

## **FOURTH RIDER TO LEASE AGREEMENT**

**THIS AGREEMENT** made this 10<sup>th</sup> day of May 2022, by and between the **BOARD OF WATER COMMISSIONERS** of the City of Saint Paul, Minnesota (the “Board”), and the **CITY OF SAINT PAUL**, (the “City”), being the Fourth Rider to that certain Lease Agreement made by and between the Board and the City on the 27<sup>th</sup> day of June 1978, and as amended on the 9<sup>th</sup> day of January 1995, and as amended the 9<sup>th</sup> day of November 2020, and by this reference each are incorporated herein and made a part thereof;

### **WITNESSETH:**

**WHEREAS**, the Board and the City entered into a Lease Agreement dated June 27, 1978, for the purpose of allowing the City to construct and maintain a canine kennel facility for and on behalf of the Saint Paul Police Department for the purpose of a regional police canine team training and exercise program on certain Board-owned property at the Board’s McCarron’s Water Treatment Plant (“Premises”); and

**WHEREAS**, the Board and the City approved a First Rider to the Lease Agreement dated June 10, 1987, which authorized installation of three overhead night light poles on the Premises; and

**WHEREAS**, the Board and the City approved an Amended Lease Agreement dated January 25, 1995, which extended the term of the Lease Agreement to June 26, 2028, subject to all of the terms, covenants and conditions set forth in the Lease Agreement; and

**WHEREAS**, the Board and the City approved a Second Rider to the Lease dated July 13, 1999, for a canine memorial, and granted approval for an addition to the canine training building, including vehicle parking and sidewalk improvements; and

**WHEREAS**, the Board and the City approved a Third Rider to the Lease Agreement dated September 8, 2009, which granted approval to construct roadway and sidewalk improvements; and

**WHEREAS**, the Board and the City approved a Second Amended Lease dated November 9, 2020, extending the term of the Lease to June 27, 2053, subject to all of the terms, covenants and conditions set forth in the Amended Lease; and

**WHEREAS**, the City desires to construct improvements to the existing canine kennel facility on the Premises; and

**WHEREAS**, the Second Amended Lease requires prior Board approval, authorizing in writing, to allow the City to make any changes or additions to the exterior of the canine kennel facility or any other portion of the premises; and

**WHEREAS**, staff has reviewed the conceptual designs for such improvements, and recommends their approval to the Board.

**NOW, THEREFORE**, it is mutually agreed by the City and the Board that the Lease Agreement dated the 27<sup>th</sup> day of June 1978, and as amended for an extended term on January 9, 1995, and as amended for an extended term on November 9, 2020, to June 27, 2053, is hereby amended by adding the

following Section 29, subject to all of the terms, covenants and conditions set forth in the Second Amended Lease, as a Fourth Rider to the Lease Agreement:

- 29) The Board grants to the City permission to construct improvements as conceptually shown in Exhibit "D", which is incorporated by reference herein, and in accordance with final plans to be approved by Board staff in advance of the planned work.

*[remainder of page left intentionally blank]*

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

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

Approved:

By \_\_\_\_\_  
Patrick Shea, General Manager  
Saint Paul Regional Water Services

By \_\_\_\_\_  
Mara Humphrey, President

Approved as to form:

By \_\_\_\_\_  
Lisa Veith  
Senior Assistant City Attorney

By \_\_\_\_\_  
Mollie Gagnelius, Secretary

**CITY OF SAINT PAUL,  
POLICE DEPARTMENT**

Approved:

By \_\_\_\_\_  
Todd Axtell, Chief  
Saint Paul Police Department

By \_\_\_\_\_  
Jaime Tincher, Deputy Mayor

Approved as to form:

By \_\_\_\_\_  
Judy Hanson  
Assistant City Attorney

By \_\_\_\_\_  
Shari Moore, City Clerk

By \_\_\_\_\_  
John McCarthy, Director  
Office of Financial Services