



Requirements for a Covenant between a Local Government Unit and a Private Land Owner

In cases where a local government unit (LGU) is awarded a grant for a facility on private land, the private land owner (Owner), with the LGU, shall execute a covenant to run with the land.

The covenant will be constructed by the LGU, which is solely responsible for any legal fees arising from the construction and execution of the covenant. The covenant shall also be subject to the review of the Hennepin County Attorney's Office, and must include the following elements:

1. The covenant shall be in writing.
2. The covenant shall demonstrate the benefits it provides the LGU and Owner.
3. The covenant shall apply to and bind successors of the LGU and/or Owner.
4. The covenant shall be recorded.
5. The Owner shall provide written notice as to the terms of the covenant to successor owners prior to the sale of the land.
6. The covenant shall ensure the public may enjoy the use of the land for youth activities and/or youth and amateur athletics as described in the facility grant application.
7. The Owner may not modify the land from its intended public use without written consent of the LGU.
8. The covenant shall be in effect for fifteen (15) years, the expected life of the public improvement. During this time, the Owner shall ensure the land is used for the purposes described in paragraph 6 and is available to otherwise be used by the public for reasonable periods of time as agreed to by the LGU.
9. If, during the time period when the covenant is effective, the land is not used for the purposes described in paragraph 6 and/or is not reasonably available for public use, the Owner shall repay the LGU the full amount of the Grant and other funds provided to the Owner from the LGU.
10. The covenant shall not violate the law.
11. The covenant shall not violate the public policies of the LGU.