



Legislation Text

File #: 19-0100R, **Version:** 1

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

CITY PROPOSAL:

WHEREAS, the city has or will authorize 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) (the "Grant Contract"), as amended by Amendment #1 to the Grant Contract;

WHEREAS, a condition of Amendment #1 to the Grant Contract 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 fee simple 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 on Exhibit A to Exhibit 1.

FURTHER RESOLVED, that the proper city officials are hereby directed to file the Declaration of Restrictive Covenant with the St. Louis County Recorder and/or Registrar of Titles.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the execution and filing of a Declaration of Restrictive Covenant on a portion of Sargent Creek, as required under the terms of Contract No. 108140/3000092577 (the "Grant Contract") and Amendment No. 1 to the Grant Contract, 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, and repair damage that occurred as a result from the 2012 flood. The portion of Sargent Creek subject to the Grant Contract, as well as the restrictive covenant, is depicted on the attached Exhibit 2.