



Legislation Text

File #: RES 15-133, **Version:** 1

Amending previous Transfer of Sewer Ownership Agreement #1 (Council File Number RES 14-789).

This Agreement, effective on the date of execution by both parties, is made and entered into by and between the State of Minnesota, hereinafter referred to as the "State", and the City of Saint Paul, Minnesota, hereinafter referred to as the "City",

WHEREAS, the City has declared that it's 24 inch storm sewer piping system on the east side of Rice Street, from Fuller Avenue to Saint Anthony Avenue, as described in Exhibit A (hereinafter referred to as "24 inch storm sewer on Rice"), has no major defect and is serving only one private storm sewer service, and

WHEREAS, the City has declared that it's 12 inch, 21 inch, and 30 inch storm sewer piping system in the Capitol Campus, from Fuller Avenue to Rev. Dr. Martin Luther King Blvd, as described in Exhibit B (hereinafter referred to as "12 inch, 21 inch, and 30 inch storm sewer piping system in the Capitol Campus"), has no major defect and is serving only one private storm sewer service, and

WHEREAS, the City has declared that it's 9 inch sanitary sewer piping system on vacated Aurora Avenue, from Robert Street to Cedar Avenue, as described in Exhibit C (hereinafter referred to as "9 inch sanitary sewer piping system on vacated Aurora"), has no major defect but has been significantly modified by the State making it impossible for the City to inspect and maintain, and

WHEREAS, the City's policy requires that the ownership of a public sewer serving only one private sewer service be transferred to the owner of the private sewer service, and

WHEREAS, the City cannot access, inspect, and maintain city-owned sewers that have been significantly modified by private sewer service owners.

NOW, THEREFORE, the State and City mutually agree that:

1. The State shall accept full ownership of the 24 inch storm sewer on Rice "as is".
2. The State shall accept full ownership of the 12 inch, 21 inch, and 30 inch storm sewer piping system in the Capitol Campus "as is".
3. The State shall accept full ownership of the 9 inch sanitary sewer piping system on vacated Aurora "as is".
4. **Notwithstanding Chapter 130, codified March 1, 1981, of the Saint Paul Legislative Code as amended, the State and the City also agree that each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the act of any others and the results thereof. The State's liability shall be governed by the provisions of the State of Minnesota Tort Claims Act, Minnesota Statutes, Section 3.736 and the City's liability shall be governed by Minnesota Statutes Chapter 466, et. al.**

This Agreement constitutes the entire understanding between the City and the State, and shall be permanently binding on both parties unless it is terminated by mutual consent.