

CITY OF COLUMBIA HEIGHTS, MINNESOTA

RESOLUTION NO. 2026-58

**RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A DECLARATION OF
RESTRICTIVE COVENANT IN CONNECTION WITH A GRANT FOR 27-01496 COLUMBIA
HEIGHTS SULLIVAN LAKE PARK**

WHEREAS, the City of Columbia Heights, Minnesota (the “City”) is the owner of property identified by parcel identification numbers 26-30-24-11-0021 and 26-30-24-12-0066 (the “Property”) 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, which restrictive covenant shall provide as follows: (i) the Property shall be permanently managed and maintained for public outdoor recreational use; and (ii) 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; and

WHEREAS, there has been presented to the City Council of the City a form of Declaration of Restrictive Covenant (the “Deed Restriction”) to be executed by the City in favor of the State, which places the restrictive covenant on the Property as described herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA HEIGHTS, MINNESOTA, AS FOLLOWS:

1. The Deed Restriction is approved in accordance with its terms, subject to modifications that do not alter the substance of the transaction and that are approved by the Mayor and the City Manager of the City, provided that execution of the Deed Restriction by such officials shall be conclusive evidence of approval.

2. The Mayor and the City Manager of the City are authorized to execute on behalf of the City the Deed Restriction and any documents referenced therein requiring execution by the City (collectively, the “Documents”), and to carry out, on behalf of the City, the obligations of the City under such Documents. In the event of absence or disability of any such officers, any of the Documents authorized by this resolution to be executed may be executed without further act or authorization of the City Council

by any duly designated acting official, or by such other officer or officers of the City Council as, in the opinion of legal counsel to the City, may act in their behalf.

3. The authority to approve, execute and deliver future amendments to the Documents or consents is hereby delegated to the City Manager, subject to the following conditions: (a) such amendments or consents do not materially adversely affect the interests of the City; (b) such amendments or consents do not contravene or violate any policy of the City or applicable provision of law; and (c) such amendments or consents are acceptable in form and substance to the counsel retained by the City to review such amendments. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the City Manager shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the City Manager any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the City authorized to act in the City Manager's place and stead.

4. This resolution shall be in full force and effect from and after its passage.

Approved this 28th day of September, 2026, by the City Council of the City of Columbia Heights, Minnesota.

Offered by:
Seconded by:
Roll Call:

Amáda Márquez Simula, Mayor

ATTEST:

Aaron Chirpich, City Manager