

**TENTH RIDER
TO
AGREEMENT**

THIS AGREEMENT, made this 14th day of May, 2019, by and between the **BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL**, hereinafter called the Board, and the **CITY OF SPRING LAKE PARK**, Anoka County, Minnesota, hereinafter called the City, being a Tenth Rider to that certain Agreement made by and between said Board and said City the 30th day of June 1961, and by this reference incorporated herein and made part and parcel hereof with the same intent, purpose and effect as if said Agreement were set forth herein, verbatim.

WHEREAS, the Board now possesses title to an easement in, over, and across certain real estate described as the south 100 feet of Section One (1), Township 30 North, Range 24 West, Anoka County, said real estate being hereinafter called Premises; and

WHEREAS, the City desires permission to enter upon certain portions of said Premises to maintain and operate a portion of the City public bike path; and

WHEREAS, the Board is willing to grant such permission to the City consistent with the 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 said Board hereby grants to said City the permission to enter upon the necessary portions of said Premises and to there within carry out Board approved activities in respect to the following and as indicated in Exhibit A, attached hereto and incorporated herein:

1. Permitted Activity

Install and maintain approximately 1200 feet of bituminous trail between State Trunk Highway 65 and Anoka County CSAH 35; finished trail surface is to be 8 feet in width at grade.

2. Conditions

All work shall be performed in accordance with good engineering practices and in accordance with Exhibit A, attached hereto and incorporated herein, subject to approval by Board's Vadnais Supervisor.

3. Notification

City or City'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 on normal business days between the hours of 8:00 a.m. and 4:00 p.m. at 651-766-4150.

4. Insurance

Pursuant to Section 11 of the June 30, 1961 Agreement, City's contractor shall provide a certificate of insurance naming the Board of Water Commissioners of the City of Saint Paul and the City of Saint Paul, and their officials, employees, agents, and representatives as additional insureds with respect to general liability and automobile insurance. Work shall not commence prior to Board approval of said certificate.

Section 11 of the June 30, 1961 Agreement is hereby amended to require public liability insurance in minimum amounts of \$1,500,000 for bodily injury or death to one person and \$1,500,000 per accident, and \$1,500,000 for damages to or destruction of any property.

This section shall not apply when work is performed by City's forces; rather, the provisions of Chapter 466, Minnesota Statutes shall apply to work performed by City and/or its employees.

BE IT FURTHER AGREED, that the permission and authority granted by the Board herein to the City is subject to all the terms and conditions of the certain Agreement made by and between said Board and said City the 30th day of June 1961.

This Agreement is made and executed pursuant to and under the authority of resolution numbered 19-828, adopted by the Board of Water Commissioners of the City of Saint Paul on

the 14th day of May, 2019 and of a resolution adopted by the City Council of the City of Spring Lake Park on the _____ day of _____, 2019 copies of said resolutions being annexed hereto and by this reference made part hereof the same as if set forth herein verbatim.

[the remainder of this page left intentionally blank]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on
the dates listed below.

Approved as to form:

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

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

By: _____
Matt Anfang, President

Date: _____

Date: _____

By: _____
Lisa Veith
Assistant City Attorney

By: _____
Mollie Gagnelius
Secretary

Date: _____

Date: _____

By: _____
John McCarthy
Interim Director, Office of Financial Services

Date: _____

Approved as to form:

CITY OF SPRING LAKE PARK

By: _____
John Thames, City Attorney

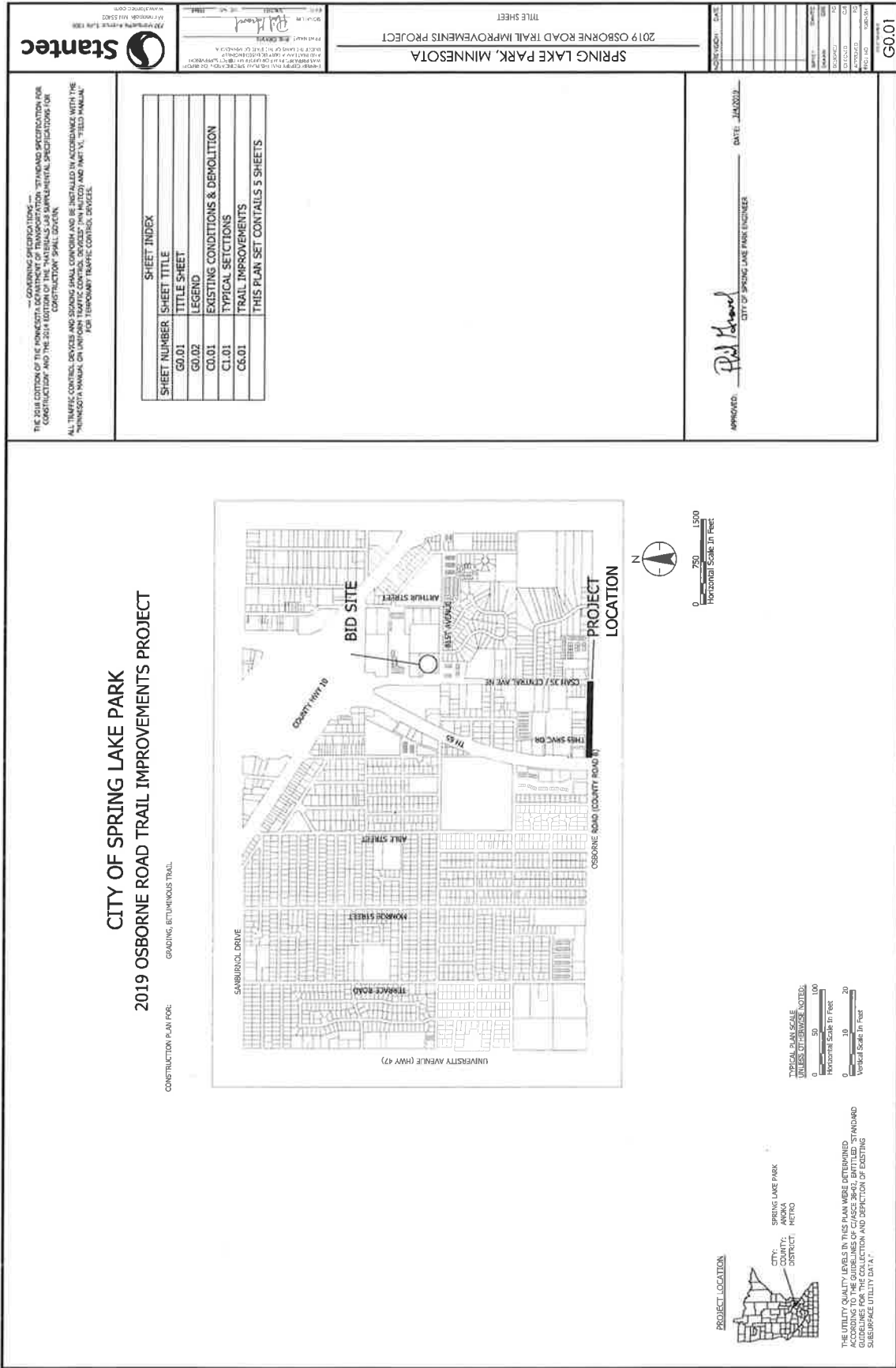
By: _____
Cindy Hansen
Mayor

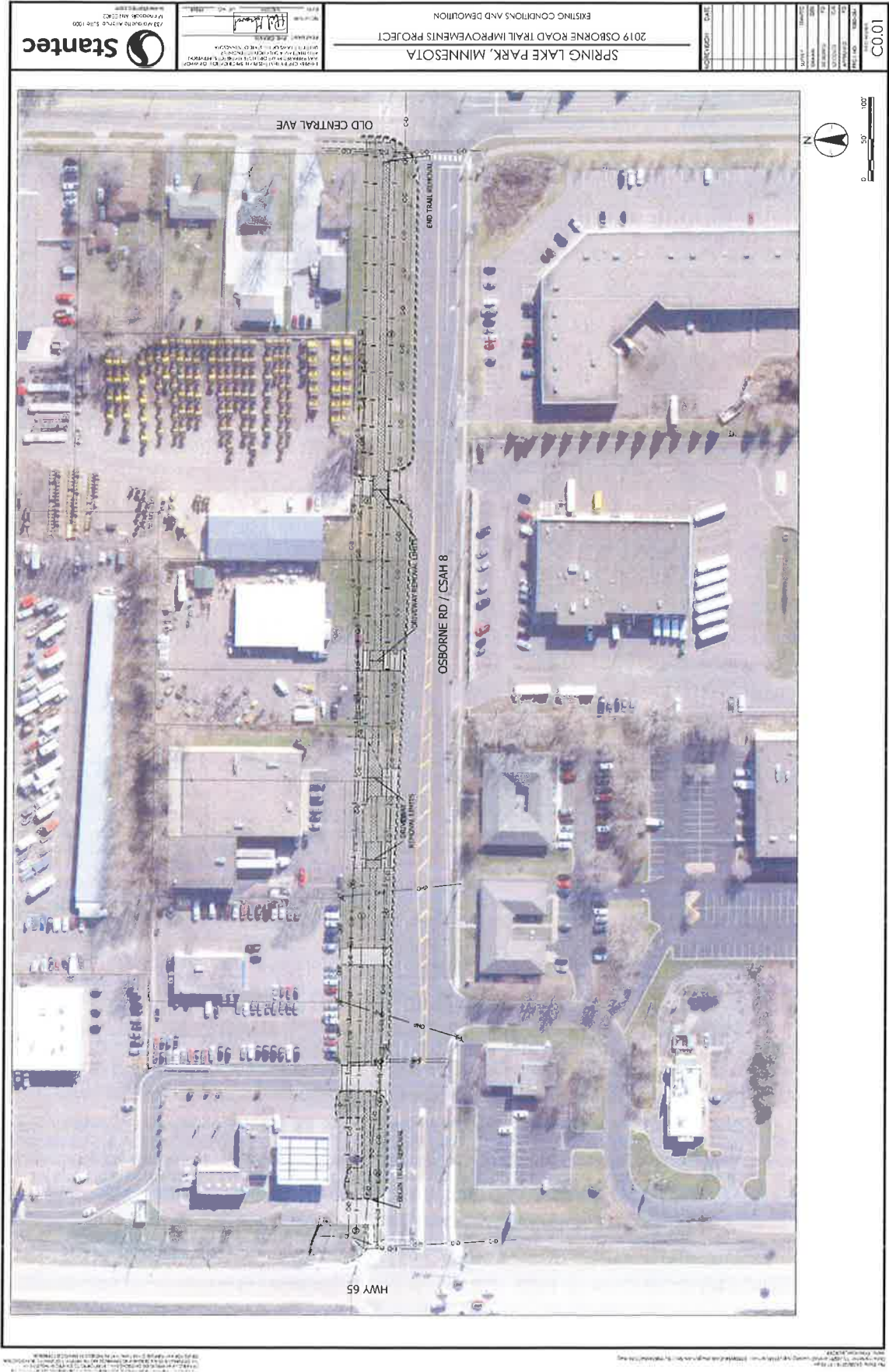
Date: _____

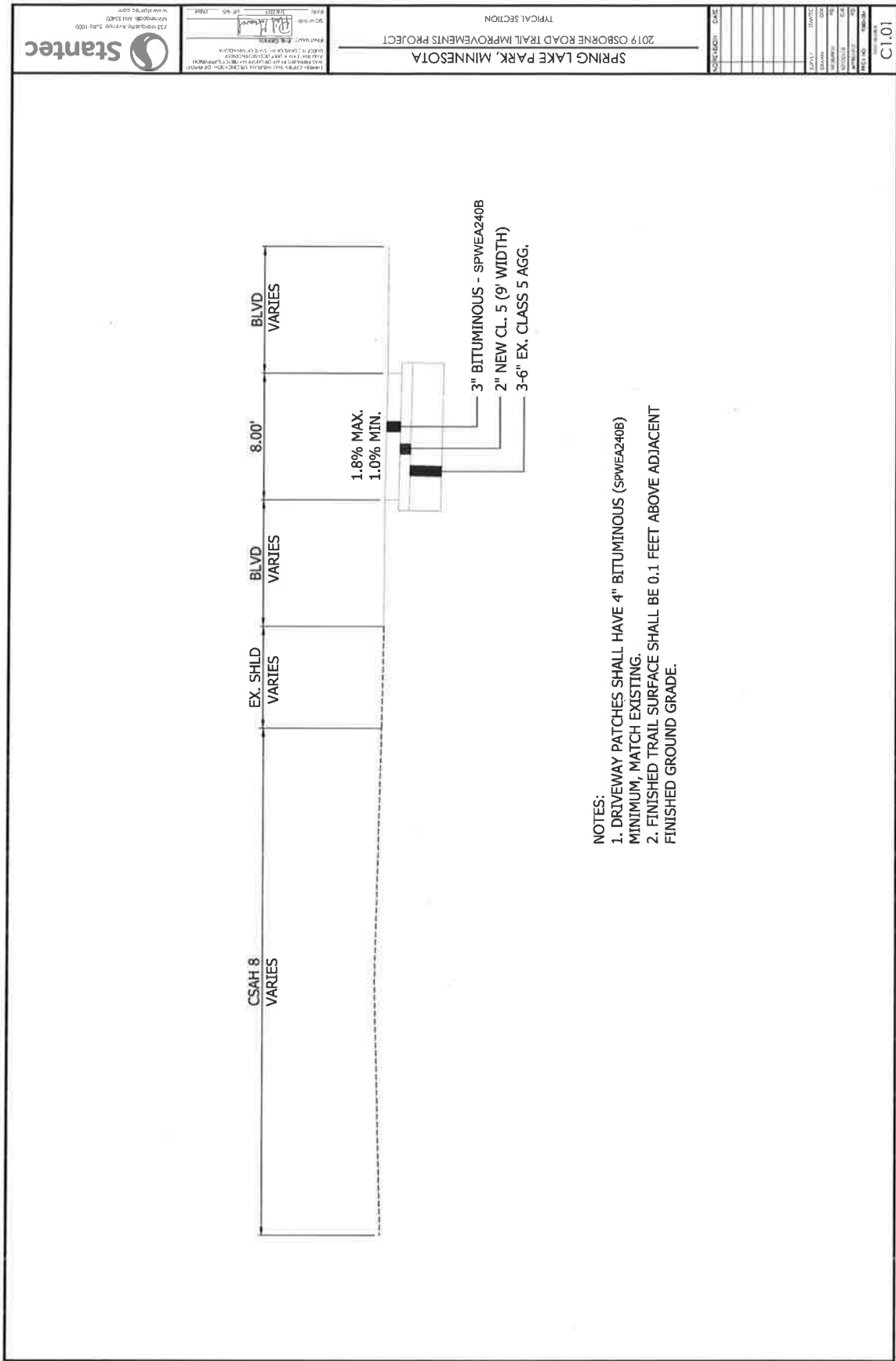
Date: _____

By: _____
Daniel Buchholtz
Administrator, Clerk/Treasurer

Date: _____







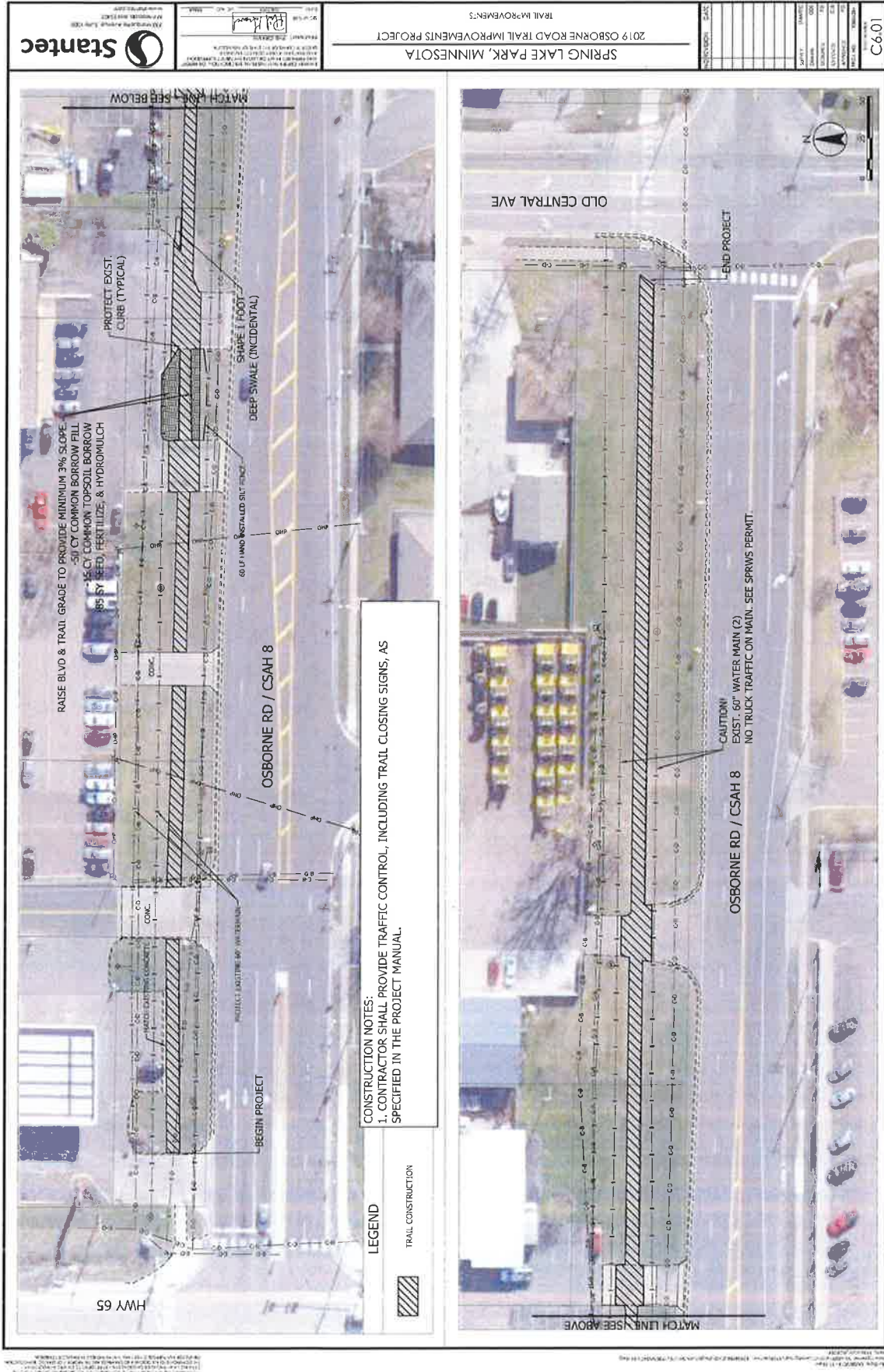


EXHIBIT A