

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

CASE TYPE: 14
DISTRICT COURT
SIXTH JUDICIAL DISTRICT
File #: 69-DU-CV-09-2866

THE STATE OF MINNESOTA by Marilyn Campetti and Eric J. Ringsred;
And Marilyn Campetti and Eric J Ringsred, individuals.

Plaintiffs,

vs.

CITY OF DULUTH, a municipal corporation.

Defendant.

PROPOSED ORDER

MOTION FOR PARTIAL
SUMMARY JUDGEMENT
FOR
February 17, 2010

Upon due consideration of the filings submitted by the Parties, and oral argument heard on February 17, 2010, this Court issues the following:

CONCLUSIONS

- 1) That Skyline Parkway is a “natural resource” as defined and protected under MS 116B.01 et. seq. and 116D.01 et. seq.
- 2) That Defendants issuance of building permit #101388 for construction at 3800 W. Skyline Parkway, has caused impairment of Skyline Parkway with material adverse effects upon its scenic, aesthetic, and recreational qualities.

3) That existing City ordinances fail to protect Skyline Parkway as required by MS116D.07

ORDER

4) For equitable relief under MS 116B.03, Defendants shall submit to this Court a plan for abatement of the construction at 3800 W Skyline Parkway and any other construction to the extent that it adversely effects Skyline Parkway, under building permits issued within the applicable three year statute of limitations for this litigation, i.e. October 12, 2006 to present.

5) For relief pursuant to MS 116B.10, Defendants shall submit to the Court appropriate regulations for protection of scenic, aesthetic, recreational, and historical qualities of Skyline Parkway.

6) That Defendants are enjoined from granting construction permits or other actions which may adversely affect Skyline Parkway pending compliance with 4 & 5 above.

7) That Defendants shall pay to Plaintiffs their costs and disbursements pertaining to this Partial Summary Judgement.

Honorable Eric Hylden
District Court Judge