

Agreement # 02-15925-O

**SIXTH RIDER
TO
AGREEMENT**

THIS AGREEMENT, is made this 10th day of March 2015, by and between the **BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL**, Minnesota, (the "Board") and the **CITY OF CENTERVILLE**, Minnesota (the "Permittee"), being a Sixth Rider to that certain Agreement made by and between Board and Permittee the 9th day of June, 1966, and by this reference incorporated herein and made a part and parcel hereof with the same intent, purpose and affect as if said Agreement were set forth herein verbatim.

WHEREAS, the Board now possesses fee title to a 49.5-foot wide right of way, centerline of which being the west line of the South ½ of Section 23, Township 31 North, Range 22 West in Cities of Centerville and Lino Lakes, Anoka County, Minnesota (the "Premises"); and

WHEREAS, Permittee desires permission to enter upon certain portions of the Premises to therein install a 48-inch equivalent arch pipe culvert; and

WHEREAS, the Board is willing to grant said permission to the Permittee consistent with requirements and safety of the works of the Board.

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 said Agreement between the parties hereto made and entered into the 9th day of June 1966, the Board hereby grants to Permittee permission to enter upon portions of said Premises and to there within install, maintain and carry out all Board approved operations in respect to the following:

1. Permitted Activity

Install and maintain a 48-inch equivalent arch pipe culvert spanning the complete width of the Premises approximately 920 feet south of LaMotte Drive as shown on Exhibit "A", attached hereto and incorporated herein. The installation of the culvert will require that the contractor work under the Board's 42-inch raw water conduit. The contractor shall provide a steel support beam and Board forces will chain the conduit to the beam, observe the culvert construction and backfilling, and remove the chain.

2. Conditions

All work shall be performed in accordance with good engineering practices and in accordance with approved plans for the CSAH Reclaim/Overlay and Reconstruction Project S.A.P. 002-621-010 on file in the offices of Board and City.

3. Notification

Permittee or Permittee's contractor shall notify Board's Vadnais Supervisor at least 48 hours in advance of permitted activity to schedule inspection and coordination of work. Board's Vadnais Supervisor may be reached between the hours of 8 a.m. - 4 p.m. at 651-775-6192, except on weekends and holidays.

4. Insurance

Section 30 of the June 9, 1966 Agreement is hereby amended to require that the City's contractor name the City of Saint Paul, the Board of Water Commissioners of the City of Saint Paul, and their officials, employees, agents and representatives as additional insureds with primary coverage on a noncontributory basis under its commercial general liability policy, with a coverage limit of at least \$1.5 million per claim and \$2.0 million aggregate.

5. Liability

Except in the case of negligent or intentional acts or omissions by the contractor, the City shall not be responsible for damage that may occur to the Board's conduit during construction of the culvert.

This Agreement is made and executed pursuant to and under the authority of Resolution numbered 15-468 adopted by the Board of Water Commissioners of the City of Saint Paul on the 10th day of March, 2015, a copy of said Resolution being annexed hereto and by this reference incorporated herein and made a part hereof the same as if set forth verbatim.

[Remainder of page left intentionally blank.]

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

Approved:

CITY OF CENTERVILLE, MINNESOTA

By _____
Mayor

By _____
City Clerk

Approved:

**BOARD OF WATER COMMISSIONERS
CITY OF SAINT PAUL, MINNESOTA**

Stephen P. Schneider, General Manager
Saint Paul Regional Water Services

By _____
Matt Anfang, President

Approved as to form:

By _____
Mollie Gagnelius, Secretary

Lisa Veith, Assistant City Attorney

By _____
Todd Hurley, Director
Office of Financial Services



