



Legislation Text

File #: 19-0742R, **Version:** 1

RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ACCEPT A DONATION OF REAL PROPERTY ADJACENT TO CONGDON BOULEVARD FROM STEPHEN CHARLES SPENCER, SUSAN CAROL SPENCER, AND GUILFORD HARTLEY SPENCER.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept certain real property and enter into the donation agreement, substantially the same as that on file with the office of the City Clerk, with Stephen Charles Spencer and Susan Carol Spencer, married to each other, and Guilford Hartley Spencer, a single person, for the donation of real property legally described below (the "Property"):

Lots 3 through 8, Block 4, BRISTOL BEACH 1ST DIVISION.

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute all documents necessary to effectuate the acquisition of the Property from Stephen Charles Spencer, Susan Carol Spencer, and Guilford Hartley Spencer, and to accept the donation under the terms and conditions stated on the quit claim deed attached as Exhibit 1.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize and accept the donation of real property located adjacent to Congdon Boulevard from Stephen Charles Spencer, Susan Carol Spencer, and Guilford Hartley Spencer. The acquisition of this property allows the city to expand its ownership to the shore of Lake Superior. Prior to the donation, the shorefront property in this area was privately owned. The property to be donated is outlined in red on the attached Exhibit 2.

Under the terms of the Donation Agreement attached as Exhibit 3, the donation of the real property is subject the following restriction:

Grantee, its successors and assigns, may not use the Property for residential or commercial purposes and any activity on or use of the Property that is inconsistent with this restriction, including, without limitation, the improvement or development of the Property for such purposes or the granting of a right of way across the Property in conjunction with any commercial or residential use of any other land, shall be prohibited. This restriction shall not prevent the use of the Property for any public purpose that does not unreasonably interfere with the use and enjoyment of the Benefitted Land (defined below), including but not limited to the following purposes: park, trail, recreation, lake access and special events; provided, however, no temporary or permanent buildings or structures, parking or other development of any kind may be placed or constructed on the Property for such public purposes. The purpose of these restrictions and the donation of the Property is to maintain a natural setting and provide an unobstructed view of the lake from the adjacent roadway. These restrictions shall not prevent such temporary uses necessary to maintain and improve the adjacent roadway or other actions to protect and preserve the Property that do not unreasonably interfere with the use and enjoyment of the Benefitted Land.