

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. 19-272
DATE February 12, 2019

WHEREAS, a Private Water Main Agreement between JRC Midway Limited Partnership, and the Board of Water Commissioners (“Board”) dated March 1, 1996 provided for the installation, maintenance and repair of a private water main that supplies public water service to 1450 University Avenue West, Saint Paul, Minnesota (“Private Water Main Agreement”); and

WHEREAS, the current owner, BRE DDR Midway Marketplace LLC does now desire to transfer ownership of the property to Kraus-Anderson, Incorporated; and

WHEREAS, the Private Water Main Agreement stipulates that all rights and obligations of said Agreement run with the land and that transfer of ownership requires consent of the Board; and

WHEREAS, the parties have executed an Assignment and Assumption Agreement that transfers rights and obligations in accordance with the terms and conditions of the Private Water Main Agreement, and has requested Board approval of said Assignment and Assumption Agreement; and

WHEREAS, staff has prepared a Consent to Assignment and Assumption which provides said approval by the Board; now, therefore, be it

RESOLVED, that the Board of Water Commissioners does hereby approve the Consent to Assignment and Assumption pertaining to the transfer of rights and obligations contained in a certain Private Water Main Agreement dated March 1, 1996 between JRC Midway Limited Partnership and the Board of Water Commissioners of the City of Saint Paul with respect to 1450 University Avenue West, Saint Paul, Minnesota, from the current owner, BRE DDR Midway Marketplace LLC to Kraus-Anderson, Incorporated; and, be it

FURTHER RESOLVED, that the proper officers are hereby authorized and directed to execute said Consent to Assignment and Assumption on behalf of the Board, following approval by the assistant city attorney.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

February 12, 2019

In favor

Opposed

Secretary

ORIGINAL