

(Reserved for Recording Data)

CONSENT OF BOARD OF WATER COMMISSIONERS
OF THE CITY OF SAINT PAUL

THIS CONSENT (this "Consent") is executed as of the 13th day of November, by the BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL, a Minnesota municipal corporation (the "Board").

RECITALS

WHEREAS, Birmingham Limited Partnership, a Minnesota limited partnership ("Assignor") and the Board are parties to an Agreement dated April 22, 1981 and recorded with the Ramsey County, Minnesota Recorder as Document No. 707593 (the "Agreement"), which Agreement concerns the construction and ongoing maintenance and repair of a private water main on certain real property located at 888 Birmingham Street, Saint Paul, Minnesota and more particularly described in the Agreement and its Exhibit A (the "Property"); and

WHEREAS, pursuant to the terms of Section 10 of the Agreement, Assignor has requested that the Board consent to the conveyance by Assignor of the Property and all improvements located thereon to 888 Birmingham, LLC, a Minnesota limited liability company (the "Assignee"), as well as the assignment by Assignor to Assignee of all rights, duties, obligations and benefits of Assignor under the Agreement, and the assumption by Assignee of such rights, duties, obligations and benefits.

NOW, THEREFORE, in consideration of the agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Board hereby executes this Consent for the purpose of evidencing its consent to and approval of 1) the conveyance by Assignor to Assignee of the Property and all improvements located thereon, 2) the assignment by Assignor to Assignee of all rights, duties, obligations and benefits of Assignor under the Agreement, and 3) the assumption by Assignee of such rights, duties, obligations and benefits.

[Signature Page Follows]

IN WITNESS WHEREOF, the Board has executed this Consent as of the day and year indicated above.

APPROVED:

**BOARD OF WATER COMMISSIONERS
OF THE CITY OF SAINT PAUL**

By _____
Stephen P. Schneider, General Manager

By _____
Matt Anfang, President

Approved as to form:

By _____
Assistant City Attorney

By _____
Mollie Gagnelius, Secretary

By _____
Todd Hurley, Director
Office of Financial Services

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Matt Anfang, President of the Board of Water Commissioners, a Minnesota municipal corporation, on behalf of the corporation.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Mollie Gagnelius, Secretary of the Board of Water Commissioners, a Minnesota municipal corporation, on behalf of the corporation.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Todd Hurley, Director, Office of Financial Services of the Board of Water Commissioners, a Minnesota municipal corporation, on behalf of the corporation.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

EXHIBIT A

Legal Description

PARCEL 1:

All of the South one-half (S. 1/2) of Lot twenty (20) except the East fifty (E. 50) feet of the South one hundred seventy-one (S. 171) feet thereof, and also except the Southerly one hundred eighty (S. 180) feet, except the Easterly fifty (E'ly 50) feet thereof, the South one-half (S. 1/2) of Lot twenty-one (21) except the South one hundred eighty (S. 180) feet thereof, and all that part of the South one-half (S. 1/2) of Lot numbered twenty-two (22) in Block two (2) of Cruickshank's Garden Lots, except the South one hundred eighty-eight (S. 188) feet thereof, and except that part thereof that lies within a strip of land sixty (60) feet in width, the center line of which is described as follows: Beginning at the intersection of Stillwater Avenue and the West line of Schoch's Re-arrangement; thence to a point on the center line of Birmingham Street which is the point of intersection of the center line of Stillwater Avenue as platted in Tracy's Outlots produced and the center line of Birmingham Street, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Ramsey.

PARCEL 2:

Also the North 8 feet of the South 188 feet of Lot 22; The North 90 feet of the South 180 feet of Lot 22, which lies West of the East 64 feet of said lot; The south 90 feet of Lot 22, which lies West of the East 50 feet of said lot; All in Block 2, Cruickshank's Garden Lots.

PARCEL 3:

Also the Westerly 1/2 of the Southerly 1/2 of Lot 19, Block 2, Cruickshank's Garden Lots, except the Easterly 1.34 feet thereof, and also except the Southerly 171 feet thereof and except the portion thereof taken for Stillwater Avenue, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said county.

PARCEL 4:

That part of North one-half (N 1/2) of Lots twenty (20) and twenty-one (21) in Block two (2) of Cruickshank's Garden Lots, that lies within a strip of land sixty (60) feet in width, the center line of which is described as follows: Beginning at the intersection of the center line of Stillwater Avenue and the West line of Schoch's Re-arrangement; thence to a point on the center line of Birmingham Street which is the point of intersection of the center line of Stillwater Avenue as platted in Tracy's Outlots produced and the center line of Birmingham Street, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Ramsey.

Also the South thirty (S 30) feet of the North one-half (N 1/2) of Lot numbered twenty-two (22), Block 2 of Cruickshank's Garden Lots, according to plat thereof on file in the Office of Register of Deeds in and for said County of Ramsey.

Also that part of the South one-half (S 1/2) of the Lot numbered twenty-two (22) in Block two (2) of Cruickshank's Garden Lots, that lies within a strip of land sixty (60) feet in width, the center line of which is described as follows: Beginning at the intersection of Stillwater Avenue and the West line of Schoch's Re-arrangement; thence to a point on the center line of Birmingham Street which is the point of intersection of the center line of Stillwater Avenue as platted in Tracy's Outlots produced and the center line of Birmingham Street, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County of Ramsey.

Note: Parcel designations are for convenience of reference only and do not constitute an integral part of the legal description.