



## Legislation Text

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**File #:** 17-0487R, **Version:** 1

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### RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANT FOR CHESTER CREEK WITHIN CHESTER PARK.

#### CITY PROPOSAL:

WHEREAS, Resolution No. 16-0022 authorized certain stream restoration work on Chester Creek within Chester Park by the South St. Louis Soil and Water Conservation District (the "Project"); and

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 #101811/3000085664); and

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; and

WHEREAS, Resolution No. 16-0222 also authorized the execution and filing of a restrictive covenant in order to meet the conditions stated in the grant agreement, but the legal description for the restricted property contained Chester Bowl in its entirety instead of limiting the legal description to Chester Creek within Chester Bowl; and

WHEREAS, the proper city officials have not executed nor recorded the restrictive covenant with the legal description contained in Resolution No. 16-0022.

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 legally 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 in order to properly effectuate this restrictive covenant.

**STATEMENT OF PURPOSE:** The purpose of this resolution is to authorize the execution and filing of a Declaration of Restrictive Covenant on Chester Creek within Chester Park, as required under the terms of Contract No. 101811/3000085664 between the State of Minnesota, Department of Natural Resources ("DNR") and the South St. Louis Soil and Water Conservation District ("SWCD"). An aerial view of the portion of Chester Creek affected by the Declaration of Restrictive Covenant is shown on the attached Exhibit 2.

The grant agreement between the DNR and SCWD will fund a stream restoration project for Chester Creek within Chester Bowl. The project will re-align and stabilize 900 feet of stream, provide trout habitat, improve aesthetics of the creek and park, preserve historical values, and increase resilience to future flooding.

This resolution fixes and supersedes a 2016 resolution that incorrectly placed a restrictive covenant on the entire park rather than just a portion of the creek.