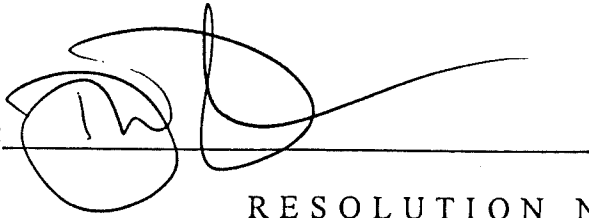


Sponsor: _____



RESOLUTION NO. 95-5/3-2

RESOLUTION APPROVING
"GUIDELINES FOR TEMPORARY USE OF HRA PARCELS"
AND AUTHORIZING EXECUTION OF USE AGREEMENTS

1 WHEREAS, Staff occasionally receives requests from district planning councils, individuals,
2 and other parties to temporarily use HRA Parcels for community and other events; and
3

4 WHEREAS, Staff has heretofore responded to and processed such requests on a case-by-case
5 basis; and
6

7 WHEREAS, the HRA Board of Commissioners approved a streamlined process to lease HRA
8 Parcels for use as urban gardens in its Resolution No. 95-3/22-2; and
9

10 WHEREAS, the HRA desires to establish a similarly streamlined process for temporary use of
11 HRA Parcels in general; and
12

13 WHEREAS, the attached "Guidelines for Temporary Use of HRA Parcels" will allow staff to
14 respond in a timely manner to requests for temporary use of HRA Parcels.
15

16 NOW, THEREFORE BE IT RESOLVED by the Housing and Redevelopment Authority of
17 the City of Saint Paul, Minnesota, as follows:
18

- 19 1. That the "Guidelines for Temporary Use of HRA Parcels" (the "Guidelines") attached
20 hereto as Exhibit "A" are hereby approved.
21
- 22 2. That PED/HRA staff are hereby directed to review applications submitted for
23 temporary use of HRA Parcels for conformance to the Guidelines.
24
- 25 3. That PED/HRA staff is hereby authorized to execute Use Agreements for those
26 applications which conform to the Guidelines.
27
- 28 4. That any application which is not in conformance to the Guidelines must be approved
29 on a case-by-case basis by the HRA Board of Commissioners.

Exhibit A

Guidelines for Temporary Use of HRA Parcels

Objective

The objective of these guidelines is to accommodate occasional requests to temporarily use HRA Parcels for community events, block parties, or other events.

Purpose

The purpose of these guidelines is to:

- 1) Streamline the process for requesting the temporary use of HRA parcels; and
- 2) Provide standard terms and conditions for the temporary use of HRA parcels.

Eligible Users

Any community organization, business, individual, or other interested party may apply for temporary use of an HRA parcel.

Eligible HRA Parcels

Users shall submit the attached Application for Temporary Use of an HRA Parcel to request the use of an HRA parcel. Staff shall review applications to ensure that the use does not conflict with any redevelopment project planned for the parcel.

Eligible Usage

Any Application for a reasonable legal usage which is compatible with the site, fulfills a public purpose and is consistent with neighborhood priorities shall be considered by PED staff.

Review by HRA Commissioner and District Planning Council

Staff shall advise the appropriate district planning council and the HRA Commissioner in whose jurisdiction the HRA parcel is located of the proposed temporary use of an HRA parcel, and shall obtain the approval of said HRA Commissioner prior to executing a Use Agreement.

Terms and Conditions of the Use Agreement

The following terms and conditions shall be incorporated into a Use Agreement to be executed by the user and the HRA prior to use of the parcel:

- **Usage of HRA Lots:** The usage of the HRA lot must be restricted to that shown on the application. No other usage will be allowed. The Property shall be used in a manner that is consistent with all local, state, and federal laws.
- **Term of Use Agreement:** The term of use shall not exceed a period of thirty (30) calendar days. An Application for a term in excess of thirty (30) days requires approval of the HRA Board of Commissioners.
- **Rent and Damage Deposit:** Rent and/or damage deposit may be waived at discretion of PED staff. In the event that rent and/or damage deposit is required, they shall be paid in advance at the time the Use Agreement is executed.
- **Indemnity:** The user shall execute a sworn statement agreeing to indemnify, defend, and hold the HRA and the City of Saint Paul harmless from and against any and all claims, demands, causes of action, suits, damages, claims of damages, liabilities, expenses, liens, costs or attorney's fees, including any acts or omissions by the HRA or the City of Saint Paul, or losses arising, or which may arise, from or as a result of, the use, occupancy, or activities undertaken, or improvements made on the HRA parcel. The user is aware of the condition of the HRA parcel and agrees to execute the Use Agreement for the same "as-is".
- **Insurance:** Insurance coverage shall be required if the use of the lot is such that the HRA will be exposed to unnecessarily high risk. If insurance is required by staff, evidence of insurance, with amounts and terms of coverage as advised by the City Attorney, shall be submitted to the HRA.
- **Maintenance of Lot:** User shall be responsible for keeping the parcel in a clean, safe, and sanitary condition throughout the term of its use and in a manner that is consistent with all local, state, and federal laws. No motorized vehicles shall be permitted on the premises unless approved otherwise in writing by the HRA. No permanent improvements shall be constructed. Any temporary improvements installed by the user shall be removed by the user at user's expense at end of term. The parcel shall be returned to the HRA in the same condition as it existed prior to the term of the Use Agreement.
- **Permits:** User shall be responsible for obtaining any and all applicable permits.
- **Expenses Related to Use:** User shall be responsible for obtaining and paying for any utilities or other services including, but not limited to, electricity, rubbish removal, and clean-

up during the term of the Use Agreement.

- **Termination of Use Agreement:** The HRA may terminate the Use Agreement for any reason at any time upon giving written notice to the user.

Application for Temporary Use of an HRA Parcel

Address of Parcel to Be Used: _____

Applicant's Name: _____

The Applicant is (check one): Individual
 For-profit Corporation
 Non-profit Corporation
 Other (Specify: _____)

Social Security Number/Employer Identification Number: _____

Home Phone: _____ Work Phone: _____

Address: _____
(Street) (City) (State) (Zip Code)

Please describe the proposed usage for which you would need this parcel, including a specific description of the event or usage you are proposing, the estimated number of persons who will occupy the parcel, the date(s) for which you are requesting use of the parcel, how you intend to provide for maintenance and clean-up of the parcel, etc. (attach a sheet if necessary): _____

Please itemize and describe any temporary improvements which you intend to construct on the parcel:

Applicant's Signature: _____

Date: _____

Note: A letter from the applicant including the above information will serve as an Application in lieu of this form.