

Exhibit 1

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made this ____ day of _____, 2021, by the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota (“City”).

WHEREAS, City is the owner of certain real property located in the State of Minnesota, County of St. Louis, legally described on the attached Exhibits A and B (the “Property”); and

WHEREAS, City has entered into Department of Natural Resources Outdoor Recreation Project Contract LW27-01427 (“Contract LW27-01427”) with the State of Minnesota, acting through its Commissioner of Natural Resources (the “State”); and

WHEREAS, as a requirement of Contract LW27-01427, City is required to place a deed restriction on the Property.

NOW, THEREFORE, in order to comply with Contract LW27-01427, City does hereby impose the following restrictions on the Property:

1. The Property shall be permanently managed and maintained for public outdoor recreation use.
2. City shall not at any time convert any portion of the Property to uses other than public outdoor recreation use without the prior written approval of the State acting through its Commissioner of Natural Resources and the Secretary of the Interior.

This restrictive covenant shall run with the land.

IN WITNESS WHEREOF, City has executed this Declaration of Restrictive Covenant the day and year above written.

CITY OF DULUTH

By: _____
Mayor

By: _____
City Clerk

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

The foregoing instrument was subscribed and sworn before me this _____ day of _____, 2021 by Emily Larson, Mayor of the City of Duluth, a municipal corporation organized and existing under the laws of the State of Minnesota.

Notary Public

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

The foregoing instrument was subscribed and sworn before me this _____ day of _____, 2021 by Chelsea Helmer, City Clerk of the City of Duluth, a municipal corporation organized and existing under the laws of the State of Minnesota.

Notary Public

This Instrument Drafted By:
Office of the City Attorney
440 City Hall
Duluth, Minnesota 55802

EXHIBIT A

Lots 1-7, Block 16, OHARA'S DIVISION OF DULUTH

Lots 1-11, Block 15, OHARA'S DIVISION OF DULUTH

Lots 1-8, Block 23, OHARA'S DIVISION OF DULUTH

AND

That part of the East one-half of the Southwest quarter (E1/2 of SW1/4) of Section Five (5), Township Forty-nine (49) North, of Range Fourteen (14) West of the Fourth Principal Meridian, according to the Government survey thereof, described by metes and bounds as follows, to-wit:

Commencing at the Northeast corner of the South one-half of the Northeast quarter of the Southwest quarter (S1/2 of NE1/4 of SW1/4) of Section Five (5), Township Forty-nine (49) North, of Range Fourteen (14) West; thence west four (4) chains and fourteen (14) links to a cedar post on the north side of the traveled road between Duluth and Oneota, as traveled in 1886; thence southwesterly along the north side of said road as then traveled ten (10) chains to a point one hundred eight (108) links from the southwest corner of Peter Lemargie's land, as reputed to be owned by him in 1886; thence south twenty-nine (29°) degrees east, eight hundred thirty-six (836) links to the north side of the right-of-way of the St. Paul & Duluth Railroad Company (now Northern Pacific Railway Company); thence northeasterly along said right-of-way to the East line of the Southwest quarter (SW1/4) of said Section Five (5); thence north along said quarter line to the place of beginning, and containing ten and seventy-four one-hundredths (10.74) acres, more or less, according to the United States Government Survey thereof. (Also known as Tract Four (4)).

AND

That part of the BNSF Railway Company's (formerly Northern Pacific Railway Company) 200.0 foot wide property at Duluth, Minnesota, being 100.0 feet wide on each side of said Railway Company's Main Track centerline, as originally located and constructed upon, over and across the S1/2 of Section 5, Township 49 North, Range 14 West P.M., St. Louis County, Minnesota, bounded on the east by the northerly extension of the west line of Block 7 of Triggs and Kennedy's Bay Front Division of Duluth, according to the recorded plat thereof in St. Louis County, Minnesota; and bounded on the west by the Westerly boundary of that certain strip of land described in an unrecorded Memorandum of Agreement dated March 12, 1915 between Northern Pacific Railway Company and the City of Duluth, said strip being described in said agreement as "All that part of the Northern Pacific Railway right-of-way lying within fifteen (15) feet on either side of the center line of Thirty-seventh Avenue West produced in a straight line across said Northern Pacific right-of-way."

EXHIBIT B

All that part of the SE 1/4 of the SW 1/4 of the NW 1/4, and all that part of the SW 1/4 of the SE 1/4 of the NW 1/4 lying South of the present Right of Way of the Duluth, Missabe and Northern Railway Company; All that part of NW 1/4 of NE 1/4 of SW 1/4 lying North of Grand Avenue or West Third Street; Part of NE 1/4 of NE 1/4 of SW 1/4 beginning at a point on the N'ly line of Grand Avenue 214.82 feet SW'ly from the North line of said NE 1/4 of SW 1/4, running thence NW'ly at an angle of 90 degrees 49 minutes 221.25 feet to the SW corner of Centerdale Division, thence South along the West line of NE 1/4 of NE 1/4 of SW 1/4 to the N'ly line of Grand Avenue, thence NE'ly along last mentioned line to point of beginning, all in Section 5, Township 49 North Range 14, West of the Fourth Principal Meridian

AND

Lot 1, Block 2, SEIBOURN PARK

Lots 1-22, Block 3, SEIBOURN PARK

Lots 1-29, Block 8, SEIBOURN PARK