

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. **24-250**
DATE February 13, 2024

WHEREAS, at its March 9, 2021 meeting, the Board of Water Commissioners (“Board”) approved a Lease Agreement between the Board and the City of Saint Paul (“City”) for the Board to lease a portion of City-owned property known as Pig’s Eye Regional Park for the Board to use for soils recycling and storage (the “Original Agreement”); and

WHEREAS, at its July 13, 2021 meeting the Board approved a revised version of said lease upon request of the City (the “Revised Agreement”) and rescinded its Resolution No. 21-338 approving the Original Agreement; and

WHEREAS, it has become clear that the intended use of this property by the Board as a soils recycling and reclamation site is unviable; and

WHEREAS, the Revised Agreement did not contain a right to terminate by the Board in the event that it is unable to use the property for its intended purpose; and

WHEREAS, Board staff and Park staff worked together to draft an amendment adding such a termination clause and it has been approved by the Assistant City Attorney; now, therefore, be it

RESOLVED, that the Amendment to the July 13, 2021 Lease Agreement between the Board of Water Commissioners of the City of Saint Paul and the City of Saint Paul is hereby approved and that the proper officers are hereby authorized and directed to execute said Amendment on behalf of the Board.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

February 13, 2024

In favor

Opposed

Secretary

ORIGINAL