Exhibit 1

State of Minnesota General Obligation Bond Financed Property DECLARATION TO BE RECORDED WITH DEED TO PROPERTY

The undersigned has the following interest in the real property located in the County of St. Louis, State of Minnesota that is legally described in **Exhibit A** attached and all facilities situated thereon (collectively, the "Restricted Property"):

(Check the appropriate box.)

a fee simple title,

a lease, or

an easement,

and as owner of such fee title, lease or easement, does hereby declare that such interest in the Restricted Property is hereby made subject to the following restrictions and encumbrances:

- A. The Restricted Property is bond financed property within the meaning of Minn. Stat. § 16A.695, is subject to the encumbrance created and requirements imposed by such statute, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget, which approval must be evidenced by a written statement signed by said commissioner and attached to the deed, mortgage, encumbrance or instrument used to sell or otherwise dispose of the Restricted Property; and
- B. The Restricted Property is subject to all of the terms, conditions, provisions, and limitations contained in that certain <u>grant contract #108140/3000092577</u> between the <u>State of Minnesota</u> and the <u>South St. Louis Soil & Water Conservation</u> <u>District</u>, dated <u>May 11, 2016</u> (the "Grant Contract"), as amended by <u>Amendment #1 to the Grant Contract</u>, dated <u>December 27, 2018.</u>

The Restricted Property shall remain subject to this State of Minnesota General Obligation Bond Financed Declaration for 125% of the useful life of the Restricted Property or until the Restricted Property is sold with the written approval of the Commissioner of Minnesota Management and Budget, at which time it shall be released therefrom by way of a written release in recordable form signed by both the Commissioner of Natural Resources and the Commissioner of Minnesota Management and Budget, and such written release is recorded in the real estate records relating to the Restricted Property. This Declaration may not be terminated, amended, or in any way modified without the specific written consent of the Commissioner of Minnesota Management and Budget.

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictive Covenant the day and year shown below.

CITY OF DULUTH:

By: _____

Mayor

By: ______ City Clerk

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

This instrument was acknowledged before me on ______, 2019, by Emily Larson and Chelsea Helmer, Mayor and City Clerk, respectively, of the City of Duluth, a municipal corporation organized and existing under the laws of the State of Minnesota.

Notary Public

This Instrument was drafted by:

City of Duluth Office of the City Attorney 411 W. First Street, Room 410 Duluth, Minnesota 55802

EXHIBIT A

That part of Northeast ¹/₄ of Southeast ¹/₄ of Section 32, Township 49 North, Range 15 West of the 4th Principal Meridian, lying within the 225.00 foot wide right-ofway of Duluth, Winnipeg and Pacific Railway, with right-of way lying 125.00 feet northwesterly of Railway centerline and 100.00 feet southeasterly of Railway centerline.