

PUBLIC WORKS & UTILITIES COMMITTEE

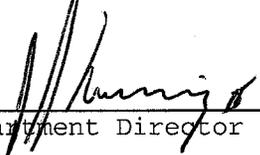
11-0034R

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS FROM J & S PARTNERSHIP LLP, J & S V, LLC AND GLENN AND SALLY PRATT FOR J & S/ONEOTA REDEVELOPMENT PROJECT AT A COST OF \$50,000.

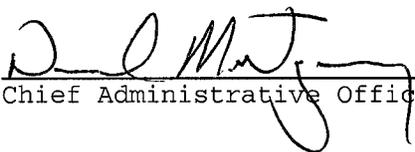
CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, substantially in the form of that agreement on file in the office of the city clerk as Public Document No. \_\_\_\_\_, with J & S Partnership LLP, J & S V, LLC and Glen and Sally Pratt, accepting various utility easements from them in furtherance of J & S's redevelopment of property below Grand Avenue from 44<sup>th</sup> Avenue West to 46<sup>th</sup> Avenue West at a cost of not to exceed \$50,000, payable from Fund 255.

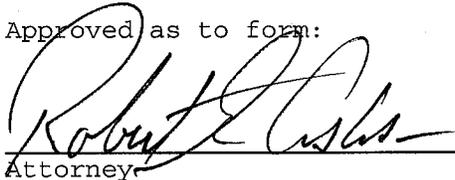
Approved:

  
\_\_\_\_\_  
Department Director

Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

PW&U/ATTY REA:dma 01/13/2011

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize an agreement with J & S Partnership LLP, J & S V, LLC and Glenn and Sally Pratt, accepting various utility easements from them at no cost to the city in furtherance of J & S's redevelopment of property below Grand Avenue from 44<sup>th</sup> Avenue West to 46<sup>th</sup> Avenue West.

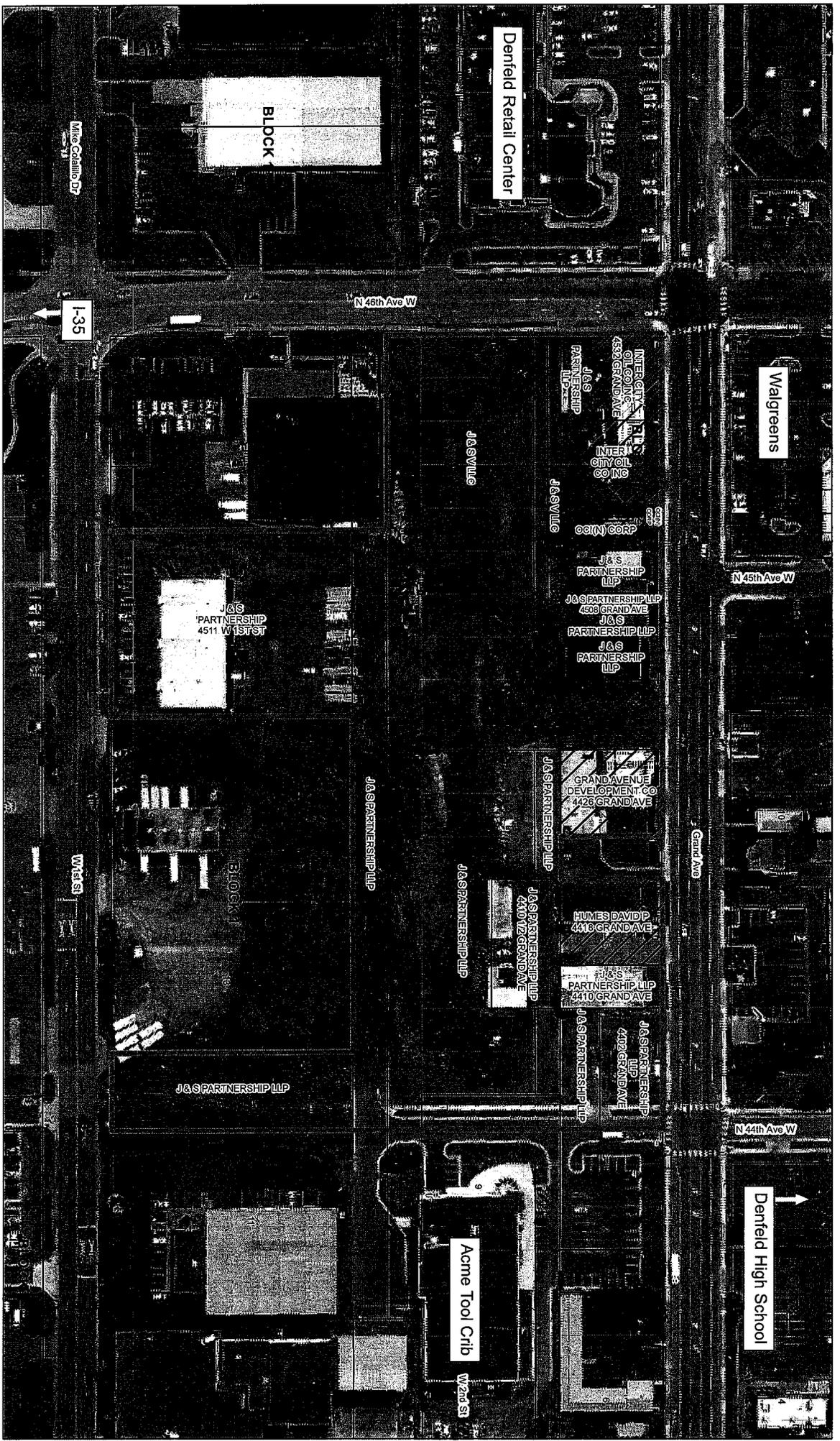
J & S Partnership is a limited partnership in whom the principals are Ron Johnson and Fred Strom. They, in the form of this limited partnership and another limited partnership, and Glenn and Sally Pratt have undertaken the redevelopment of property in the Oneota neighborhood which lies between 44<sup>th</sup> and 46<sup>th</sup> Avenue

West below Grand Avenue; the property is principally located adjacent to 45<sup>th</sup> Avenue West and vacated Traverse (or Second) Street. See the attached area map.

The City has secured a Minnesota Department of Employment and Economic Development (DEED) Redevelopment grant in the amount of \$664,780 to cover the costs associated with the acquisition of the easements and the infrastructure construction.

The easements are granted in conjunction with various vacations and other dedications which will be used for a new gas main, new water mains including fire safety improvements, storm and sanitary sewer improvements and new street lighting, which allow reconfiguration of the property to facilitate its redevelopment.

Some of the parcels that will become available are already committed to various new developments and there is strong interest in much of the rest of it.



The City of Duluth has used to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability of the information. It is the user's responsibility to verify the accuracy of the information and data located in various City, County, and State offices and other agencies affecting the area shown and to be used for reference purposes only. The City of Duluth shall not be liable for errors or omissions contained herein or for any damages in connection with the use of this information contained herein.

 Property Under Acquisition  
 Project Area

**J & S Partnership, LLP  
 Oneota Project**

1:1,200  
 1 inch = 100 feet  


## EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 10th day of January, 2011, by and between J&S PARTNERSHIP, LLP, a Minnesota limited liability partnership; J&S V, LLC, a Minnesota limited liability company; and GLENN PRATT and SALLY PRATT, husband and wife, (collectively "Grantors"), and CITY OF DULUTH, a municipal corporation under the laws of the State of Minnesota ("City").

WHEREAS, J&S Partnership, LLP, is the owner of:

All that portion of 80.0 foot wide Traverse Street, also known as Second Street, vacated by Resolution 02-0408R, recorded October 14, 2002 as Document No. 00872809, Resolution 96-0066R, recorded January 22, 1997 as Document No. 624517 and Resolution 93-0393, recorded January 7, 1994 as Document No. 577154, all in and for St. Louis County, Minnesota, situated in the E  $\frac{1}{2}$ NE  $\frac{1}{4}$  of Section 7, Township 49 North, Range 14 West of the 4<sup>th</sup> P.M., in the City of Duluth, St. Louis County, Minnesota, lying contiguous to and Northwesterly of Blocks 61, 62 and 63 of Town of Oneota, now part of Block 1 of the plat of Oneota Industrial Park, recorded as Document No. 317057 in and for said County, lying Northeasterly of the Northwesterly extension of the Southwesterly line of Block 15, Block 1 of Oneota Industrial Park, and lying Southwesterly of the Northwesterly extension of the Southwesterly line of Lot 10, Block 1 of Oneota Industrial Park, EXCEPTING THEREFROM, the Northwesterly 40.0 feet of 80.0 foot wide Traverse Street lying contiguous to Blocks 69, 70 and 71 in the Town of Oneota.

EXCEPT all that part of the vacated 80 foot wide Traverse Street lying Southwesterly of the Northwesterly extension of the Southwesterly line of Lot 10, Block 1, Oneota Industrial Park and Northeasterly of the Southeasterly extension of the centerline of vacated 44<sup>th</sup> Avenue West.

-AND-

All of Lots 9, 10, 11, 15 and 16, Block 70 in the Town of Oneota, according to the recorded plat thereof (now part of the City of Duluth, St. Louis County, Minnesota), the Southeasterly 15 feet, more or less, of Lots 1, 2, 3, 7 and 8, said Block 70 in the Town of Oneota, lying Southeasterly of a line drawn parallel with and 100.0 feet normally distant Northwesterly from the Original Main Track centerline of the former Northern Pacific Railway Company, those portions of Lots 12, 13 and 14, said Block 70 in the Town of Oneota, lying Southeasterly of a line drawn parallel with and 20.0 feet normally distant Northwesterly from the Original Main Track centerline of the former Northern Pacific Railway Company, and those portions of the 16 foot wide alley in said Block 70 lying contiguous to and Northwesterly of said Lots 9, 10, 11, 15 and 16, together with the Northwesterly 40 feet of 80 foot wide Traverse Avenue lying contiguous to Block 70.

TOGETHER WITH that portion of vacated 45<sup>th</sup> Avenue West adjoining Lot 9, Block 70, Oneota Duluth, lying within 113 feet of Second Street.

TOGETHER WITH that portion of the Westerly 10 feet of vacated 44<sup>th</sup> Avenue West adjoining Lots 8 and 16, Block 70, Oneota.

-AND-

That part of Lots Seven (7) and Eight (8) and Vacated 44<sup>th</sup> Avenue West, Block Seventy (70), ONEOTA DIVISION OF DULUTH, by and within the four following described boundary lines:

- (1) The Southeasterly line of Grand Avenue;
- (2) The Centerline of Vacated 44<sup>th</sup> Avenue West;
- (3) A line parallel to and seventy-three (73) feet equal distant from the Southeasterly line of Grand Avenue; and
- (4) A line parallel to and One Hundred Forty (140) feet equal distant from the Centerline of Vacated 44<sup>th</sup> Avenue West.

-AND-

Lots Seven (7) and Eight (8), Block Seventy (70), Oneota, except the Northerly 73 feet thereof; the Westerly one-half (1/2) of vacated 44<sup>th</sup> Avenue West, except the Northerly 73 feet thereof, adjoining said Lot Eight (8), Block Seventy (70), Oneota, EXCEPT RAILROAD RIGHT OF WAY.

TOGETHER WITH that portion of the Westerly 10 feet of vacated 44<sup>th</sup> Avenue West adjoining Lot 8, Block 70, Oneota.

-AND-

Lot 6, Block 70, ONEOTA, EXCEPT that portion of said lot which lies within 100 feet of the center line of the Lake Superior and Mississippi Railroad, as the same was constructed on March 1<sup>st</sup>, 1873; said excepted portion of said lot being now owned by Northern Pacific Railway Company as successor of the Lake Superior and

Mississippi Railroad Company.

-AND-

Those portions of Lots 4, 5, 6, 12, 13, and 14, Block 70 in the Town of Oneota, according to the recorded plat thereof (now part of the City of Duluth, St. Louis County, Minnesota), together with a portion of the alley in said Block 70 lying contiguous to said Lots, lying between two lines drawn parallel with and distant respectively 20.0 feet and 100.0 feet Northwesterly, as measured at right angles from the Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) St. Paul to Duluth, Minnesota Main Track centerline, as now located and constructed upon, over and across said Block 70.

-AND-

Lot 12, Block One (1), ONEOTA INDUSTRIAL PARK, according to the recorded plat thereof, on file and of record in the office of the Registrar of Titles, St. Louis County, Minnesota.

-AND-

Lot Six (6) in Block Sixty-nine (69), ONEOTA, EXCEPT that part lying within the right of way formerly owned by Lake Superior and Mississippi Railroad Company and now owned by Northern Pacific Railway Company, according to plat thereof, on file and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota.

-AND-

Lots Seven (7) and Eight (8), in Block Sixty-nine (69), ONEOTA, (excepting the railroad right-of-way of the Northern Pacific Railway Company, being so much of said lot as lies within one hundred feet on each side of the center of the railroad as located and constructed on same), according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota.

-AND-

Lot Fifteen (15), Block One (1), ONEOTA INDUSTRIAL PARK, and the vacated portion of West Second Street.

-AND-

All that part of Lots 1 and 2, Block 69, ONEOTA, that lies southeast of a line drawn parallel with and 81 feet southeast of the southeast line of Grand Avenue in the City of Duluth, EXCEPT that portion of said lots that lies within 100 feet of the center line of the south bound main track of the Northern Pacific Railway Company as the said

track is constructed across or adjacent to the said premises.

-AND-

Lot 5, Block 69, ONEOTA, according to the original plat thereof on file and of record in the Office of the Register of Deeds, St. Louis County, Minnesota in Book "A" of Plats, Page 1, EXCEPTING Railroad Right of Way. EXCEPTING all instruments which affect that certain strip of land conveyed to The Lake Superior and Mississippi Railroad Company, by deed recorded in Book "N" of Deeds, Page 522.

-AND-

Lot 5, Block 10, GRAND CENTRAL DIVISION,

"J&S Partnership Property".

WHEREAS, J&S V, LLC, is the owner of:

All of Lots 9, 10, 11, 12, 13, 14, 15 and 16, inclusive, Block 69 in the Town of Oneota (now City of Duluth), according to the plat thereof on file in the Register of Deeds Office in and for St. Louis County, Minnesota, along with those portions of Lots 1, 2, 3, 4, 5, 6, 7 and 8, inclusive, in said Block 69, lying Southeasterly of a line drawn 100.0 feet normally distant Northwesterly of the main track centerline of the former Northern Pacific Railway Company, together with the 16 foot wide alley in said Block 69, and being a portion of the same property described in deed from H.W. Wheeler to the Lake Superior and Mississippi Railroad Company filed for record May 6, 1878 in Book N of Deeds, page 522 in and for said County, together with the Northwesterly 40 feet of 80 foot wide vacated Traverse Street lying contiguous to and Southeasterly of said Block 69, together with the East one-half of vacated 45<sup>th</sup> Avenue West lying Southeasterly of a line drawn parallel with and 50.00 feet normally distant Northwesterly from the Original Main Track centerline of the former Northern Pacific Railway Company,

"J&S V Property"

WHEREAS, J&S Partnership, LLP, and J&S V, LLC, have entered into an Agreement with GLENN PRATT involving those portions of the J&S Partnership and J&S V Properties described as follows:

All of Lots 14, 15 and 16, and the East one-half of Lot 13, Block 69 in the Town of Oneota (now City of Duluth), according to the plat thereof on file in the Register of Deeds Office in and for St. Louis County, Minnesota, along with those portions of Lots 5, 6, 7 and 8, inclusive, in said Block 69, lying Southeasterly of a line drawn 100.0 feet normally distant Northwesterly of the main track centerline of the former Northern Pacific Railway Company, together with the 16 foot wide alley in said

Block 69, and being a portion of the same property described in deed from H.W. Wheeler to the Lake Superior and Mississippi Railroad Company filed for record May 6, 1878 in Book N of Deeds, page 522 in and for said County, EXCEPT that part of Lot 5 in said Block 69 which lies between the southwesterly line of Lot 5 and a line parallel with and 25.00 feet northeasterly therefrom, together with the Northerly 40 feet of 80 foot wide vacated Traverse Street lying contiguous to and Southeasterly of said Block 69, together with the West one-half of vacated 45<sup>th</sup> Avenue West lying Southeasterly of a line drawn parallel with and 50.00 feet normally distant Northwesterly from the Original Main Track centerline of the former Northern Pacific Railway Company.

-AND-

Lot Six (6) in Block Sixty-nine (69), ONEOTA, EXCEPT that part lying within the right of way formerly owned by Lake Superior and Mississippi Railroad Company and now owned by Northern Pacific Railway Company, according to plat thereof, on file and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota.

-AND-

Lots Seven (7) and Eight (8), in Block Sixty-nine (69), ONEOTA, (excepting the railroad right-of-way of the Northern Pacific Railway Company, being so much of said lot as lies within one hundred feet on each side of the center of the railroad as located and constructed on same), according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota.

-AND-

Lot 5, Block 69, ONEOTA, according to the original plat thereof on file and of record in the Office of the Register of Deeds, St. Louis County, Minnesota in Book "A" of Plats, Page 1, EXCEPTING Railroad Right of Way, EXCEPTING all instruments which affect that certain strip of land conveyed to The Lake Superior and Mississippi Railroad Company, by deed recorded in Book "N" of Deeds, Page 522, and EXCEPTING that part of Lot 5 in said Block 69 which lies between the southwesterly line of Lot 5 and a line parallel with and 25.00 feet northeasterly therefrom.

-AND-

Lot 5, Block 10, GRAND CENTRAL DIVISION, EXCEPT that part of Lot 5 in said Block 10 which lies between the southwesterly line of Lot 5 and a line parallel with and 25.00 feet northeasterly therefrom.

-AND-

All that part of Lot 15, Block 1, ONEOTA INDUSTRIAL PARK, described as follows, to-wit: Beginning at the most Northwesterly corner of Lot 15, Block 1, ONEOTA INDUSTRIAL PARK and thence run Southerly along the Westerly line thereof a distance of 131.86 feet; thence deflect 90 degrees 00 minutes 00 seconds to the left a distance of 1.38 feet; thence deflect 41 degrees 29 minutes 04 seconds to the left a distance of 198.97 feet to a point on the Northerly line of said Lot 15; thence Westerly, along said Northerly line, a distance of 150.44 feet to the point of beginning.

-AND-

The Southerly 40 feet of 80 foot wide vacated Traverse Street lying contiguous to and Northeasterly of the entirety of Lot 15, Block 1, ONEOTA INDUSTRIAL PARK,

“Pratt Property”

WHEREAS, Grantors desire to grant and convey to City, to be dedicated for public utility purposes, perpetual and non-exclusive easements, in, under, over, upon and along the following described tracts or parcels of land lying and being in the County of St. Louis, State of Minnesota, to-wit:

**Easement 1:**

The Southeasterly 20.00 feet of Vacated Second Street (also known as Traverse Street) TOWN OF ONEOTA which lies between the centerline of Vacated 45<sup>th</sup> Avenue West and the centerline of Vacated 44<sup>th</sup> Avenue West. EXCEPT: the Southwesterly 20.00 feet thereof and the Northeasterly 45.00 feet thereof;

**Easement 2:**

That part of Vacated Second Street (also known as Traverse Street) TOWN OF ONEOTA described as follows:

Commencing at the most southerly corner of Lot 9, Block 69, said TOWN OF ONEOTA; thence southeasterly, along the southeasterly extension of the southwest line of said Lot 9, a distance of 20.00 feet to the point of beginning of the easement to be described; thence deflecting 89°58'24" left a distance of 183.01 feet; thence deflecting 90°00'00" left 10.00 feet; thence deflecting 90°00'00" right 72.00 feet; thence deflecting 90°00'00" right 20.00 feet; thence deflecting 90°00'00" left 100.00 feet to a point which is 85.00 feet southwest from the centerline of Vacated 45<sup>th</sup> Avenue West; thence deflecting 90°00'00" right 28.47 feet; thence deflecting 36°51'05" right 26.93 feet to the southeasterly line of said Vacated Second Street; thence deflecting 53°08'55" right 103.86 feet along the southeasterly line of said

Second Street; thence deflecting 90°00'00" right 40.00 feet; thence deflecting 90°00'00" left 235.00 feet; thence deflecting 89°58'24" right 20.00 feet to the point of beginning; and

**Easement 3:**

That part of Lot 15, Block 1, ONEOTA INDUSTRIAL PARK described as follows:

Commencing at the most westerly corner of said Lot 15; thence northeasterly, along the northwesterly line of said Lot 15, a distance of 150.44 feet to the point of beginning of the easement to be described; thence continuing northeasterly, along the northwesterly line of said Lot 15, a distance of 45.22 feet; thence deflecting 138°29'40" right a distance of 198.92 feet; thence deflecting 41°29'04" right a distance of 45.27 feet; thence deflecting 138°30'56" right 198.97 feet to the point of beginning,

as more particularly shown on the attached Exhibits A, B and C, respectively.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is hereby agreed by and between the parties hereto, as follows:

1. Grantors hereby grant and convey to City, to be dedicated for public utility purposes, perpetual and non-exclusive easements, in, under, over, upon and along the following described tracts or parcels of land lying and being in the County of St. Louis, State of Minnesota, to-wit:

**Easement 1:**

The Southeasterly 20.00 feet of Vacated Second Street (also known as Traverse Street) TOWN OF ONEOTA which lies between the centerline of Vacated 45<sup>th</sup> Avenue West and the centerline of Vacated 44<sup>th</sup> Avenue West. EXCEPT: the Southwesterly 20.00 feet thereof and the Northeasterly 45.00 feet thereof;

**Easement 2:**

That part of Vacated Second Street (also known as Traverse Street) TOWN OF ONEOTA described as follows:

Commencing at the most southerly corner of Lot 9, Block 69, said TOWN OF ONEOTA; thence southeasterly, along the southeasterly extension of the southwest line of said Lot 9, a distance of 20.00 feet to the point of beginning of the easement to be described; thence deflecting 89°58'24" left a distance of 183.01 feet; thence deflecting 90°00'00" left 10.00 feet; thence deflecting 90°00'00" right 72.00 feet; thence deflecting 90°00'00" right 20.00 feet; thence deflecting 90°00'00" left 100.00 feet to a point which is 85.00 feet southwest from the centerline of Vacated 45<sup>th</sup>

Avenue West; thence deflecting 90°00'00" right 28.47 feet; thence deflecting 36°51'05" right 26.93 feet to the southeasterly line of said Vacated Second Street; thence deflecting 53°08'55" right 103.86 feet along the southeasterly line of said Second Street; thence deflecting 90°00'00" right 40.00 feet; thence deflecting 90°00'00" left 235.00 feet; thence deflecting 89°58'24" right 20.00 feet to the point of beginning; and

**Easement 3:**

That part of Lot 15, Block 1, ONEOTA INDUSTRIAL PARK described as follows:

Commencing at the most westerly corner of said Lot 15; thence northeasterly, along the northwesterly line of said Lot 15, a distance of 150.44 feet to the point of beginning of the easement to be described; thence continuing northeasterly, along the northwesterly line of said Lot 15, a distance of 45.22 feet; thence deflecting 138°29'40" right a distance of 198.92 feet; thence deflecting 41°29'04" right a distance of 45.27 feet; thence deflecting 138°30'56" right 198.97 feet to the point of beginning,

as more fully set forth on the attached Exhibits A, B and C, respectively, "Easement Property", for the purposes of constructing, installing, operating, reconstructing, replacing, maintaining and repairing utilities and related fixtures, equipment and property.

2. Any entry by City to the Easement Property for repairs, inspection or installation shall be upon reasonable notice to Grantors, their successors and/or assigns, shall be at City's full expense, and damage to Grantors', or any portion thereof, shall thereafter be restored to the condition it was in prior to such entry at City's sole expense.

3. This Agreement and the easements granted herein shall be deemed to be covenants running with the land and shall be binding upon Grantors, their successors and/or assigns, and inure to the benefit of City.

IN WITNESS WHEREOF, the foregoing has been executed as of the day and year first  
above written.

J&S PARTNERSHIP, LLP

By:   
FRED STROM, Its PARTNER

J&S V, LLC

By:   
FRED STROM, Its Chief Manager

STATE OF FLORIDA            )  
  ) ss.  
COUNTY OF PALM BCH )

On this 7 day of January, 2011, before me a notary public within and for said County, personally appeared FRED STROM, the PARTNER of J&S Partnership, LLP, a Minnesota limited liability partnership, to me being personally known, who being by me duly sworn did say that the foregoing instrument was signed on behalf of said limited liability partnership



Barbara Raines  
Notary Public

STATE OF FLORIDA            )  
  ) ss.  
COUNTY OF PALM BCH )

On this 7 day of January, 2011, before me a notary public within and for said County, personally appeared FRED STROM, the Chief Manager of J&S V, LLC, a Minnesota limited liability company, to me being personally known, who being by me duly sworn did say that the foregoing instrument was signed on behalf of said limited liability company.



Barbara Raines  
Notary Public

\_\_\_\_\_  
GLENN PRATT

\_\_\_\_\_  
SALLY PRATT

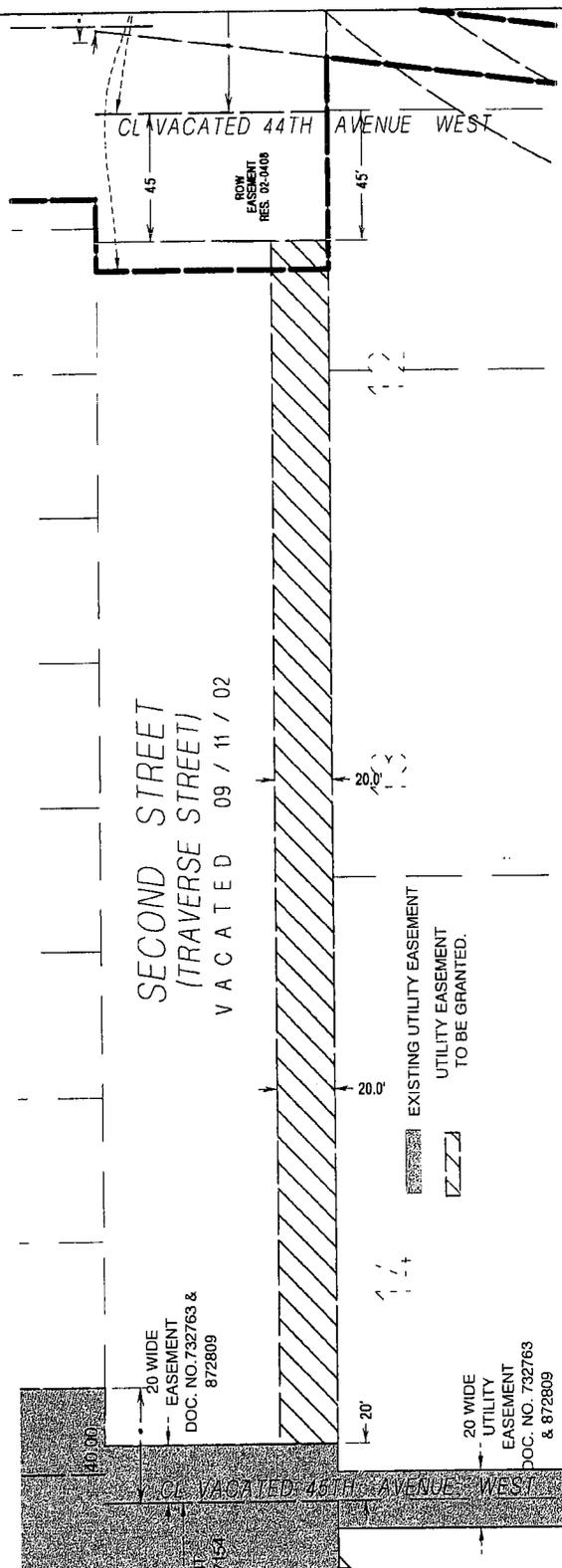
STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF ST. LOUIS    )

On this 10<sup>th</sup> day of January, 2011, before me a notary public within and for said County,  
personally appeared Glenn Pratt and Sally Pratt, husband and wife, Grantors.

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







**EASEMENT DESCRIPTION - Easement 1**

The Southeasterly 20.00 feet of Vacated Second Street (also known as Traverse Street) TOWN OF ONEOTA which lies between the centerline of Vacated 45<sup>th</sup> Avenue West and the centerline of Vacated 44<sup>th</sup> Avenue West. EXCEPT: the Southwesterly 20.00 feet thereof and the Northeasterly 45.00 feet thereof.

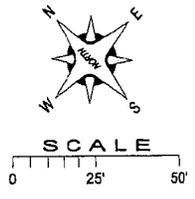
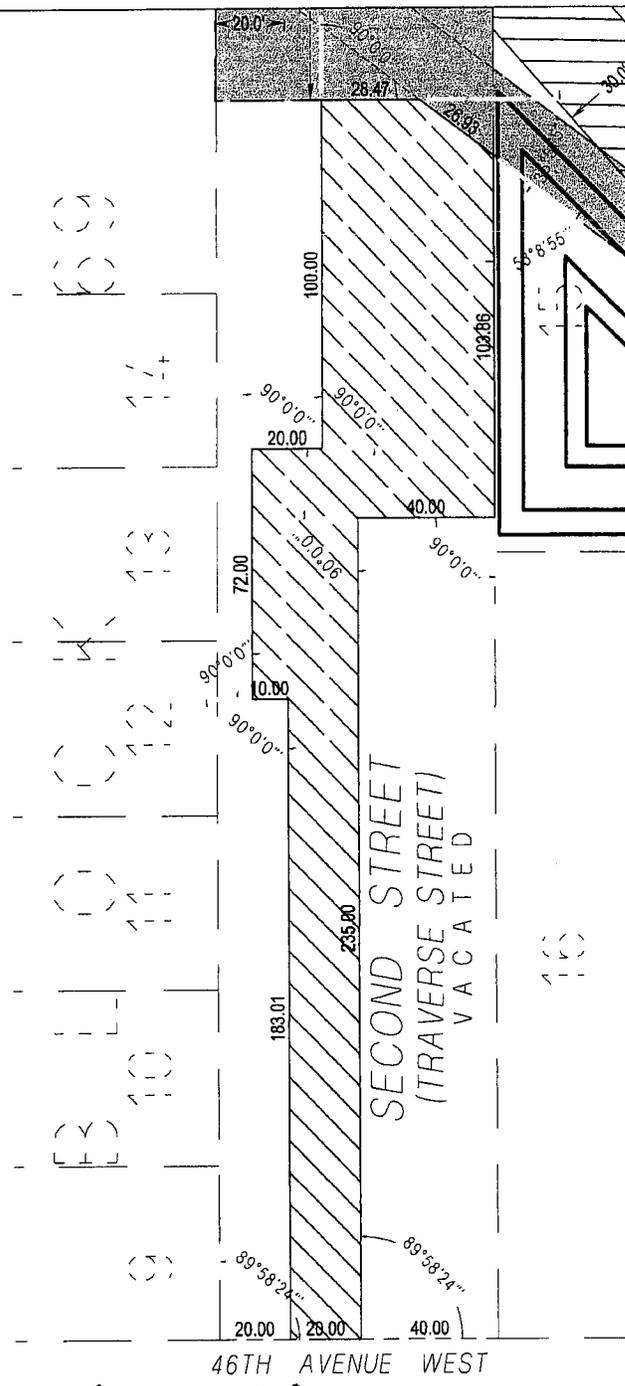
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 SIGNATURE: *James W. Fowlds*  
 PRINTED NAME: JAMES W. FOWLDS

1-10-11  
 DATE: 10/15/11  
 REG. NO.



ENGINEERS - SURVEYORS - PLANNERS  
**SALO ENGINEERING, INC.**  
 4550 Norway Street - Duluth, Minnesota 55802 • 218/727-8795

**EXHIBIT**  
 A



**EASEMENT DESCRIPTION - Easement 2**

That part of Vacated Second Street (also known as Traverse Street) TOWN OF ONEOTA described as follows:

Commencing at the most southerly corner of Lot 9, Block 69, said TOWN OF ONEOTA; thence southeasterly, along the southeasterly extension of the southwest line of said Lot 9, a distance of 20.00 feet to the point of beginning of the easement to be described; thence deflecting 89°58'24" left a distance of 183.01 feet; thence deflecting 90°00'00" right 10.00 feet; thence deflecting 90°00'00" right 72.00 feet; thence deflecting 90°00'00" right 20.00 feet; thence deflecting 90°00'00" left 100.00 feet to a point which is 85.00 feet southwest from the centerline of Vacated 45<sup>th</sup> Avenue West; thence deflecting 90°00'00" right 28.47 feet; thence deflecting 36°51'05" right 26.93 feet to the southeasterly line of said Vacated Second Street; thence deflecting 53°08'55" right 103.86 feet along the southeasterly line of said Second Street; thence deflecting 90°00'00" right 40.00 feet; thence deflecting 90°00'00" left 235.00 feet; thence deflecting 89°58'24" right 20.00 feet to the point of beginning.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*James W. Fowlds*  
 SIGNATURE  
 JAMES W. FOWLDS  
 PRINTED NAME

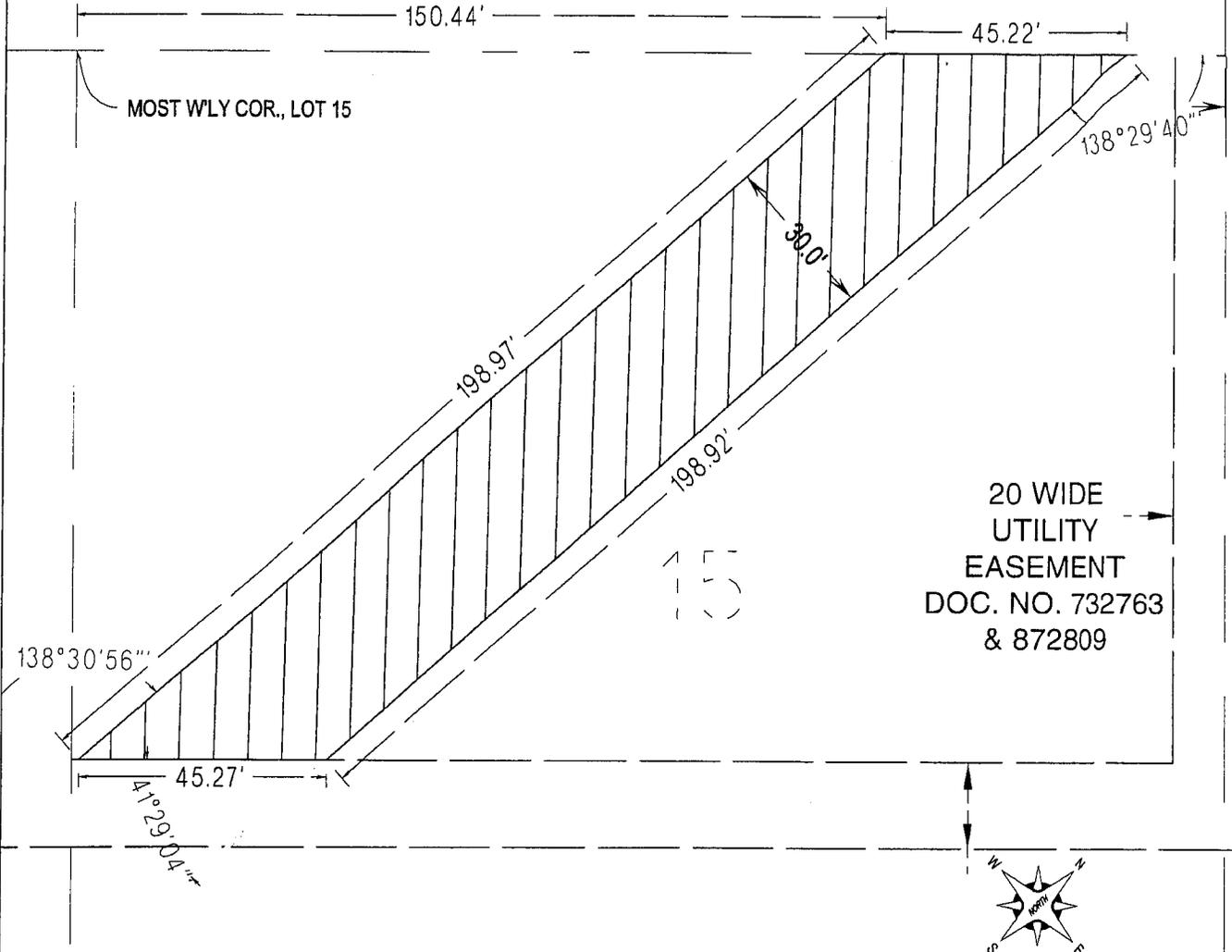
1-10-11  
 DATE  
 18184  
 REG. NO.

ENGINEERS • SURVEYORS • PLANNERS  
**SALO ENGINEERING, INC.**  
 4560 Norway Place, P.O. Box 2000, Minneapolis, MN 55402 • 218/727-8706

**EXHIBIT**  
 3

# SECOND STREET (TRAVERSE STREET) VACATED

E  
WEST



**EASEMENT DESCRIPTION - Easement 3**

That part of Lot 15, Block 1, ONEOTA INDUSTRIAL PARK described as follows:

Commencing at the most westerly corner of said Lot 15; thence northeasterly, along the northwesterly line of said Lot 15, a distance of 150.44 feet to the point of beginning of the easement to be described; thence continuing northeasterly, along the northwesterly line of said Lot 15, a distance of 45.22 feet; thence deflecting  $138^{\circ}29'40''$  right a distance of 198.92 feet; thence deflecting  $41^{\circ}29'04''$  right a distance of 45.27 feet; thence deflecting  $138^{\circ}30'56''$  right 198.97 feet to the point of beginning.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*James W. Fowlis*  
 SIGNATURE

DATE  
1-10-11  
18164  
REG. NO.

ENGINEERS • SURVEYORS • PLANNERS  
**SALO ENGINEERING, INC.**  
 4500 Norway Pine Place • Duluth, Minnesota 55802 • 218/727-8706

**EXHIBIT**  
C