



Legislation Text

File #: 20-0442R, **Version:** 1

RESOLUTION AUTHORIZING THE EXECUTION AND FILING OF A NOTICE OF FUNDING RESTRICTIONS OVER REAL PROPERTY ADJACENT TO SKYLINE PARKWAY IN THE PIEDMONT HEIGHTS NEIGHBORHOOD.

CITY PROPOSAL:

WHEREAS, Resolution No. 19-0703 authorized the city of Duluth ("City") to purchase certain real property adjacent to Skyline Parkway from the trustees of the Richard A. Peterson Trust under Agreement dated December 30, 2008 ("Peterson Trust") for \$400,000;

WHEREAS, Resolution No. 20-0041, authorized the City to accept a grant from the state of Minnesota to fund the purchase of the property from the Peterson Trust (the "Grant"); and

WHEREAS, a condition of the Grant requires the filing of a notice of funding restrictions against the real property to prevent it from being sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor.

NOW THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute the Notice of Funding Restrictions, substantially in the form attached as Exhibit 1, over the real property in St. Louis County, Minnesota described below:

All that part of the North Half of the Northeast Quarter (N ½ of NE ¼), Section Six (6), Township Forty-nine (49), Range Fourteen (14) West of the Fourth Principal Meridian lying Northerly of a One Hundred foot (100') parcel of land for extension of the boulevard as described in Book of Deeds 623, Page 497.

AND

All that part of the North Half of the Northeast Quarter (N ½ of NE ¼), Section Six (6), Township Forty-nine (49), Range Fourteen (14) West of the Fourth Principal Meridian lying Southerly of a One Hundred foot (100') parcel of land for extension of the boulevard as described in Book of Deeds 623, Page 497 and lying within the Westerly Four Hundred Twenty-five and 75/100ths feet (W'ly 425.75) feet of the North Half of Northeast Quarter (N ½ of NE ¼).

FURTHER RESOLVED, that the proper city officials are hereby directed to file the Notice of Funding Restrictions with the St. Louis County Recorder and/or Registrar of Titles in order to properly effectuate the notice of funding restrictions.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the execution and filing of a Notice of Funding Restrictions on property to be purchased by the City from the trustees of the Richard A. Peterson Trust under Agreement dated December 30, 2008 ("Peterson Trust"). The property to be purchased from the Peterson Trust is adjacent to Skyline Parkway in the Piedmont neighborhood. The property to be purchased is depicted on the attached Exhibit 2.

Under Resolution 20-0041, the city accepted a grant from the state of Minnesota Department of Natural Resources for a conservation partners legacy grant (the "Grant") that provides the funds needed to purchase the property. The Grant funds land acquisitions that restore, enhance, or protect forests, wetlands, prairies,

and habitat for fish, game, and wildlife in Minnesota. The acquisition of the land accomplishes these goals by protecting important Merritt Creek trout habitat, expanding the deer hunting area in the annual City of Duluth bow hunt, and preventing fragmentation of forest habitat utilized by a variety of species. A condition of the Grant requires that the city file the Notice of Funding Restrictions.