Legislation Text

File #: RES 18-1495, **Version:** 1

Authorizing Parks & Recreation Department to enter into a cooperative agreement with Ramsey County for sidewalk construction on Plato Boulevard between Water Street and Fillmore Avenue in conjunction with the Robert Piram Regional Trail construction project.

WHEREAS, under Minnesota Statutes 471.59, subdivision 1, two governmental units may enter into an Agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, federal aid funds are available for construction of a portion of the Robert Piram Regional Trail (Harriet Island to South Saint Paul Regional Trail), between Harriet Island and Mississippi River Regional Trails; and

WHEREAS, the sidewalk project is identified in Ramsey County's 2019-2023 Transportation Improvement Program; and

WHEREAS, the City and Ramsey County have cooperatively determined that sidewalk construction along Plato Boulevard between Water Street and Fillmore Avenue would benefit both parties if completed jointly with the Robert Piram Regional Trail project; and

WHEREAS, the Cooperative agreement between the City and County defines the roles, responsibilities, and obligations for the project, cost contribution, funding shares and obligations, federal cost splits, cost updates, construction management, amendments, change orders and supplemental agreements, project acceptance, and indemnifications regarding the sidewalk construction as part of the Robert Piram Regional Trail project; and

WHEREAS, Federal funds shall be shared between the City and County on a prorated basis of eligible federal items; and

WHEREAS, the City and County will participate in the costs of construction in accordance with the Ramsey County Cost Participation Policy and approved in the 2019-2023 Ramsey County Transportation Improvement Plan; and

WHEREAS, the City and County shall indemnify, defend, and hold each other harmless against any and all liability, losses, costs, damages, expenses, claims, or actions, including attorney's fees, which the indemnified party, its officials, agents, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the indemnifying party, its officials, agents**,** or employees, in the execution, performance, or failure to adequately perform the indemnifying party's obligation pursuant to this Agreement; and

WHEREAS, nothing in this Agreement shall constitute a waiver by the City or County of any statutory or common law immunities, limits, or exceptions on liability; and

WHEREAS, acceptance of the Cooperative agreement will allow the project to proceed and the project will benefit the public with new sidewalks and the trail connection project itself will add to the recreational

opportunities for Saint Paul; now, therefore, be it

RESOLVED, it is agreed the City and County will share project responsibilities and jointly participate in the project costs associated with constructing the proposed sidewalk in conjunction with the Robert Piram Regional Trail; and, be it

FURTHER RESOLVED, that the Mayor and the City Clerk are hereby authorized and directed for and on behalf of the City of Saint Paul, to execute and enter into a Cooperative Agreement with Ramsey County prescribing the terms and conditions of said agreement.