

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. 18-442
DATE March 13, 2018

WHEREAS, the Board of Water Commissioners of the City of Saint Paul (the "Board") is owner of property, situated west of I-35E and south of County Road B in the City of Maplewood, Ramsey County, Minnesota, commonly referred to as Sandy Lake (the "Property"); and

WHEREAS, the Board approved a Lease Agreement with the City of Saint Paul (the "City"), whereby the City was to construct and operate public soccer fields at the Property, was approved February 8, 2005, and which provided for the Board's use of the Pig's Eye Landfill site for soil recycling operations in lieu of rent (the "Original Agreement"); and

WHEREAS, the Board has used the Pig's Eye Landfill site as intended by the Original Agreement since 2005; and

WHEREAS, the City did not construct the soccer fields as intended by the Original Agreement; and

WHEREAS, the City has requested that the Board cease its operations and vacate the Pig's Eye Landfill site to allow the City to construct parking to serve its proposed Great River Passage initiative; and

WHEREAS, the Original Agreement does not have provision for termination due solely to the City's non-use of the Property for soccer fields as intended; and

WHEREAS, staff has prepared Amendment No. 1 to Lease Agreement which provides the City the right to terminate the Lease Agreement by providing the Board with sixty days' written notice to terminate said Lease Agreement on or after June 15, 2018; now, therefore, be it

RESOLVED, that Amendment No. 1 to Lease Agreement between the Board of Water Commissioners of the City of Saint Paul and the City of Saint Paul, is hereby approved in substantially the form submitted, and that the proper officers are hereby authorized and directed to execute said Amendment No. 1 on behalf of the Board in substantially the form submitted, following approval by the assistant city attorney.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

March 13, 2018

In favor

Opposed

Secretary

ORIGINAL