

# EXHIBIT 4

## DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the City of Duluth, a Minnesota municipal corporation (“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 Exhibit A (the “Property”); and

WHEREAS, City has entered into a State of Minnesota Grant Contract Agreement identified as 236676 dated September 1, 2023 (the “Grant”) with the State of Minnesota, acting through its Commissioner of Natural Resources, Division of Ecological and Water Resources and Minnesota’s Lake Superior Coastal Program (“State”), which was amended by Amendment #1 for Grant Contract Agreement #236676 dated December 20, 2023 (the “Amendment”);

WHEREAS, the Grant, as amended by the Amendment, is referred to in this Declaration of Restrictive Covenant as the “Grant Agreement”;

WHEREAS, the Grant Agreement provided partial funding for a project entitled “Park Hill Acquisition”; and

WHEREAS, as a requirement of the Grant Agreement, City is required to encumber its title to the Property with the restrictive covenant set forth below;

NOW, THEREFORE, in order to comply with the Grant Agreement, City does hereby impose the following restriction on the Property:

The Property has been acquired [in part] with funds from federal financial assistance award NA23NOS41902113 through Section 306A of the United States’ National Oceanic and Atmospheric Administration’s (“NOAA”) Coastal Zone Management Program. Title to the Property is subject to the condition that the Property shall be managed consistent with the purposes for which it was acquired





**EXHIBIT A**  
**Legal Description**

W1/2 of NW1/4 of SECTION 1, TOWNSHIP 50 North of RANGE 14, West of the Fourth Principal Meridian, EXCEPT the following described parcels, to-wit:

A strip of land 66 feet in width lying and being 33 feet on each side of a line and the prolongation of the same and described as follows, to-wit:

Beginning at a point on the south line of the SW1/4 of the NW1/4 of Section 1, Township 50, North of Range 14, West of the Fourth Principal Meridian, thereof, 503.77 feet South 89 degrees 33 minutes East of the Southwest corner of said SW1/4 of NW1/4 of Section 1, and running thence North 13 degrees 37 minutes East 766.71 feet to a point; thence North 18 degrees 41 minutes East 373.61 feet to a point; thence North 18 degrees 42 minutes West, 231.24 feet to a point on the North line of said SW1/4 of NW1/4 of Section 1, 729.95 feet South 89 degrees 39-1/2 minutes East of the Northwest corner of said SW1/4 of NW1/4 of Section 1.

Beginning at a point on the South line of the NW1/4 of the NW1/4 of Section 1, Township 50, North of Range 14, West of the Fourth Principal Meridian, thereof, 729.95 feet South 89 degrees 39-1/2 minutes East of the Southwest corner of said NW1/4 of NW1/4 of Section 1, and running thence North 18 degrees 42 minutes West 436.30 feet to a point; thence North 13 degrees 11 minutes West 611.91 feet to a point; thence North 0 degrees 17 minutes East 302.89 feet to a point on the North line of said NW1/4 of NW1/4 of Section 1, 451.96 feet South 89 degrees 47 minutes East of the Northwest corner of said NW1/4 of NW1/4 of Section 1.

A tract of land in the NW1/4 of the NW1/4 of Section 1, Township 50, North of Range 14, West of the Fourth Principal Meridian, the boundary lines of which are described as follows, to-wit: Beginning at the Northwest corner of said NW1/4 of NW1/4 of Section 1, and running thence South 674.41 feet along the West line of said NW1/4 of NW1/4 of Section 1, to a point; thence South 18 degrees 17 minutes East 450.25 feet to a point; thence South 25 degrees 17 minutes East 230.88 feet to a point on the South line of said NW1/4 of NW1/4 of Section 1, 239.86 feet, South 89 degrees 39-1/2 minutes East of the Southwest corner of said NW1/4 of NW1/4 of Section 1, thence South 89 degrees 39-1/2 minutes East 455.18 feet along the said South line of said NW1/4 of NW1/4 of Section 1 to a point; thence North 18 degrees 42 minutes West 426.50 feet to a point; thence North 13 degrees 11 minutes West 611.91 feet to a point; thence North 0 degrees 17 minutes East 306.75 feet to a point on the North line of said

NW1/4 of NW1/4 of Section 1; thence North 89 degrees 47 minutes West 418.96 feet along the North line of said NW1/4 of NW1/4 to place of beginning.

A strip of land 66 feet wide in the SW1/4 of NW1/4 of Section 1, Township 50 North, Range 14, West, the center line of which is described as follows: Starting at a point on the East and West quarter line of said Section 1; 503.04 feet East from the West Quarter corner; thence at a deflection of 41 degrees 19 minutes 30 seconds to the North, a distance of 527.20 feet to a point; thence at a deflection of 29 degrees 28 minutes 50 seconds to the right, a distance of 413.6 feet to a point on the East line of said SW1/4 of NW1/4 433.0 feet North of the SE corner of said forty, containing 1.379 acres, more or less.

That portion of the SW 1/4 of NW 1/4, SECTION 1, TOWNSHIP 50 North of RANGE 14, West of the Fourth Principal Meridian, lying south and east of the southeast line of the following described strip of land:

A strip of land 66 feet wide in the SW1/4 of NW1/4 of Section 1, Township 50 North, Range 14, West, the center line of which is described as follows: Starting at a point on the East and West quarter line of said Section 1; 503.04 feet East from the West Quarter corner; thence at a deflection of 41 degrees 19 minutes 30 seconds to the North, a distance of 527.20 feet to a point; thence at a deflection of 29 degrees 28 minutes 50 seconds to the right, a distance of 413.6 feet to a point on the East line of said SW1/4 of NW1/4 433.0 feet North of the SE corner of said forty, containing 1.379 acres, more or less.

St. Louis County, Minnesota