Legislation Text

File #: RES PH 18-301, **Version:** 1

Authorizing the Department of Parks and Recreation to enter into a Cooperative Agreement with Ramsey County, which includes an indemnification clause, for construction of a pedestrian crosswalk on Lexington Parkway between Como Park's Lakeside Pavilion parking lot and Como Golf Course parking lot; and to amend the Department of Parks and Recreation's finance and spending plan in the amount of $49,120 to reflect Ramsey County's cost share portion of the 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

WHEREAS, funds are available for construction of a pedestrian crosswalk on Lexington Parkway (CR 51) between Como Park's Lakeside Pavilion parking lot and Como Golf Course parking lot; and

WHEREAS, the project is identified in the Department of Parks and Recreation's Como Transportation Improvement Plan; and

WHEREAS, the Cooperative agreement between the City and County defines the roles, responsibilities, costs, obligations, and indemnifications for the project construction; and

WHEREAS, the City (existing funds of $52,609) and County ($49,120) will participate in the cost of construction in accordance with the Ramsey County Cost Participation Policy; 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 by providing new concrete sidewalk, pedestrian curb ramps, median, signage that includes Rectangular Rapid Flash Beacon (RRFB), and turf establishment, providing safe movement between park amenities; and

WHEREAS, the Department of Parks and Recreation wishes to amend the 2014 Capital Budget in the amount of $49,120 to reflect the Ramsey County funds available for this project; and

WHEREAS, the Mayor, pursuant to Section 10.07.1 of the Charter of the City of Saint Paul, does certify that there are available for appropriation, funds of $49,120 in excess of those estimated in the 2014 Capital Improvement Budget; now, therefore, be it

RESOLVED, it is agreed the City and County will jointly participate in the project costs associated with constructing the pedestrian crosswalk; 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; and be it

FINALY RESOLVED, by the City Council of the City of Saint Paul, upon recommendation of the Mayor and advice of the Long Range Capital Improvement Budget Committee, that $49,120 is available for appropriation in the 2014 Capital Improvement Budget, and said 2014 budget, as heretofore adopted by the Council, is hereby further amended.

See Attachment

The Saint Paul Long-Range Capital Improvement Budget Committee received this request on October 8, 2018 and recommended approval.

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