# DEED Examples of Real Property Declaration Waiver Request Documents for G.O. Bonded Projects

## Real Property Declaration Recording Requirement Waiver Request

A sample request letter appears on the next page. It may be submitted electronically to Roger Behrens, Capital Bonding Coordinator, Roger.Behrens@state.mn.us (651-201-8131) at MMB for review and response. Delete instructions in *[brackets]* before submitting.

## (Example of Letter Requesting a Waiver)

*(Put on City Letterhead)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019

Commissioner of Minnesota Management and Budget

c/o Roger Behrens, Capital Bonding Coordinator

Minnesota Management and Budget

400 Centennial Office Building

658 Cedar Street

St. Paul, MN 55155

RE: Real Property Declaration Waiver Request - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Project

*[insert DEED Grant no.]*

Dear Commissioner:

The City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has submitted an application to the Minnesota Department of Employment and Economic Development (DEED) requesting funding for a project. The project will be funded with a DEED *[include grant program name:]*. As described in the application to the DEED, the project is as follows:

*[describe project]*

The financing above will be funded in whole or in part with State bond proceeds, and the City must comply with the requirements applicable to Real Property Declarations set forth in Section 7.02 of Minnesota Management and Budget’s (MMB’s) *Fourth Order Amending Order of Commissioner of Finance* dated July 30, 2012 (the “Commissioner’s Order”).

***[use one of the following two paragraphs:]***

*[if the entire project is eligible for a waiver]* This letter constitutes the City’s written request for a waiver of the Declaration requirement because the entire project lies within roads, highways or utility or transit corridors, easements or rights of way, and the recording of the Declaration against such property would be unduly onerous or impracticable. I understand that the City will have to sign a Certification that the property improved by the funding described above is State bond financed property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB.

*[if only a portion of the project is eligible for a waiver]* This letter constitutes the City’s written request for a waiver of the Declaration requirement only for the portion of the project within roads, highways or utility or transit corridors, easements or rights of way, and the recording of

the Declaration against such property would be unduly onerous or impracticable. I understand that the City will have to sign a Certification that the property subject to the waiver is State bond financed property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB. I also understand that the City will be required to record a real property Declaration for the remaining parcel(s) of land in the project that is/are not eligible for the waiver, stating that such parcel(s) is/are State bond financed property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB.

I am including for your review a map which shows the location of the project. If you need any additional information, please contact me at (\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Sincerely,

## EXAMPLE OF CERTIFICATION

**CERTIFICATION**

**Minnesota Management and Budget**

**State of Minnesota**

**General Obligation Bond Financed Property**

The undersigned has a fee simple, leasehold and/or easement interest in the real property located in the County(ies) of \_\_\_\_\_\_\_\_\_\_\_\_\_, State of Minnesota that is generally described or illustrated graphically in **Exhibit A** attached and all facilities situated thereon (the “Restricted Property”) and acknowledges that the Restricted Property is or may become State bond-financed property. To the extent that the Restricted Property is or becomes State bond-financed property, the undersigned acknowledges that:

A. The Restricted Property is state bond financed property within the meaning of Minn. Stat. Sec. 16A.695, is subject to the encumbrance created and requirements imposed by such statute, and cannot be sold, mortgaged, encumbered or otherwise disposed of without the approval of the Commissioner of Minnesota Management and Budget;

B. The Restricted Property is subject to the provisions of the Bond Purchase and Project Loan Agreement between the Minnesota Department of Employment and Economic Development and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*[name of borrower]* for *[insert DEED grant number]* , dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_; and

C. The Restricted Property shall continue to be deemed state bond financed property for 125% of the useful life of the Restricted Property or until the Restricted Property is sold with the written approval of the Commissioner of Minnesota Management and Budget.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, *[name of borrower]*, a political subdivision of the state of Minnesota

By:

Name:

Title:

By:

Name:

Title:

## Exhibit A

**GENERAL DESCRIPTION OF RESTRICTED PROPERTY**

 *[Insert a narrative or graphic description of the Restricted Property. It need not be a legal description.]*