Legislation Text

File #: RES 21-446, **Version:** 1

Approving the Municipal Utility and Water Services Easement Agreement as the form for execution and recording for the Ford Redevelopment Site, now known as “Highland Bridge”; and authorizing the execution of Easement Documents accordingly (District 15, Ward 3).

WHEREAS, the Highland Bridge development is subdivided into the lots, blocks, and outlots shown on the plat known as Ford, recorded as Document Number T02655825 in the Office of the County Recorder/Registrar of Titles for and in Ramsey County, Minnesota, as may be amended from time to time (the “**Plat**”). The Plat also created municipal utility and water services easements (“**Municipal Utility Easement**”) throughout the Highland Bridge project, with specific locations, duties and responsibilities to be determined later; and

WHEREAS, the proposed easement between the existing private properties owners, Pulte Homes of Minnesota LLC and Project Paul, LLC, and each of their successors-in-interest, and the City of Saint Paul (the “City”) and the Board of Water Commissioners of the City of Saint Paul, d/b/a Saint Paul Regional Water Services (“SPRWS”) addresses in part location approval of private utility infrastructure, and construction, reconstruction, inspection, operation, maintenance, repair, or replacement, or any related activities, (the activities listed hereinafter referred to as “**O&M**”). To provide some guidance to all Parties as well as symmetry in process and procedure as between the City’s or SPRWS’s utilities and other utilities located in the Municipal Utility Easement, this Easement incorporates by reference Minnesota Statutes Section 237.162, as amended; Minnesota Rules Chapter 7819, as amended; and Saint Paul City Code regarding utility use of City right-of-way (“**ROW**”) and City approved franchise agreements, as such are amended from time to time; and

WHEREAS, the easement attached hereto pertains to the Municipal Utility Easement that extends through the following real property legally described as: Lots 1 and 2, Block 8; Lots 1 and 2, Block 14; Lots 1 and 2, Block 19; Lots 1 and 2, Block 25; Lots 1 and 2, Block 31; and Lots 1 and 2, Block 35. The attached Municipal Utility and Water Services easement, however, will also serve as the template for utility and water services easements to be executed and recorded when and as needed throughout for the Highland Bridge development; now, therefore, be it

RESOLVED, by the City Council of the City of Saint Paul, Minnesota as follows:

Section 1. Approval and Execution of Easement Documents.

1.01 Approval of Easement Documents. The City Council hereby approves the Municipal Utility and Water Services Easement Agreement, substantially in the form presented to the Council and attached hereto, together with any related documents necessary in connection therewith, including without limitation all documents, exhibits, certifications or consents referenced in or attached to the Municipal Utility and Water Services Easement Agreement area (hereinafter collectively referred to as “Easement Documents”). The Easement Documents are subject to revision in order to conform the documents to the specific affected real estate, insert the correct legal descriptions, and revise terms and conditions to meet the needs and purposes for that area.

1.02 Execution of Easement Documents. The Mayor and Director, Office of Financial Services (the “Authorized Officers”) are hereby authorized, in their discretion and at such time, if any, as they may deem appropriate, to execute, on behalf of the City, the Easement Documents, and to carry out, on behalf

of the City, directly or through one or more appointed designees, the City's obligations thereunder when all conditions precedent thereto have been satisfied. The approval hereby given to the Easement Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Saint Paul City Attorney, the appropriate City staff person(s) or by the Authorized Officers authorized herein to execute or accept, as the case may be, said documents prior to their execution; and said Authorized Officers or staff members are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the Authorized Officers shall be conclusive evidence of the approval of such document in accordance with the terms hereof. This Resolution shall neither constitute an offer nor an acceptance; rather, the Easement Documents shall not be effective until the date of execution thereof as provided herein. In the event of absence or disability of either Authorized Officer, any of the Easement Documents authorized by this Resolution to be executed may be executed without further act or authorization of the City Council by any duly designated acting official, or by such other officer or officers of the City Council as, in the opinion of the Saint Paul City Attorney, may act in their behalf.

Section 2. Future Amendments and Consents. The authority to approve, execute and deliver future amendments to the Easement Documents entered into by the City and consents needed under the Easement Documents is hereby delegated to the Authorized Officers, subject to the following conditions: (a) such amendments or consents do not materially adversely affect the interests of the City; (b) such amendments or consents do not contravene or violate any policy of the City, and (c) such amendments or consents are acceptable in form and substance to the counsel retained by the City to review such amendments. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates, consents and related items as may be required to demonstrate compliance with the agreements being amended or consented to and with the terms of this Resolution. The execution of any instrument by the Authorized Officers shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of either of the Authorized Officers, any instrument authorized by this paragraph to be executed may be executed and delivered by any duly designated acting official, or by such other officer or officers of the City Council as, in the opinion of the Saint Paul City Attorney, may act in their behalf.

1. Municipal Utility and Water Services Easement Agreement with exhibits

See Attachment.

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