

**RAMSEY COUNTY
COOPERATIVE AGREEMENT
WITH THE CITY OF SAINT PAUL FOR
Right of Way Acquisition on White Bear Avenue (County State Aid Highway 65)
between Interstate 94 and Beech Street
S.A.P. 062-665-053**

This Agreement is between the City of Saint Paul, a municipal corporation, ("City") and Ramsey County, a political subdivision of the State of Minnesota, ("County") for right of way acquisitions on White Bear Avenue between Interstate 94 and Beech Street ("Project").

WITNESSETH:

WHEREAS, the City and the County desire to reconstruct White Bear Avenue between Interstate 94 and Beech Street; and

WHEREAS, the construction requires acquisition of right of way; and

WHEREAS, the construction project is identified in Ramsey County's 2015 - 2019 Transportation Improvement Program; and

WHEREAS, White Bear Avenue, in the area affected by reconstruction, is designated County State Aid Highway (CSAH) 65; and

WHEREAS, the construction project has been designated by the Minnesota Department of Transportation (Mn/DOT) as eligible for CSAH funds; and

WHEREAS, the Project has been designated as State Aid Project (S.A.P.) 062-665-053; and

WHEREAS, the subject road segment is located within the City; and

WHEREAS, plans for the Project showing proposed right of way acquisition will be presented to the City and will be on file at Ramsey County Public Works Department; and

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

1. The Whereas recitals set forth in this Agreement are hereby made a part of this Agreement as set out in full.

2. Responsibility for the Right of Way Plan and Acquisition

- 2.1. The County will prepare a right of way acquisition plan showing easements and right of way required for construction of the Project.
- 2.2. The County will acquire the proposed easements and right of way in accordance with Mn/DOT requirements for State Aid Funding eligibility.

3. Right of Way Acquisition Costs

- 3.1 Right of way acquisition costs including payment to owners, relocation assistance, appraisal fees, acquisition consultant fees, and other related costs of acquiring right of way for the Project will be shared fifty percent (50%) by the County and fifty percent (50%) by the City.
- 3.2 The County will not be responsible for assessments, fees, or fines, associated with owning property acquired for the Project. If the City imposes assessments, fees, or fines, the County will pay those costs and the City will reimburse the County for those costs.
- 3.3 The County will pay one hundred percent (100%) of the cost to administer right of way acquisition.

4. Payment Schedule

- 4.1. The County will invoice the City for right of way acquisition costs on a monthly basis.
- 4.2. Payment will be made within thirty (30) days of receipt of an invoice.

5. Ownership and Maintenance Responsibility of the Right of Way

- 5.1 The County will own and maintain the right of way acquired.

6. The City and County shall indemnify, defend, and hold each other harmless against any and all liability, losses, costs, damages, expenses, claims, or actions, including attorney's fees, which the indemnified party, its officials, agents, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the indemnifying party, its officials, agents, or employees, in the execution, performance, or failure to adequately perform the indemnifying party's obligation pursuant to this Agreement. Nothing in this Agreement shall constitute a waiver by the County or the City of any statutory or common law immunities, limits, or exceptions on liability.

7. This Agreement shall remain in full force and effect until terminated by mutual agreement of the parties.

CITY OF SAINT OF PAUL, MINNESOTA

By: _____
Mayor

Date: _____

By: _____
Director of Public Works

Date: _____

Approved by the Office of Financial Services:

By: _____

Approved as to Form:

By: _____
City Attorney

RAMSEY COUNTY, MINNESOTA

By: _____
Julie Kleinschmidt, County Manager

Date: _____

Approval recommended:

James E. Tolaas, Director
Public Works Department

Approved as to form:

Assistant County Attorney