

**BOARD OF WATER COMMISSIONERS  
RESOLUTION**

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

No. 18-1909  
DATE November 13, 2018

**WHEREAS**, a Private Water Main Agreement between Birmingham Limited Partnership and the Board of Water Commissioners of the City of Saint Paul ("Board") dated April 22, 1981 provided for the installation, maintenance and repair of a private water main that supplies public water service to 888 Birmingham Street, Saint Paul, Minnesota ("Private Water Main Agreement"); and

**WHEREAS**, Birmingham Limited Partnership does now desire to transfer ownership of the property to 888 Birmingham, LLC; 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 of the City of Saint Paul 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 April 22, 1981 between Birmingham Limited Partnership and the Board of Water Commissioners of the City of Saint Paul with respect to 888 Birmingham Street, Saint Paul, Minnesota, from the current owner, Birmingham Limited Partnership to 888 Birmingham, LLC; 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**

**November 13, 2018**

**In favor**

**Opposed**

\_\_\_\_\_  
Secretary

ORIGINAL