

709987

STATE OF MINNESOTA }
County of Ramsey } ss.
City of St. Paul }

2120998

18. WTE 11 91 M

I, Albert B. Olson, City Clerk of the
City of Saint Paul, do hereby certify that I have compared the at-
tached printed copy of Council File No. 276661
approved April 13th, 1981 with the original thereof
now on file in my office.

I further certify that I have compared the attached plat with
the original plat attached to the petition for the vacation of the
streets and/or alleys specified in said resolution on file in my office,
and that said copy of said resolution and said copy of said plat are
true and correct copies of said originals, and the whole thereof.

I further certify that all the conditions of said resolution have
been complied with.

WITNESS the seal of the City of Saint Paul this 13th
day of July A. D. 19 81

Albert B. Olson
City Clerk



TORRENS

2-0-23 \$00.00 - 0

WHITE
PINK
GREEN
BLUE

CITY CLERK
FINANCE
DEPARTMENT
MAYOR

CITY OF SAINT PAUL

Council File NO: 276661

Council Resolution

Presented By *J. McNamee* 709987

Referred To _____ Committee: _____ Date _____
Out of Committee By _____ Date _____

2-13-0987

RESOLVED, That upon the petition of McDonald's Corp.,
the sections of public street and public alley hereinafter
described, be and the same hereby are vacated and discontinued
as a public street and public alley:

All that part of Benson Street lying west
of west-right-of-way line of Madison Avenue
to the westerly right-of-way line of the
Chicago, Milwaukee, St. Paul and Pacific
Railroad right-of-way which is also the
terminus of a previous vacation approved by
C.F. 271221, and

All of alley in C. W. Youngman's Rearrangement
of Block 2, Palisade addition to St. Paul;

subject expressly to the following conditions and reservations:

1. That the vacation be subject to all the terms and conditions of Chapter 228 of the City of St. Paul Legislative Code, as amended.
2. That a permanent easement be retained by the Water Utility for water main maintenance; said easement to be described as follows:

<p>COUNCILMEN</p> <p>Yeas _____ Nays _____</p> <p>Hurt _____ In Favor</p> <p>LeMay _____</p> <p>Maddox _____</p> <p>Mohrman _____ Against</p> <p>Shoemaker _____</p> <p>Trotter _____</p> <p>Wilson _____</p> <p>Adopted by Council: _____ Date _____</p> <p>Certified Pursued by Council Secretary _____</p> <p>By _____</p> <p>Approved by Mayor: _____ Date _____</p> <p>By _____</p>		<p>Requested by Department of: _____</p> <p>By _____</p> <p>Form Approved by City Attorney _____</p> <p>By <i>James A. Brewer</i> 4-1-91</p> <p>Approved by Mayor for Submission to Council _____</p> <p>By _____</p>
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709987

276651

212-0998

2

South thirty (30) feet of the north thirty-five (35) feet of that portion of Benson Avenue lying west of the southerly extension of the east line of Lot 32, C. W. Youngman's Rearrangement of Block 2, Palisada addition to St. Paul;

Restrictions within the easement area are as follows:

- a) That no buildings, structures, or trees are permitted within the easement area, or any temporary structure, material storage, fixture or other objects that will prohibit normal access to water facilities for maintenance purposes.
- b) That no change from the existing grade is permitted without written permission from the Water Utility.
- c) That no change in surfacing within the easement area is permitted without written permission from the Water Utility.
- d) That McDonald's Corp., its successors and assigns shall fully indemnify, defend and save harmless the Board of Water Commissioners, its officers, agents, employees, and servants from all suits, actions or claims which shall arise from any injuries or damages received or sustained by any break in any service pipe, water main, or connection in said reserved easement, arising out of or resulting from any action or negligence of the petitioner, its employees, agents or business invitees.

3

DWB 4-1-81

709987

276561

Alley

3

3. That a specific easement be retained to protect the interest of Northern States Power Company and Northwestern Bell Telephone Company in said alley.
4. That McDonald's Corp., dedicate to the City and the City is hereby authorized and directed to accept an easement for street purposes real property described as:

The north 60 Feet of Lot 4, C. W. Youngman's Rearrangement of Block 2, Fallsade addition to St. Paul;

5. That McDonald's Corp., grade and pave this new street and pay for all costs associated with this construction, including, but not limited to, revising the existing traffic signal locations, construction of new drive openings, removal and restoration of the existing Winchell's drive opening and necessary revisions and restorations to Winchell's parking lot to the satisfaction of Winchell's.
6. That McDonald's Corp., conduct at their expense all necessary maintenance on this dedicated street section as part of their general lot maintenance. This includes cleaning, snow plowing and all repairs.
7. That McDonald's Corp., by acceptance of this vacation, agree to pay all assessments in one lump sum, within 90 days of submission of demand for payment, for the grading, paving and storm sewer construction in Madison Street from West 7th Street to Youngman Avenue for the following described properties:

4

SMB 4.1.81

709987

276661

Palisade

4

Allen L. Herman (Fee Owner)
 Luke Beer (Contract Purchaser)
 Except Southwesterly 5 feet and
 Except 7th Street; Lot 1, C. W.
 Youngman's Rearrangement of Block
 2, Palisade addition to Saint Paul.

Herman and Herbert E. Loss
 (Except 7th Street) Southwesterly 1/2
 of Lot 15 and all of Lot 16, Block 3,
 Palisade addition to Saint Paul.

Stephen J. and Florence C. Borota
 Lot 17, Block 3, Palisade addition
 to Saint Paul.

Bill A. and Rose Ann Cutting
 Except Southeasterly 85 feet, all of
 Lots 1, 2 and 3, Block 10, Palisade
 addition to Saint Paul.

William J. and Donna Mae Cutting
 The Southeasterly 85 feet of Lots 1,
 2, and 3, Block 10, Palisade addition
 to Saint Paul.

Bill A. and Rose Ann Cutting
 Lot 32, Block 10, Palisade addition
 to Saint Paul.

Louise A. Hawley
 Lot 16, Block 3, Youngman and Lamm's
 Addition.

Kenneth W. and Helen C. Thornton
 Lot 1, Block 4, Youngman and Lamm's
 Addition.

5

DWB 4-1-11

WHITE CITY CLERK
INK FINANCE
CHERRY DEPARTMENT
BLUE MAYOR

CITY OF SAINT PAUL Council Resolution 709987

Council File NO: 276661

Presented By _____
Referred To _____ Committee: _____ Date _____
Out of Committee By _____ Date _____

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5.

- 8. That compensation as required by Section 228.05 of the St. Paul Legislative Code be set at \$13,300, based on street and alley accruals to petitioners property and other valuable consideration including conditions heretofore described.
- 9. That McDonald's Corp., furnish the City with a bond in the amount of \$30,000, and in addition thereto by acceptance of the terms and conditions of this vacation, 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, including, but not limited to, any claim alleging landlocking, a claim brought because of any injuries, or damages received or sustained by any person, persons or property, on account of this vacation; or because of any act or omission, neglect or misconduct of said petitioner; or because of any claim or liability arising from or based on any violation of any law or regulation made in accordance with the law, whathar by the petitioner or any of its agents or employees.
- 10. That McDonald's Corp., by acceptance of this vacation, agree to no vehicular access to their property from Madison Avenue.

COUNCILMEN		Yeas		Nays	
1	Hunt	5	In Favor		
	Levine				
	Madison				
	McMahon	1	Against		
	Shaw				
	Tedesco				
	Waller				

Adopted by Council: _____ Date _____
 Certified Passed by Council Secretary
 By: Albert J. [Signature]
 Approved by Mayor: _____ Date _____
 By: _____

Requested by Department of: _____
 By: _____
 Form Approved by City Attorney
 By: Sharon A. [Signature] 4-8-81
 Approved by Mayor for Submission to Council
 By: _____

X-

CITY CLERK
FINANCE
DEPARTMENT
MAYOR

CITY OF SAINT PAUL Council Resolution

Council File NO: 276661

Presented By 789787
Referred To _____ Committee: _____ Date _____
Out of Committee By _____ Date _____

6

2/20/81

11. That the vacation be subject to the rights of the Chicago and Northwestern Railroad to operate and maintain its tracks and adjacent facilities over portions of Colorado Street and Greenwood Avenue vacated herein; subject also to Chicago, Milwaukee Railroad Company being permitted to cross Benson Street.

COUNCILMEN		Yays	Nays	
Hunt				
Levin				
Madrox				
McMahon				
Shawalter				
Trudis				
Wideman				
Adopted by Council:		Date <u>APR 9 1981</u>		
Certified by Council Secretary				
By <u>[Signature]</u>		Date <u>APR 13 1981</u>		
Approved by Mayor: Date <u>APR 13 1981</u>				
By <u>[Signature]</u>				
PUBLISHED APR 18 1981				

Requested by Department of: _____

By _____

Form Approved by City Attorney

By [Signature] 4-1-81

Approved by Mayor for Submission to Council:

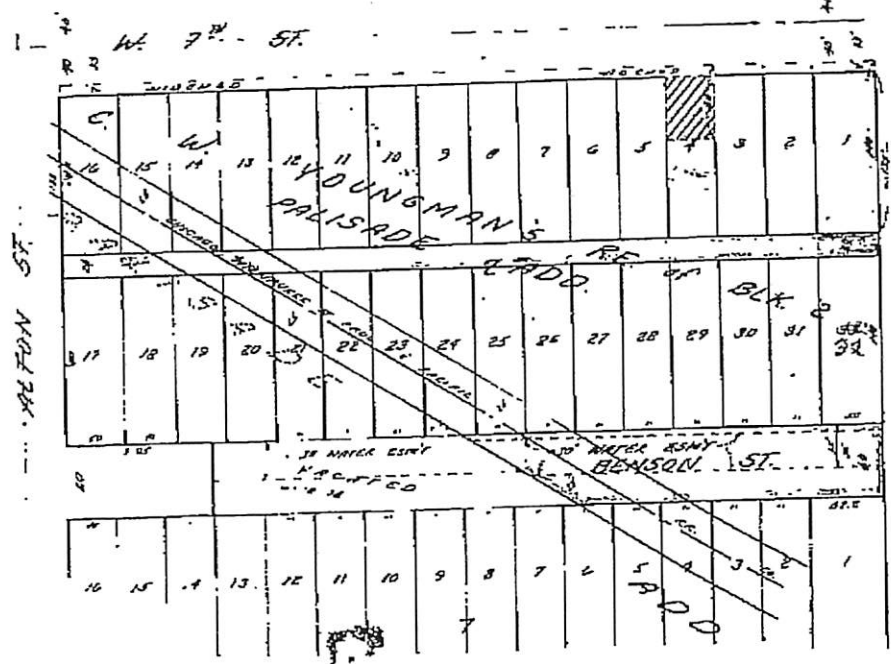
By _____

7

118

BENSON ST.
MADISON ST. - 2ND TO 4TH AV
Alley; C.W. YOUNGMAN'S RE.
MADISON ST. - ALTON ST.

VACATION
COPY BY G.P. PAUL
DEPT. OF PUBLIC WORKS
JULY 2, 1981
SCALE: 1"=100'



MADISON ST.

RE FON ST.

709927

11 [Hatched Box] 1/4 ESMT DEDICATED

BENSON ST.
MADISON ST. - 2ND TO 4TH AV
C.W. YOUNGMAN'S RE.
MADISON ST. - ALTON ST.
SECTION 17 2546

Surveyed by:
Drawn by: K.J. Lowder
Checked by: [Signature]

2120998
 709987
Ullman
 C-29

11:10 AM
 501-51-4382

104-178-447.54
 106-182-41594
 120-240-47258
 590-11-271511
 591-209-272404
 625-144-327104
 647-27-272527
 624-134-288634

ASSURANCE FUND none

CERTIFICATE NUMBER 20730
 BOOK 204 PAGE 178
 STATE OF MINNESOTA
 COUNTY OF RAMSEY SS.
 OFFICE OF THE REGISTRAR OF TITLES.
 This is to certify that the within instrument was
 filed in the office of St. Paul, Minn. on the
16 day of January A. D. 1921
 at 11 o'clock A.M.
 EUGENE H. GIBBONS
 Registrar of Titles
 By J. H. Gibson Deputy
 CE 1773
TORRENS