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The City of Vadnais Heights
 800 East County Road E
 Vadnais Heights, MN 55127

Memorandum:

TO: Mayor Krachmer and City Council Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: February 7, 2023

SUBJECT: Request for Council Action
 Tenth Rider to Agreement with Board of Water Commissioners of the City of Saint Paul

Recommended Council Action

Staff recommends approval of the attached Tenth Rider to Agreement with Saint Paul Regional Water Services.

Background

The Elevage Development multi-family residential project includes stormwater drainage infrastructure through adjacent property owned by Saint Paul Regional Water Services (Board of Water Commissioners). Prior to any construction activity on the property, a rider to the original agreement from 1967 is required that conveys responsibility for ongoing maintenance to the City.

Action Requested

Staff recommends approval of the Tenth Rider to Agreement with Saint Paul Regional Water Services, to be reviewed by the City Attorney prior to being recorded.

This matter requires a simple majority vote.

Attachment(s):

- Tenth Rider to Agreement

**TENTH RIDER
TO
AGREEMENT**

THIS AGREEMENT, is made this 14th day of February, 2023, by and between the **BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL** (the "Board"), and the **CITY OF VADNAIS HEIGHTS**, Ramsey County, Minnesota (the "City") being the Tenth Rider to that certain Agreement made by and between said Board and said City (previously The Village of Vadnais Heights) the 20th day of June 1967 ("Agreement"), and by this reference incorporated herein and made part and parcel hereof with the same intent, purpose, and effect as if said Agreement were set forth herein, verbatim.

WHEREAS, the Board now possesses title to property in, over, and across certain real estate described as Blocks 4, 5, and 6 of Michaud and Michaud's Rearrangement of Lots A, B, C, D, and E of Vadnais Lake Villa Addition, according to the recorded plat thereof (the "Premises"); and

WHEREAS, stormwater drainage infrastructure containing approximately 40 linear feet of 15" reinforced concrete storm sewer, approximately 26 linear feet of 18" reinforced concrete storm sewer, a storm sewer manhole with a rim elevation of 886.00 / invert elevation of 883.05, and an outfall into the west arm of Vadnais Lake at elevation 883.00 including erosion control protection is needed to control stormwater at and near the proposed development known as The Elevage in the City of Vadnais Heights; and

WHEREAS, the Board is willing to grant permission for the construction of the stormwater drainage infrastructure within its property via permit agreement with the development company providing that upon its completion all components of the system within the Board's property become the property of the City and is maintained by the City thereafter; and

WHEREAS, the City has agreed to accept ownership and maintenance responsibilities for said stormwater drainage infrastructure located in said Premises; now, therefore, be it

AGREED, in consideration of the mutual promises and agreements of the parties hereto, that subject to all terms and conditions contained in the Agreement, the Board hereby grants to the City permission to enter upon portions of said Premises and to there within maintain, and carry out all Board approved operations in respect to the following and as indicated in Exhibit A, attached hereto and incorporated herein by reference:

1. Permitted Activity

Own and maintain the proposed stormwater drainage infrastructure containing approximately 40 linear feet of 15” reinforced concrete storm sewer, approximately 26 linear feet of 18” reinforced concrete storm sewer, a storm sewer manhole with a rim elevation of 886.00 / invert elevation of 883.05, and an outfall into the west arm of Vadnais Lake including erosion control protection at elevation 883.00.

2. Conditions

All work to be performed in accordance with good engineering practices subject to approval by the Board’s Vadnais Supervisor

3. Notification

City or City’s contractor to notify Board’s Vadnais Supervisor at least 48 hours in advance of permitted activity to schedule coordination of work. Board’s Vadnais Supervisor can be reached between the hours of 8:00 a.m. and 4:00 p.m. at 651-766-4150

4. Insurance

Pursuant to Section 29 of the Agreement, City’s contractor to provide a certificate of insurance naming the Board of Water Commissioners and the City of Saint Paul as additional insureds with respect to general liability and automobile insurance. Work not to commence prior to Board approval of said certificate.

Section 29 of the Agreement is hereby amended to require public liability insurance in minimum amounts of \$1,500,000 for any number of claims arising out of a single occurrence, for bodily injury or death, and \$1,500,000 for damages to or destruction of any property.

This section not to apply when work is performed by City's forces; rather, the provisions of Chapter 466, Minnesota Statutes will apply to work performed by the City and/or its employees.

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IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first above written.

Approved:

Recommended by:

Patrick Shea, General Manager
Saint Paul Regional Water Services

Kevin Watson, City Administrator
City of Vadnais Heights

Approved as to form:

Approved as to form:

Saint Paul Assistant City Attorney

Vadnais Heights City Attorney

**BOARD OF WATER COMMISSIONERS
OF THE CITY OF SAINT PAUL**

CITY OF VADNAIS HEIGHTS

Mara Humphrey, President

Mike Krachmer, Mayor

Mollie Gagnelius, Secretary

City Clerk

Todd Hurley, Director
Office of Financial Service