



## Legislation Text

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**File #:** RES PH 23-176, **Version:** 1

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Approving the petition of Juan Padilla and Claudia Serafico Cruz on behalf of BMC Property, LLC to vacate the alley behind 892 Newcomb Street and 891 Atlantic Street.

WHEREAS, Chapter 130 of the Saint Paul Legislative Code gives the City Council the exclusive power to vacate public streets or portions thereof within the City; and

WHEREAS, Juan Padilla and Claudia Serafico Cruz on behalf of BMC Property, LLC have petitioned to vacate the alley behind 892 Newcomb Street and 891 Atlantic Street, Saint Paul; now, therefore, be it

RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of Juan Padilla and Claudia Serafico Cruz on behalf of BMC Property, LLC ("Petitioner"), as documented in Office of Financial Services' Vacation File Number 05-2023, the public property described and depicted in Exhibit A attached hereto is hereby vacated and discontinued as public property and, subject to the following conditions, the utility easements within said public property are hereby released in accordance with Section 130.05(3):

1. An easement shall be retained over, under and across the east seven feet of the vacated alley on behalf of Xcel Energy for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
2. An easement shall be retained over, under and across the east ten feet of the vacated alley on behalf of Verizon (MCI) for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
3. An easement shall be retained over, under and across the east seven feet of the vacated alley on behalf of Comcast (dba Xfinity) for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
4. An easement shall be retained over, under and across the east ten feet of the vacated alley on behalf of CenturyLink (dba Lumen) for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs for relocation of said facilities.
5. The Petitioner, its successors and assigns shall pay \$1,200.00 to the City of Saint Paul as an administrative fee for this vacation which is due and payable within 60 days of the effective date of this resolution.
6. The Petitioner, its successors and assigns shall, within 60 days of the effective date of this resolution, file with the Office of Financial Services/Real Estate Section, an acceptance in writing of the conditions of this resolution and shall, within the period specified in the terms and conditions of this resolution, comply in all respects with these terms and conditions.
7. The Petitioner, its successors and assigns agree to indemnify, defend and save harmless the City of

Saint Paul, its officers and employees from all suits, actions or claims of any character brought as a result of injuries or damages received or sustained by any person, persons or property on account of this vacation, or the Petitioner's use of this property, including but not limited to, a claim brought because of any act of omission, neglect, or misconduct of said Petitioner or because of any claims or liability arising from any violation of any law or regulation made in accordance with the law, whether by the Petitioner or any of its agents or employee