

DECLARATION OF USE RESTRICTION

THIS DECLARATION OF USE RESTRICTION effective this _____ day of _____, 2023 (the “Effective Date”), is made by the undersigned owner of the Restricted Parcel (hereinafter referred to as the “Declarant”).

WITNESSETH:

RECITALS

- A. Declarant is the owner of the Restricted Parcel (defined below); and
- B. Declarant desires to place a use restriction on a portion of the Restricted Parcel.

NOW, THEREFORE, THE DECLARANT HEREBY DECLARES AND IMPOSES THE FOLLOWING:

- 1. Recitals. The Recitals set forth above are incorporated by this reference.
- 2. Definitions.
 - a. “Declarant” means the owner of the Restricted Parcel.
 - b. “Restricted Parcel” means the property legally described on the attached Exhibit A.

3. Use Restriction. In order to comply with the State of Minnesota Grant Contract Agreement (OR23-012), the Declarant does hereby impose the following restrictions on the portion of the Restricted Parcel that is outlined on the attached Exhibit B:

- a. The portion of the Restricted Parcel that is outlined on the attached Exhibit B shall be permanently managed and maintained for public outdoor recreation use.
- b. The Declarant shall not at any time convert any portion of the park area that is outlined on the attached Exhibit B to uses other than public outdoor recreation use without the prior written approval of the State acting through its Commissioner of Natural Resources.

4. Restriction Runs with the Land. The use restriction imposed by this instrument constitutes a covenant running with the land and, as such, will be binding upon the owners from time-to-time of the Restricted Parcel and their respective successors and assigns.

5. Severability. If any provision of this instrument is invalid, illegal or incapable of being enforced by any law or public policy, all other provisions of this declaration will remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, the Declarant has caused this Declaration of Use Restriction to be executed on or as of the day and year first above written.

DECLARANT:

CITY OF MARSHALL

By: _____
Robert Byrnes
Its: Mayor

By: _____
Steven Anderson
Its: Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF LYON)

This instrument was acknowledged before me on _____, 2023, by Robert Byrnes and Steven Anderson, the Mayor and Clerk, respectively, of the City of Marshall, a Minnesota municipal corporation on behalf of the City.

NOTARIAL STAMP OR SEAL (OR
OTHER TITLE OR RANK)

SIGNATURE OF NOTARY PUBLIC OR
OTHER OFFICIAL

THIS DOCUMENT WAS DRAFTED BY:
Kennedy & Graven, Chartered (SJS)
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

EXHIBIT A
LEGAL DESCRIPTION OF THE RESTRICTED PARCEL

That part of the Northwest Quarter (NW ¼) of Section Ten (10), Township One Hundred Eleven North (111N), Range Forty-one West (41), County of Lyon, State of Minnesota described as follows; Beginning at a point 662.35 feet East of the Northwest corner of said Section 10; thence South approximately 1,471 feet to the North line of the Holy Redeemer Cemetery; thence East and on the extension of the North line of said cemetery to the Northwesterly right-of-way line of Trunk Highway No. 23; thence Northeasterly on the Northwesterly right-of-way line of Trunk Highway No. 23 to the North-South Quarter line of said Section 10; thence North on said North-South Quarter line to the North Section line of said Section 10; thence West on the North Section line of said Section 10 to the point of beginning, containing approximately 51 acres.

EXHIBIT B

Portion of the Restricted Parcel that is Subject to the Declaration (shown in yellow)

