

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. 16-822
DATE May 10, 2016

WHEREAS, a Private Water Main Agreement between ECC White Bear Avenue LLC (“Assignor”), Sibley Cove Limited Partnership, Chung Hing Wong and Lan Tu Wong, and the Board of Water Commissioners (“Board”) dated February 10, 2015 provided for the installation, maintenance and repair of a private water main that supplies public water service to 3094 and 3070 White Bear Avenue, Maplewood, Minnesota (“Private Water Main Agreement”); and

WHEREAS, the current owner, ECC White Bear Avenue LLC does now desire to transfer ownership of the property to AEI National Income Property Fund VIII LP; and

WHEREAS, the Private Water Main Agreement stipulates that all rights and obligations of said Agreement run with the land and that transfer of ownership requires consent of the Board; and

WHEREAS, the parties have executed an Assignment and Assumption Agreement that transfers rights and obligations in accordance with the terms and conditions of the Private Water Main Agreement, and has requested Board approval of said Assignment and Assumption Agreement; and

WHEREAS, staff has prepared a Consent to Assignment and Assumption which provides said approval by the Board; now, therefore, be it

RESOLVED, that the Board of Water Commissioners does hereby approve the Consent to Assignment and Assumption pertaining to the transfer of rights and obligations contained in a certain Private Water Main Agreement dated February 10, 2015 between Assignor, Sibley Cove Limited Partnership, Chung Hing Wong and Lan Tu Wong, and the Board with respect to 3094 White Bear Avenue, Maplewood, Minnesota, from the current owner, ECC White Bear Avenue LLC to AEI National Income Property Fund VIII LP; and, be it

FURTHER RESOLVED, that the proper officers are hereby authorized and directed to execute said Consent to Assignment and Assumption on behalf of the Board, following approval by the assistant city attorney.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

May 10, 2016

In favor

Opposed

Secretary

ORIGINAL