



Legislation Text

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RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DECLARATION OF RESTRICTIVE COVENANT FOR A PORTION OF SARGENT CREEK.

CITY PROPOSAL:

WHEREAS, Resolution No. 18-0330 authorized certain stream restoration work on a portion of Sargent Creek by the South St. Louis Soil and Water Conservation District (the "Project");

WHEREAS, the Project is financed under a grant agreement between the State of Minnesota, Department of Natural Resources and South St. Louis Soil and Water Conservation District (contract #108140/3000092577);

WHEREAS, a condition of said grant agreement requires the filing of a restrictive covenant against the real property to prevent it from being sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget;

WHEREAS, the City has a 5/8<sup>ths</sup> interest in the real property where the Project will occur on.

NOW THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute the Declaration of Restrictive Covenant, substantially in the form attached as Exhibit 1, over the real property described below:

That portion of the North Half of Southwest Quarter (N ½ of SW ¼), Section Thirty-two (32), Township Forty-nine (49), Range Fifteen (15) West lying within 33 feet of the centerline of Sargent Creek;

That portion of the Southwest Quarter of Southeast Quarter (SW ¼ of SE ¼), Section Thirty-two (32), Township Forty-nine (49), Range Fifteen (15) West lying within 33 feet of the centerline of Sargent Creek; and

That portion of the following-described property lying within 33 feet of the centerline of Sargent Creek: Northwest Quarter of Southeast Quarter (NW ¼ of SE ¼), Section Thirty-two (32), Township Forty-nine (49), Range Fifteen (15) West, EXCEPT railroad right-of-way and EXCEPT a strip of land between N P RY AND SPIRIT LAKE TRANSFER RY 10 20/100 AC, and ALSO EXCEPT that part North and East of SPIRIT LAKE RY R&W 7A.

FURTHER RESOLVED, that the proper city officials are hereby directed to record the Declaration of Restrictive Covenant with the St. Louis County Recorder and/or Registrar of Titles in order to properly effectuate this restrictive covenant.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the execution and recording of a Declaration of Restrictive Covenant on property that includes a portion of Sargent Creek, as required under the terms of Contract No. 108140/3000092577 between the State of Minnesota, Department of Natural Resources ("DNR") and the South St. Louis Soil and Water Conservation District ("SWCD").

The grant agreement between the DNR and SCWD will fund a stream restoration project for a portion of Sargent Creek. The project will create a stable stream channel, establish trout habitat, repair damage that occurred as a result from the 2012 flood, improve aesthetics of the creek, and increase resilience to future flooding.