## **EXHIBIT A**

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

## DECLARATION OF FLOOD CONTROL EASEMENT

THIS DECLARATION is made effective this \_\_\_\_\_ day of \_\_\_\_\_\_, 2014, 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 75 West Water Street and 85 West Water Street, within and adjacent to Harriet Island Regional Park ("City Property"); and

WHEREAS, as part of the City's flood protection responsibilities, administered by the Department of Public Works Sewer Division, the City must possess the necessary property rights over all levees, floodwalls, pumping stations and other related facilities used by the City for flood control purposes; and

WHEREAS, the City, in cooperation with the Army Corps of Engineers, has identified a portion of the City Property that has been constructed and maintained by the City for flood protection but is not encumbered with flood control easements; and

WHEREAS, the City desires to designate and declare a flood control easement within the City Property;

NOW, THEREFORE, in consideration of the foregoing recitals, Declarant hereby declares, consents and grants to itself of behalf of its public sewer utility the right, privilege and authority to access, construct, install, mark, inspect, operate, repair, alter, replace, reconstruct, remove and maintain its facilities over, across, under and upon said easement described as:

[See attached Exhibit A.]

Declarant covenants that it is the owner of the above described property 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

**IN WITNESS WHEREOF,** the undersigned has caused this Declaration to be made as of the day and year first above written.

## CITY OF SAINT PAUL, MINNESOTA

	D <sub>V</sub>
	By: Its Mayor or Deputy Mayor
	By: Its Director of Financial Services
	By: Its City Clerk
Approved as to form:	
Assistant City Attorney	
STATE OF MINNESOTA ) ) ss.	
, 2014, by	knowledged before me this day of, Mayor or Deputy Mayor
municipal corporation under the laws of	, Director, Office of Financial Services and City Clerk of the City of Saint Paul, a Minnesota the State of Minnesota.
	Notary Public

This instrument was drafted by and the recorded document should be returned to:

Office of Financial Services – Real Estate Section City of Saint Paul 25 W. 4<sup>th</sup> St., Rm. 1000 Saint Paul, MN 55102 651-266-8850