



## Legislation Text

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**File #:** RES PH 22-195, **Version:** 1

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Approving the petition of the Rosenblum Family Limited Partnership to vacate a portion of Iglehart Avenue west of Snelling Avenue, to accept a vacant parcel from the State of Minnesota, and to convey the vacant parcel to the petitioner.

WHEREAS, the City of Saint Paul ("City") has received a petition from the Rosenblum Family Limited Partnership ("Petitioner"), as documented in Office of Financial Services Real Estate Section Vacation File Number 01-2022, to vacate a portion of Iglehart Avenue west of Snelling Avenue, as depicted and described in Exhibit A attached hereto (the "Vacation Area"); and

WHEREAS, the State of Minnesota Department of Transportation ("MnDOT") owns part of a platted lot adjacent to the Vacation Area, as depicted and described in Exhibit B attached hereto ("MnDOT Parcel"), which was originally acquired by MnDOT for right-of-way purposes but is no longer needed and which MnDOT now desires to convey to the City; and

WHEREAS, the City has determined that there is no longer a public purpose for maintaining its easement rights within the Vacation Area, and;

WHEREAS, upon the City's acceptance of ownership of the MnDOT Parcel, the City desires to vacate its interest in said parcel and recommends its sale to Petitioner, pursuant to the provisions of Chapter 51 of the Saint Paul Administrative Code; and

WHEREAS, Petitioner has agreed to pay just compensation for the MnDOT Parcel, as determined by an internal valuation of fair market value performed by the Office of Financial Services Real Estate Section; now, therefore, be it

RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon said petition the Vacation Area described and depicted in Exhibit A is hereby vacated and discontinued as public property, and all utility easements within the Vacation Area are hereby released in accordance with Section 130.05(3) of the Legislative Code, subject to the following conditions:

1. An easement shall be retained over, under and across the Vacation Area and MnDOT Parcel 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 for relocation of said facilities.
2. An easement shall be retained over, under and across the Vacation Area and MnDOT Parcel on behalf of CenturyLink, dba Lumen, for its 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 existing facilities.
3. An easement shall be retained over, under and across the Vacation Area and MnDOT Parcel on behalf of Saint Paul Regional Water Services.

4. 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.
5. 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.
6. 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 Petitioner's use of this property, including but not limited to a claim brought forward 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 employees

; and be it further

RESOLVED, that the City hereby accepts the MnDOT Parcel from the State of Minnesota, as evidenced by the quitclaim deed attached hereto as Exhibit C; and be it finally

RESOLVED, that the proper city officials are hereby authorized and directed, in accordance with Chapter 51 of the Saint Paul Administrative Code, to:

1. Execute an Agreement for Sale and Purchase of Real Property between the City and Petitioner for the MnDOT Parcel, in a form and content substantially as set forth in Exhibit D attached hereto;
2. Convey the MnDOT Parcel to Petitioner via quitclaim deed, and accept from Petitioner an amount of \$5,075.00 as compensation for same; and
3. Execute documents, pay costs and accept fees as may be as necessary to complete said conveyance.