

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT, dated this ____ day of _____, 2026 (the “Declaration”), by the CITY OF COLUMBIA HEIGHTS, MINNESOTA, a home rule city organized under its Charter and the laws of the State of Minnesota (the “City”),

WITNESSETH:

WHEREAS, the City is the owner of real property identified in EXHIBIT A attached hereto; and

WHEREAS, the City and the State of Minnesota, acting through its Commissioner of Natural Resources (the “State”), have entered into Grant Agreement LW27-01496 (the “Grant Agreement”), for the granting of federal funds in the amount of \$350,000 (the “Grant”), from the Land and Water Conservation Fund, National Park Service, 15.916 – Outdoor Recreation Acquisition, Development and Planning, P26AP00512, for 27-01496 Columbia Heights Sullivan Lake Park; and

WHEREAS, the purpose of the Grant is to improve ADA accessibility of the park and trails, add a play area, seating, shade opportunities, and lighting infrastructure; and

WHEREAS, the Grant Agreement obligates the State to provide the City with the Grant not to exceed \$350,000 for the purposes described herein; and

WHEREAS, the Grant Agreement requires that the City place a restrictive covenant on the property described in EXHIBIT A attached hereto, which restrictive covenant shall provide as follows:

A. The property shall be permanently managed and maintained for public outdoor recreational use; and

B. The property has been acquired and/or developed with Land and Water Conservation Fund assistance and it cannot be converted to uses other than public outdoor recreation use without the written approval of the State, acting through its Commissioner of Natural Resources and the Secretary of the Interior; and

WHEREAS, the City wishes to accept the Grant and place the restrictive covenant on the property set forth in EXHIBIT A attached hereto; and

NOW, THEREFORE, in consideration of the Grant funds paid to the City as set forth in the Grant Agreement, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. That the tract of land legally described in EXHIBIT A attached hereto shall be subject to the following restrictive covenant:

(a) The property shall be permanently managed and maintained for public outdoor recreational use.

(b) The property has been acquired and/or developed with Land and Water Conservation Fund assistance and it cannot be converted to uses other than public outdoor recreation use without the written approval of the State, acting through its Commissioner of Natural Resources and the Secretary of the Interior.

2. That this restrictive covenant shall be a covenant running with the land and binding upon the City and its assigns.

(The remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the undersigned have executed this Declaration of Restrictive Covenant as of the date and year first written above.

**CITY OF COLUMBIA HEIGHTS,
MINNESOTA**

By: _____
Its: Mayor

By: _____
Its: City Manager

STATE OF MINNESOTA)
) ss
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2026, by Amáda Márquez Simula, the Mayor of the City of Columbia Heights, Minnesota, a home rule city organized under its Charter and the laws of the State of Minnesota, on behalf of the City.

Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2026, by Aaron Chirpich, the City Manager of the City of Columbia Heights, Minnesota, a home rule city organized under its Charter and the laws of the State of Minnesota, on behalf of the City.

Notary Public

This document drafted by:

Kutak Rock LLP (SEL)
60 South Sixth Street, Suite 3400
Minneapolis, Minnesota 55402
(612) 3340-5000

EXHIBIT A

LEGAL DESCRIPTION

Parcel 26-30-24-11-0021

E 293 FT OF LOT 9 AUDITORS SUBDIVISION NO 51

Parcel 26-30-24-12-0066

TRACT B REGISTERED LAND SURVEY #84 SUBJ TO EASE OF REC