

**EASEMENT AGREEMENT**

This **EASEMENT AGREEMENT**, entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by and between **Independent School District #709** f/k/a the Board of Education of the City of Duluth "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"):

Lots One (1), Two (2), Three (3) and Four (4), Block Twenty-six (26), and that part of vacated E. 11<sup>th</sup> Street, all in Lakeview Division of Duluth

AND

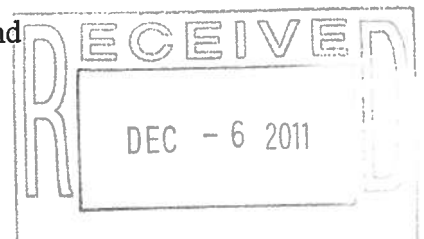
The Northerly Ninety-five (95) feet of Lots Fifteen (15) and Sixteen (16), and all of Lot Fourteen (14), Block Twenty-Six (26), and that part of vacated E. 11<sup>th</sup> Street, all in Lakeview Division of Duluth

and;

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

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 in trust for the general public a permanent, perpetual and exclusive easement for utilities and pedestrian purposes, including the installation and maintenance of street and sidewalk improvements over the Property, the location of which easement is more particularly described as follows:

Shown on **Exhibit A** attached hereto and made a part hereof, and



**INDEPENDENT SCHOOL DISTRICT #709**

By: \_\_\_\_\_  
School Board President

**ATTEST:**

By: \_\_\_\_\_  
Board Clerk

**CITY OF DULUTH**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

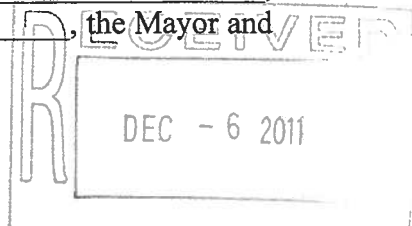
STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF ST. LOUIS    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_ and \_\_\_\_\_, the School Board President and Board Clerk of Independent School District #709, a public corporation and political subdivision under the laws of Minnesota on behalf of the corporation.

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

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

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_ and \_\_\_\_\_, the Mayor and \_\_\_\_\_



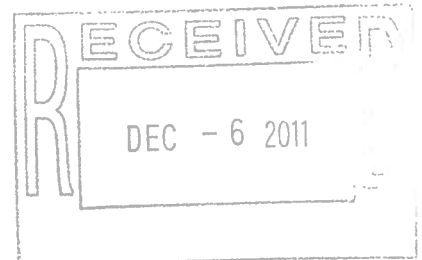
City Clerk of the City of Duluth, a municipal corporation and political subdivision created and existing under the laws of Minnesota on behalf of the corporation.

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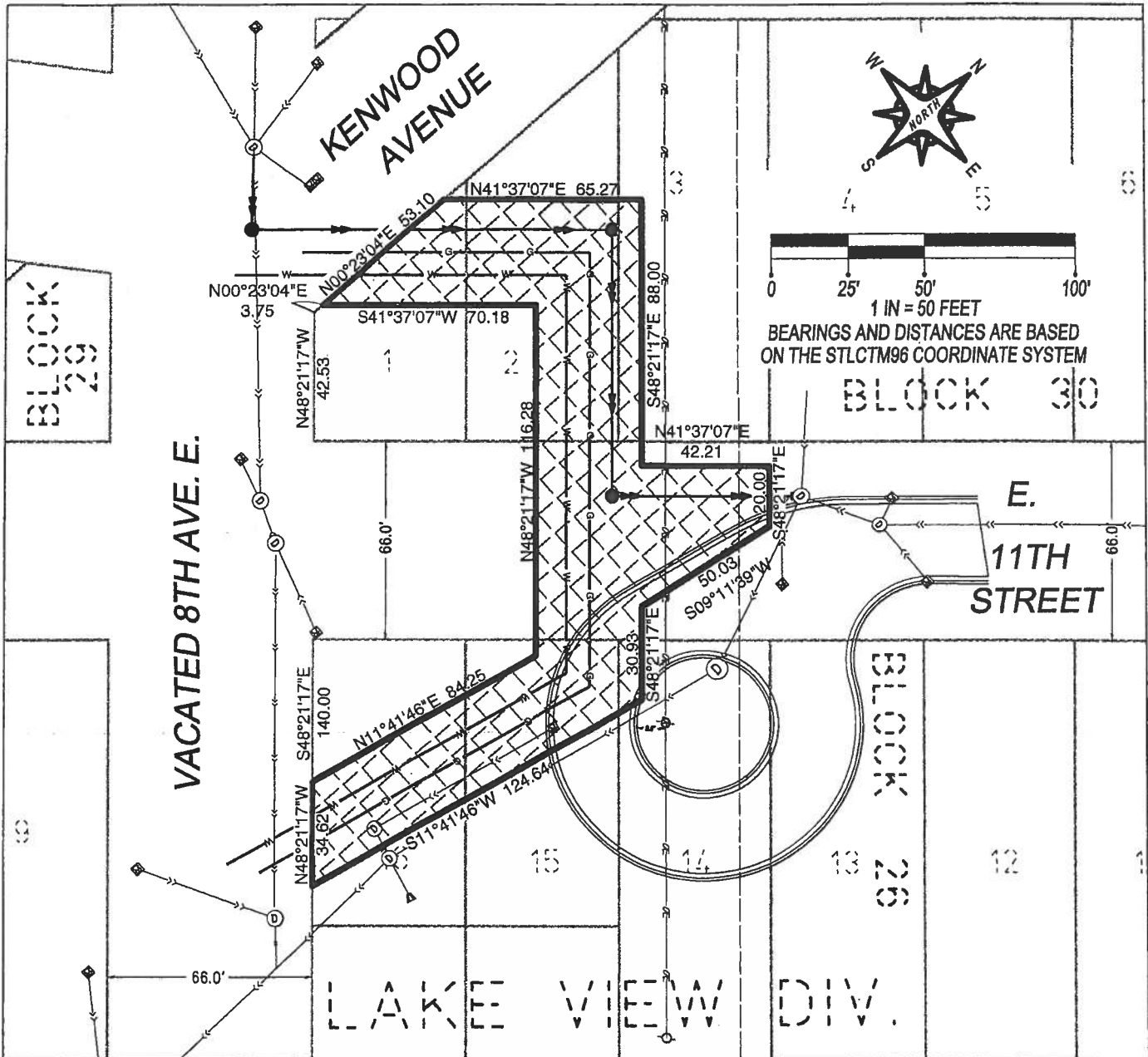
Notary Public

This instrument drafted by:  
Fryberger, Buchanan, Smith & Frederick, P.A.  
302 West Superior Street, Suite 700  
Duluth, Minnesota 55802-5150  
DRO

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# EXHIBIT



## LEGAL DESCRIPTION: (UTILITY & PEDESTRIAN EASEMENT)

That part of Lots 14, 15, 16, Block 26, that part of Lots 1, 2, 3, Block 30 and that part of Vacated E. 11<sup>th</sup> Street, all in LAKE VIEW DIVISION of Duluth Minnesota described as follows: Commencing at the most southerly corner of said Lot 1, Block 30; thence N. 48°21'17" W., assumed bearing along the southwesterly line of said Lot 1, a distance of 42.53 feet; thence N. 00°23'04" E. 3.75 feet along the east line of Kenwood Avenue to the point of beginning of the tract to be described; thence continuing N. 00°23'04" E. 53.10 feet along the east line of said Kenwood Avenue; thence N. 41°37'07" E. 65.27 feet; thence S. 48°21'17" E. 88.00 feet; thence N. 41°37'07" E. 42.21 feet; thence S. 48°21'17" E. 20.00 feet; thence S. 09°11'39" W. 50.03 feet; thence S. 48°21'17" E. 30.93 feet; thence S. 11°41'46" W. 124.64 feet to the southwesterly line of said Lot 16, Block 26; thence N. 48°21'17" W. 34.62 feet along the southwesterly line of said Lot 16; thence N. 11°41'46" E. 84.25 feet; thence N. 48°21'17" W. 116.28 feet; thence S. 41°37'07" W. 70.18 feet to the point of beginning.

Containing 11,849.9 square feet.

DEC - 6 2011

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.

DATE 10-31-11  
*James W. Fowlds*  
 JAMES W. FOWLDS MN. LIC. NO. 18164



ENGINEERS - SURVEYORS - PLANNERS  
**SALO ENGINEERING, INC.**  
 4580 Norway Pines Place - Duluth, Minnesota 55802  
 SALO JOB NUMBER: E-18728 218/727-8796

REC  
 EXHIBIT  
 A