

**RAMSEY COUNTY  
COOPERATIVE AGREEMENT  
WITH CITY OF SAINT PAUL  
PAYNE-MARYLAND PROJECT**

THIS AGREEMENT, by and between the City of Saint Paul, a municipal corporation, hereinafter referred to as the "City," and Ramsey County, a political subdivision of the State of Minnesota, hereinafter referred to as the "County";

WITNESSETH:

WHEREAS, the City and the County desire to reconstruct and rebuild the intersection of Maryland Avenue at Payne Avenue; and

WHEREAS, Maryland Avenue, in the area affected by reconstruction is designated County State Aid Highway 31 and Payne Avenue, in the area affected by reconstruction is a designated Municipal State Aid Route 179, and both are in the City; and

WHEREAS, preliminary studies and reports conducted by the City and County indicate that it is feasible, practical, and technically proper to provide for the Maryland Avenue at Payne Avenue reconstruction; and

WHEREAS, the County has secured Federal Highway Safety Improvement Project (HSIP) funds for 2014 as Minn. Project **HSIP 62-631-09**; and

WHEREAS, plans for this project provide for the reconstruction of the existing intersection on Maryland Avenue at Payne Avenue by widening Maryland Avenue to provide for east-west left turn lanes, the reconstruction of the traffic signal to provide east and west left turn arrows and the reconstruction of the sidewalk (the "Project" or "reconstruction project"); and

WHEREAS, the Project requires the purchase of right-of-way (ROW) and the City has a separate project ("City Project"), on the south east corner to construct a Library and Recreation Center, that would also benefit by close coordination and sharing property acquisition; and

WHEREAS, the City Project is to be constructed before the County has funds allocated for the purchase of ROW for the Project.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

1. The City shall acquire and pay for all rights of way and easements required for the construction of the project of the property located at 1190 and 1194 Payne Avenue. Any rights of way that cannot be negotiated will be acquired through eminent domain proceedings, initiated and managed by the City.
2. All City owned rights of way and temporary construction easements within the limits of the reconstruction Project along the south side of Maryland east of Payne will be granted to the County for Project use during the reconstruction Project.
3. For direct purchase acquisition of the property, the City will use the services of the City Real Estate Section and the City Attorney Office to process a purchase agreement and related transactions. City Real Estate will keep the County Public Works Project Manager informed of the acquisition process and progress. City Real Estate will specifically inform the County Public Works Project Manager if direct purchase is not attainable and that the City is utilizing eminent domain.
5. In the event condemnation is necessary the easements will be acquired in the name of the City as authorized by St. Paul City Council Resolution Final Order.
6. The City agrees to fund the initial acquisition of the property at 1190 and 1194 Payne Avenue with City funds, and it is agreed that the County is to reimburse the City no later than December 31, 2012 as identified on the attached Estimate (Exhibit A) and described herein. The County will reimburse the City for the land value on a pro-rata basis based on square footage of land that the project requires. This value will be based on the appraised value of the land, and the parties understand the actual amount paid may exceed this value. The County will further reimburse the City for 50% of all other costs incurred including, but not limited to, all improvements to the property, severance and relocation expenses, legal fees, etc.
7. In the case of any right of way acquired through direct purchase or eminent domain, the County and City shall split the purchase price on the basis set forth in Section 6 herein, and all court ordered acquisition costs, if any, even if those costs exceed those shown in the attached Right of Way Estimate. Should outside legal counsel be required the City and County shall share equally in the payment of the cost of the services. Unless the parties agree otherwise, the City will be responsible to retain outside counsel if needed. The City shall work cooperatively with the County and legal counsel contracted to perform condemnation services until the property has been acquired.
8. Property and easement acquisitions for properties not covered in this agreement will be covered under a separate agreement but will begin in time for the reconstruction Project to start in spring of 2014.

9. The City and County will also enter into a separate agreement that covers construction of the Project.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed.

THE COUNTY OF RAMSEY

*DJB*

By *Julie Kleinschmidt*  
Julie Kleinschmidt  
Ramsey County Manager

Date 12/21/10

Approved as to Form:

*[Signature]*  
Assistant County Attorney

Recommended for Approval:

*[Signature]*  
Kenneth G. Haider, P.E.  
Public Works Director and County Engineer

CITY OF SAINT PAUL

By \_\_\_\_\_

Mayor

By \_\_\_\_\_

City Clerk

By \_\_\_\_\_

Director of Financial Services

Date \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Attorney

SE Corner Maryland Payne Preliminary Cost Split  
 PAS 8-3-10

	Total	Ramsey County Maryland ROW Share	City of St. Paul Payne Maryland Facility Share
<b>Hardware Store</b>			
Total Estimated Acquisition Cost	\$ 1,540,250		
Land (Square Feet)	10,020	1,459 14.6%	8,561 85.4%
Land Value (\$20) per Square Feet	\$ 200,400	\$ 29,180	\$ 171,220
Estimated Acquisition Cost of Business (Total Cost minus Land Value) Split 50/50	\$ 1,339,850	\$ 669,925	\$ 669,925
Total Estimated Cost Split		\$ 699,105	\$ 841,145
<b>Park Land Needed east of Hardware Store</b>			
Estimated Cost to Acquire	\$ 82,261		
Adjustment		\$ 82,261	\$ (82,261)
<b>Total Cost Share</b>		\$ 781,366	\$ 758,884

Notes  
 Above Costs based on Bob Novak Estimate  
 Actual Cost Share based on Appraisals, Final Square Footage Needed