



## Legislation Text

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**File #:** RES 22-170, **Version:** 1

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Authorizing the Saint Paul Department of Parks and Recreation to enter into an agreement with Capital Regional Watershed District, and Lower Phalen Creek Project, for a creek enhancement feasibility study, which including mutual indemnification language.

WHEREAS, the Saint Paul Department of Parks and Recreation (Department), the Capitol Region Watershed District (CRWD), and the Lower Phalen Creek Project are entering into an agreement to complete a creek enhancement feasibility study (Project) for Swede Hollow Park; and

WHEREAS, the Department owns and maintains Swede Hollow Park and adopted a Master Plan in 2019 that identifies access to water to celebrate historical and cultural significance, daylighting Phalen Creek, enhancing aquatic habitat for wildlife, water quality protection, and investigation of additional sources of water as high priorities; and

WHEREAS, CRWD adopted a Watershed Management Plan in 2020 which includes technical support and funding for water resource and natural resource investigation and planning within Swede Hollow Park in Saint Paul, MN; and

WHEREAS, CRWD will direct and manage the Project, and the Department agrees to participate as primary stakeholders in the execution of the Project; and

WHEREAS, the Lower Phalen Creek Project has agreed to participate in the funding of the project; and

WHEREAS, the City will provide access for CRWD and CRWD's consultant to publicly inaccessible infrastructure and property owned by City for the purposes of surveys, soil borings, or other investigative field work as needed; and

WHEREAS, the City will provide CRWD and CRWD's consultant with all existing historical and current data needed to complete the project including but not limited to those for storm sewer GIS data, record drawings, elevation surveys including bathymetry data, plans for upcoming projects, existing models, and inventories of soils, wetlands, and vegetation; and

WHEREAS, the Agreement includes language that requires each party agree to indemnify, defend, and hold harmless the other parties, its officers, council members, employees, and agents from any and all actions, costs, damages, and liabilities of any nature arising from the negligent or otherwise wrongful act or omission, or breach of a specific contractual duty, by the first party, or the first party's agent, employee, or contracted non-party.; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul authorizes the Department of Parks and Recreation to enter into an agreement with CRWD and Lower Phalen Creek Project which includes mutual indemnification language.