certify that I have compared the foregoing passed by the city council on 5/14/2018, with the original approved and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Duluth.

Assistant City Clerk





**Date Certified**