DECLARATION OF AGREEMENT FOR A LOWERTOWN BALLPARK RAINWATER HARVESTING SYSTEM

THIS DECLARATION ("Declaration") is made effective this _____ day of January, 2015, by and between the **Metropolitan Council**, a body corporate and politic under the laws of the State of Minnesota ("Council"), and the **City of Saint Paul**, a municipal corporation under the laws of the State of Minnesota ("City"), together, the "Declarants."

WHEREAS, the Council is fee owner of real property located at 340 Broadway Street, which is the site of the Council's Light Rail Transit Operations and Maintenance Facility ("OMF"), as described and depicted on Exhibit A attached hereto; and

WHEREAS, the City is fee owner of real property located at 310 Fifth Street East, which is the site of the new City of Saint Paul Lowertown Regional Ballpark (the "Ballpark") currently under construction, as described and depicted on Exhibit B attached hereto; and

WHEREAS, the Council and City have executed that certain grant agreement, Metropolitan Council #14I000 ("Grant Agreement") whereby the Council will provide $100,000 to the City to design and construct a Rainwater Harvesting System at the Ballpark to store and re-use rainwater captured from a portion of the roof area of the OMF over the next 50 years; and

WHEREAS, the Council and City desire to declare and jointly establish the responsibilities of each party with regard to protection, operation and maintenance of the shared Rainwater Harvesting System;

NOW, THEREFORE, in consideration of the foregoing recitals, the Council and City hereby declare, consent and agree to the following:

Council Responsibilities. The Council shall dutifully protect, operate and maintain the shared rainwater conveyance structures on the OMF property for 50 years from the date of commissioning of the system in 2015. No removal of the structures or discontinuation of operations may occur without the prior knowledge, approval and cooperation of the City.

The Council agrees to comply with all fire safety and building code requirements during design, construction and maintenance so long as the rainwater conveyance structure or components exist. The Council further agrees that the OMF property exterior wall will be maintained reflective of the building code requirements.

City Responsibilities. The City shall dutifully protect, operate and maintain the shared rainwater conveyance and overflow devices on the Ballpark property for 50 years from the date of commissioning of the system in 2015. No removal of the devices or discontinuation of operations may occur without the prior knowledge, approval and cooperation of the Council.

The City agrees to comply with all fire safety and building code requirements during design, construction and maintenance so long as the rainwater conveyance structure or

components exist. The City further agrees that the Ballpark property exterior wall will be maintained reflective of the building code requirements.

This Declaration in no way conveys or grants an easement from the Council to the City, or from the City to the Council, for the construction, installation, inspection, operation, repair, alteration, replacement, reconstruction, removal or maintenance of the Rainwater Harvesting System, or access to said system, on either party's property.

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

SIGNATURE PAGES FOLLOW

DECLARATION
SIGNATURE PAGE FOR THE
METROPOLITAN COUNCIL

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

METROPOLITAN COUNCIL

By: Leisa Thompson
Its: General Manager, Environmental Services

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this 12th day of January, 2014, 2015 by Leisa Thompson, the General Manager of Environmental Services, and _____, the _____ of the Metropolitan Council, a body corporate and politic under the laws of the State of Minnesota.

Notary Public

KAREN R. NEIS
Notary Public
Minnesota
My Commission Expires January 31, 2016

DECLARATION
SIGNATURE PAGE FOR THE
CITY OF SAINT PAUL

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

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.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, Mayor or Deputy Mayor, _____, Director, Office of Financial Services and _____, City Clerk of the City of Saint Paul, a Minnesota municipal corporation under the laws of the State of Minnesota.

_____
Notary Public

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

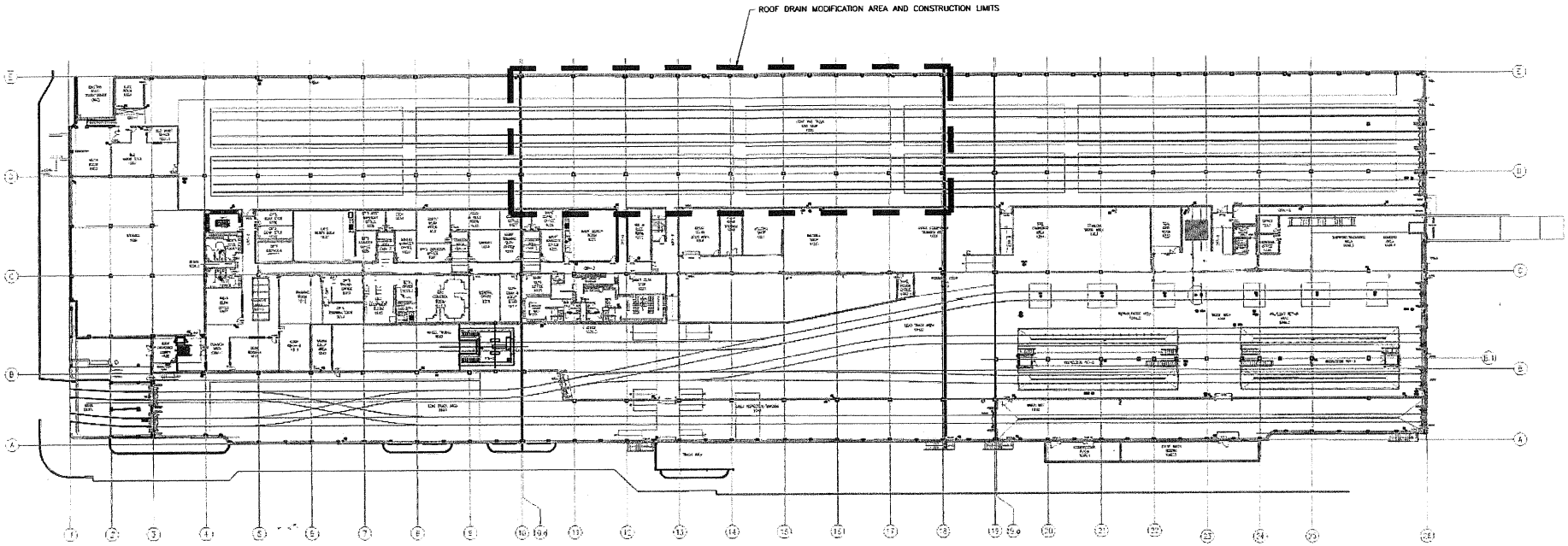
Office of Financial Services – Real Estate Section
City of Saint Paul
25 W. 4th St., Rm. 1000
Saint Paul, MN 55102
651-266-8855

Exhibit A

Legal Description and Depiction of Council OMF Property

Legal Description
Kittsons Addition To St Paul Subj To Widened Hwy & Bridging Esmts; The Swly 1640 Ft Of Part Nely Of Broadway & Bet 4th & Prince Sts Being Vac Sts & Alleys In & Blks 55 Thru 60 & Part Of Blk 54.

Property Identification Number
32.29.22.33.0124



1 SITE PLAN: OMF
NO SCALE
PROJECT NORTH

REF. DWG: OMF-MEC-PLAN-M140 BY AECOM

ISSUED FOR CONSTRUCTION

NO.	BY	CHK.	APP.	DATE	REVISION DESCRIPTION
0	JAM4	BJS	AMP	10/17/14	ISSUED FOR CONSTRUCTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINTED NAME ANNE M. PHARES
SIGNATURE [signature]
DATE 10/17/14 LICENSE # 42022

RELEASED TO/FOR	A	B	C	0	1	2	3
CLIENT	10/23/14						
BID							
CONSTRUCTION				10/17/14			
DATE RELEASED							

BARR
Corporate Headquarters: Minneapolis, Minnesota Ph: 1-800-632-2277
Project Office: BARR ENGINEERING CO. 4700 WEST 77TH STREET MINNEAPOLIS, MN 55435
Ph: 1-800-632-2277 Fax: (952) 832-2601 www.barr.com

Scale	AS SHOWN
Date	09/03/14
Drawn	JAM4
Checked	BJS
Designed	AMP
Approved	AMP

METROPOLITAN COUNCIL

CENTRAL CORRIDOR
METROPOLITAN COUNCIL

OPERATIONS AND MAINTENANCE FACILITY
ST. PAUL, MINNESOTA

OMF ROOF DRAIN MODIFICATIONS
SITE PLAN

BARR PROJECT No. 23621134.00
CLIENT PROJECT No.
DWG. No. G-02
REV. No 0

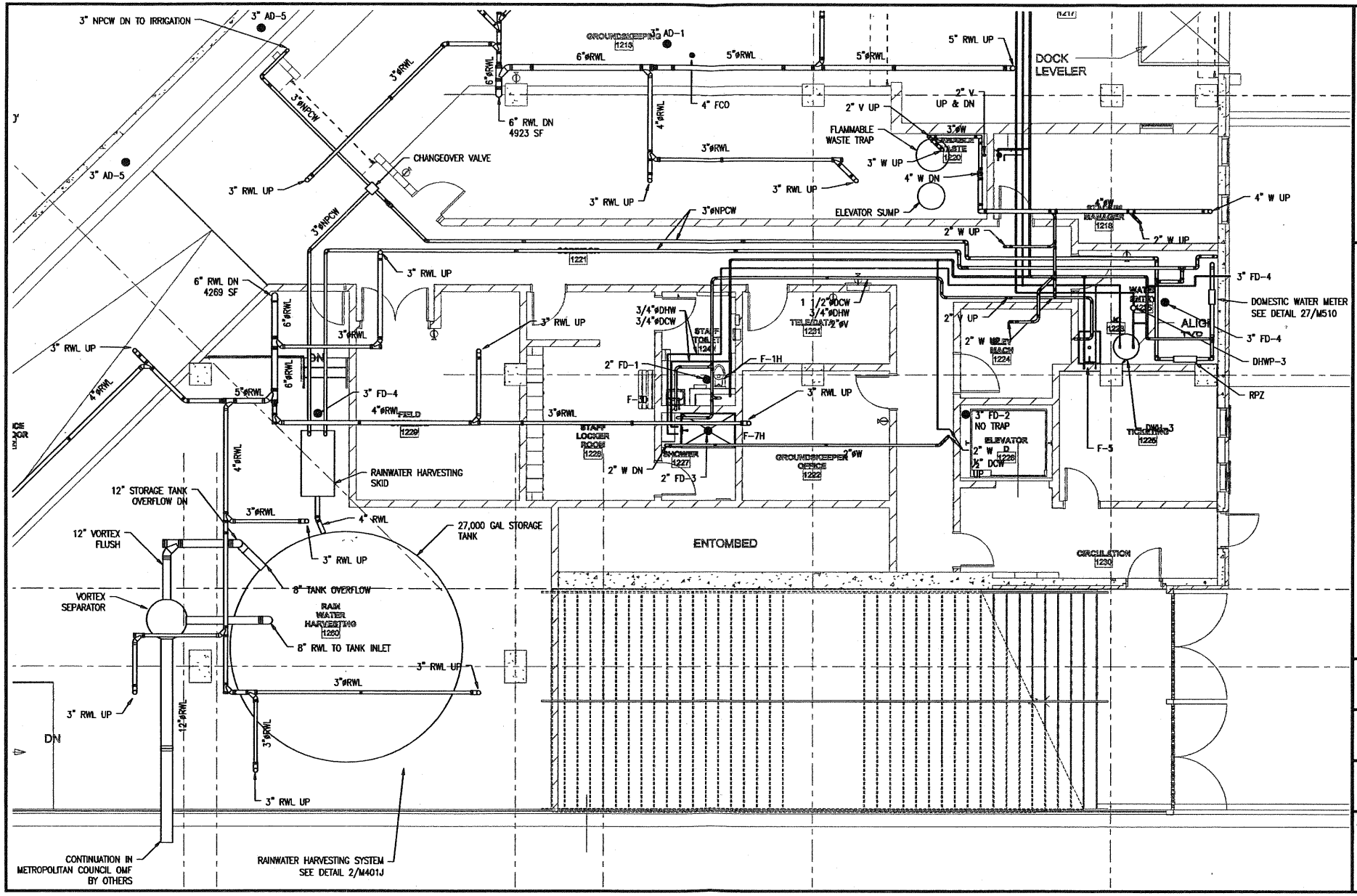
CADD USER: Anne Phares FILE: M:\DESIGN\23621134.00\23621134-G-02.DWG PLOT SCALE: 1:2 PLOT DATE: 10/18/2014 8:39 PM
BAR M:\AutoCAD 2011\AutoCAD 2011 Support\enu\Template\Barr_2011_Template.dwt Plot at 1 10/05/2010 14:03:50

Exhibit B

Legal Description and Depiction of City Ballpark Property

Legal Description
Kittsons Addition To St Paul Ex Hwys; Vac Alleys And Streets Accruing And Tracts A & B Rls 594 And In Sd Kittsons Add Lots 5 Thru 8 Blk 42 And Also Blocks 43 Thru 47

Property Identification Number
32.29.22.33.0382



SCHADEGG MECHANICAL INC
225 BRIDGEPOINT DRIVE, SOUTH SAINT PAUL, MN 55075
PHONE: 651-292-9933 www.schadegg-mech.com

JOB INFO:
LOWERTOWN BALLPARK
WATER RECLAMATION
PLUMBING PLAN

DATE:
5/28/14

DRWN BY:
NEB

SCALE:
1/8" = 1'-0"

DWG NO.
2