

EXHIBIT A

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

DRAFT DECLARATION OF UTILITY EASEMENT

THIS DECLARATION is made effective this ____ day of _____, 2013, by the **City of Saint Paul**, a municipal corporation under the laws of the State of Minnesota (“Declarant”).

WHEREAS, Declarant is the fee owner of real property located at 310 Fifth Street East, which is the site of the new City of Saint Paul Lowertown Ballpark currently under construction; and

WHEREAS, as part of the ballpark project, various public and private utilities must relocate their facilities from within East Fifth Street to another location that provides connections between facilities in Lowertown and facilities easterly of the ballpark site; and

WHEREAS, Declarant, through its departments of Parks & Recreation and Public Works, and in coordination with its ballpark contractor, Ryan Companies, has identified a location across the southerly edge of its ballpark site (“Utility Duct Bank”) to accommodate the relocated utilities, which currently include Xcel Energy – Electric, CenturyLink and Zayo, and may include additional utilities in the future; and

WHEREAS, Declarant desires to designate and declare an easement within the Utility Duct Bank area to establish easement rights for said utilities (“Utility Easement”);

NOW, THEREFORE, in consideration of the foregoing recitals, Declarant hereby declares, consents and grants to public and private utilities the right, privilege and authority to construct, install, mark, inspect, operate, repair, alter, replace, reconstruct, remove and maintain their facilities, including the necessary cables, conduits, vaults, pedestals, manholes and facilities related and appurtenant thereto, over, across, under and upon said easement on the following described land owned by Declarant and situated in the County of Ramsey, State of Minnesota, (“Premises”):

That part of the Southerly Thirty-Three feet (Sly 33.00 feet) of vacated East Fourth Street in Saint Paul, Minnesota, situated between the Easterly side of Broadway Street and the Westerly side of John Street in said city; as vacated by the City Council of the City of St Paul pursuant to the resolution of said Council adopted on December 29, 1965, as Council File No. 226489.

The Utility Easement shall be limited to that part of the Premises described as follows:

The Southerly 20.00 feet of the above described Premises between elevation X and elevation Y

(the "Easement Area").

The Utility Easement shall also include the right of reasonable access to the Easement Area across the Premises for the purpose of exercising the rights granted herein.

Declarant covenants that it is the owner of the above described Premises and has the right to declare an easement in the manner and form aforesaid.

This instrument and the covenants and agreements contained herein are binding upon Declarant, its personal representatives, heirs, successors and assigns.

SIGNATURE PAGE FOLLOWS

