

DRAFTED BY:
Saint Paul Regional Water Services
1900 Rice Street
Saint Paul, Minnesota 55113
Phone: 651-266-6270

(space above this line for Recorder's use only)

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

THIS CONSENT (this "Consent") is executed as of the 12th day of February 2019, by the BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL, a Minnesota municipal corporation (the "Board").

RECITALS

WHEREAS, JRC MIDWAY LIMITED PARTNERSHIP, the predecessor in interest to BRE DDR MIDWAY MARKETPLACE LLC, a Delaware limited liability company ("Assignor") and the Board are parties to an Agreement dated March 1, 1996 and recorded with the Ramsey County, Minnesota Recorder as Document No. 2951741 (the "Agreement"), which Agreement concerns the construction and ongoing maintenance and repair of a private water main on certain real property addressed as 1450 University Avenue West, Saint Paul, Minnesota and more particularly described in the Agreement and its Exhibit A (the "Property"); and

WHEREAS, pursuant to the terms of Section 10 of the Agreement, Assignor has requested that the Board consent to the conveyance by Assignor of the Property and all improvements located thereon to Kraus-Anderson, Incorporated, a Minnesota corporation (the "Assignee"), as well as the assignment by Assignor to Assignee of all rights, duties, obligations and benefits of Assignor under the Agreement, and the assumption by Assignee of such rights, duties, obligations and benefits.

NOW, THEREFORE, in consideration of the agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Board hereby executes this Consent for the purpose of evidencing its consent to and approval of 1) the conveyance by Assignor to Assignee of the Property and all improvements located thereon, 2) the assignment by Assignor to Assignee of all rights, duties, obligations and benefits of Assignor under the Agreement, and 3) the assumption by Assignee of such rights, duties, obligations and benefits.

[Signature Page Follows]

IN WITNESS WHEREOF, the Board has executed this Consent as of the day and year indicated above.

APPROVED:

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

By _____
Stephen P. Schneider, General Manager

By _____
Matt Anfang, President

Approved as to form:

By _____
Lisa Veith, Senior Assistant City Attorney

By _____
Mollie Gagnelius, Secretary

By _____
John McCarthy, Interim Director
Office of Financial Services

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Matt Anfang, President of the Board of Water Commissioners of the City of Saint Paul, a Minnesota municipal corporation, on behalf of said corporation.

Witness my hand and official seal.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Mollie Gagnelius, Secretary of the Board of Water Commissioners of the City of Saint Paul, a Minnesota municipal corporation, on behalf of said corporation.

Witness my hand and official seal.

Notary Public

