

**BOARD OF WATER COMMISSIONERS  
RESOLUTION**

PRESENTED BY  
COMMISSIONER \_\_\_\_\_

**No. 17-1043**  
DATE July 11, 2017

**WHEREAS**, Mendota Mall Associates – WAG, LLC, Mendota Mall Associates, LLC, Mendota Mall Associates – Outlots, LLC, and Mendota Plaza Apartments, LLC (“Property Owners”) have requested permission to extend a private water main to serve the expansion of Mendota Plaza situated west of Dodd Rd, north of South Plaza Dr, and south of Highway 110 in the city of Mendota Heights with domestic water and fire protection; and

**WHEREAS**, the Property Owners propose to extend the existing private water main according to Saint Paul Regional Water Services Standards and agree to accept full responsibility for the maintenance and repair of the private water main and hold the Board of Water Commissioners harmless from all claims that may arise from the existence or operation of the private water main; and

**WHEREAS**, a previous Private Water Main Agreement which contains a perpetual easement, granted to the Board, dated September 8, 2009 recorded as Doc. No. 2731043, in the files of Dakota County, Minnesota, Registrar of Deeds (“Original Agreement”) is not sufficient for the extension of existing private water main; and

**WHEREAS**, the Property Owners desire the Board to terminate the Original Agreement, and vacate and release said perpetual water main easement, for the purpose of identifying, granting, and conveying to the Board a new perpetual water main easement; and

**WHEREAS**, staff has prepared a new Private Water Main Agreement which sets forth those terms and conditions required by the city attorney’s office for the termination of the original agreement, replacing the perpetual utility easement for the existing private water main, creating a new perpetual utility easement for the proposed extension of the existing private water main, and the installation and operation of the private water mains; and

**WHEREAS**, Saint Paul Regional Water Services General Manager recommends approval of said Agreement; now, therefore, be it

**RESOLVED**, that the Board of Water Commissioners of the City of Saint Paul hereby approves the Private Water Main Agreement with Mendota Mall Associates – WAG, LLC, Mendota Mall Associates, LLC, Mendota Mall Associates – Outlots, LLC, and Mendota Plaza Apartments, LLC to provide domestic water and fire protection to Mendota Plaza in substantially the form submitted and that the proper officers of the Board are hereby authorized and directed to execute said Private Water Main Agreement on behalf of the Board, following approval of the assistant city attorney.

**Water Commissioners**

**Adopted by the Board of Water Commissioners**

**Yeas**

**Nays**

**July 11, 2017**

**In favor**

**Opposed**

\_\_\_\_\_  
Secretary

ORIGINAL