

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. 23-236
DATE February 14, 2023

WHEREAS, the State of Minnesota, acting by and through its Commissioner of Transportation (the “State”) intends to let a contract for State Project No. 6229-37 and State Project No. 6230-30 located on Trunk Highway 5 (“Minnehaha Avenue”) from 0.3 mile east of Mendota Street in the City of Saint Paul to the north junction of MN 120 in the City of Maplewood; and

WHEREAS, the Board of Water Commissioners of the City of Saint Paul (the “Board”) owns and operates certain water facilities presently located within the limits of said project; and

WHEREAS, the State has determined that the construction of said project necessitates the adjustments of the Board’s water valve boxes and that Minnesota Statutes provide for this work to be accomplished as part of a state highway construction contract; and

WHEREAS, on April 24, 1987, the District Court made an interpretation of Chapter 110, Special Laws of Minnesota 1885, that the City of Saint Paul (“City”) has the obligation to reimburse the Board for all relocation costs whenever the City makes improvements to city streets; and

WHEREAS, when the State took Minnehaha Avenue from the City, the State assumed the obligation to reimburse the Board for such relocations of waterworks facilities as a result of street improvements; and

WHEREAS, the State prepared Agreement No. 1052612 to provide for reimbursement to the State for relocation of facilities that are not within the limits of the City of Saint Paul; and

WHEREAS, Agreement No. 1052612 has been reviewed and approved as to form by the assistant city attorney; now, therefore, be it

RESOLVED, that Agreement No. 1052612 between the Board of Water Commissioners of the City of Saint Paul and the State of Minnesota pertaining to the reimbursement of State costs due to the adjustment of water valve boxes within State Project No. 6229-37 and State Project No. 6230-30 located within the limits of the City of Maplewood, with no reimbursement of State costs for the adjustment of water valve boxes within the City of Saint Paul, is hereby approved in substantially the form submitted, and that the proper officers are hereby authorized and directed to execute said agreement on behalf of the Board.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

February 14, 2023

In favor

Opposed

Secretary

ORIGINAL