



Legislation Text

File #: RES PH 22-216, **Version:** 1

Approving the petition of Jeff Chermak, on behalf of Arno Built Homes LLC, to vacate Curfew Street abutting the southeasterly line of Lot 13, Block 13 and the northwesterly line of Lot 1, Block 15, all in the plat Desnoyer Park.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of Jeff Chermak, on behalf of Arno Built Homes LLC ("Petitioner"), as documented in Office of Financial Services' Vacation File Number 03-2022, 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 vacated area on behalf of Xcel Energy for its existing facilities. If relocation of said existing facilities is required by 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 vacated area on behalf of Comcast, dba Xfinity, for its existing facilities. If relocation of said existing facilities is required by 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 vacated area on behalf of CenturyLink, dba Lumen, for its existing facilities. If the relocation of existing facilities is required by Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities within the guidelines set by CenturyLink and all regulating entities, and that all relocations will be done under the supervision of a CenturyLink Inspector.
4. A drainage easement shall be retained over, under and across the vacated area on behalf of City of Saint Paul, Department of Public Works, in accordance with the criteria set forth in Exhibit B.
5. Petitioner, its successors and assigns, shall pay \$600.00 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. 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. 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 its property, including but not limited to, a claim brought because of any act of omission, neglect, or misconduct of 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 Petitioner or any of its agents or employees.