

~~Reason for request for exception to General Hours of Operation- Skyway ordinance 140.11~~

RE: Skyway #15

Health and Security of Residents of 406 Wacouta.

- 1) 406 Wacouta Street has been converted to 100% residential. We do not have security personnel. Our resident population includes people who are handicapped, retired, and who live alone.
- 2) The building was redesigned to meet state code, and to accommodate the Skyway, with Street and Skyway level access, and an elevator linking the two, and a stairway to provide for emergency exit. The designers and developers embraced the existing Skyway system.
- 3) However, since it reopened after construction our building has been plagued by trespassers who gain entrance through the Skyway concourse and first floor doors to the stairwell and proceed to other levels of the stairwell and into the building. Per the City, code requires our stairwell doors on the first and Skyway levels be accessible and unlocked.
- 4) Incidents include vagrants "camping", drinking, lurking, smoking tobacco and marijuana, urinating and defecating, and generally adversely affecting the health and safety of residents, and making the stairwell off limits to security conscious residents.
- 5) Gang activity in the area is indicated by graffiti and observation. Our building's proximity to violent crime including shooting and armed robbery is a matter of record. In addition a record of police calls to 406 Wacouta is attached.
- 6) Intoxicated smoking in our historic timber building is a fire hazard to our residents.
- 7) In response to the trespassing and the tendency of the trespassers to be gone by the time police arrive, our Condo Association Board of Directors moved to lock (card reader access only) the skyway doors and the Wacouta street level door. This has stopped the trespassing.
- 8) This closure has resulted in no complaints. The building has never been promoted as a public entrance to the skyway. The February 2008 skyway map shows the skyway ending at our building wall.
- 8) Opening our doors to meet the new designated Skyway hours will open us up once again to the problems noted in #4 above and create potential liability for the Condo Association and the City of St. Paul.

Building in accordance with Exhibit A attached hereto. ~~Said easements to be granted by CD shall be in the form attached hereto as Exhibit B and shall grant to the public the right of use of said pedestrian concourse system through the CD Building for purposes of pedestrian ingress, egress, and transit, except for such reasonable police measures regarding open hours and closing all or part of the concourse through their property as the City may, by ordinance, from time to time determine, or regarding public conduct therein as may be prohibited by skyway ordinance, as it may be amended from time to time. It is agreed that the skyway bridge herein and the new pedestrian concourse provided for in the CD Building shall be open for public ingress, egress and transit from 7:00 A.M. to 6:00 P.M., five days a week, and closed on Saturdays and Sundays. These~~ hours are subject to revision by mutual agreement and subject to the general power of the City to prescribe System hours by ordinance. The portions of the easement shown as "Escorted Access for Handicapped Only", may be controlled by CD by doors and buzzers to maintain security.

8. CD Easement Description. The public easement through the CD Building shall be in accordance with Exhibit A herein and shall commence at the westerly property line of the CD Building where the skyway bridge over Wacouta Street will cross the property line to connect to the CD Building and shall extend in an easterly direction as shown on Exhibit A. Such easement shall include an access elevator for the use of handicapped persons traveling between the first and second levels, which elevator shall be available for such use during all hours of bridge and concourse operation.

9. Width of Easement. The public easements provided for herein shall be continuously at least 12 feet in width, except at nodes, if any, where it may be larger; or where stairways or the structural design of the building is such that a width of 12 feet is impossible; or where the existing construction of corridors, which have been and are constructed in accordance with fire standards, would make expansion to 12 feet economically unreasonable. The City accepts the actual width of corridors shown on Exhibit A, pages 1 and 2, which in some areas may be as narrow as six feet.

10. Easement Survey. Concourse areas shall be more particularly described by a registered land surveyor following completed construction of the public concourse/access areas.

11. Easements Public and Subject to Law. CD agrees that the pedestrian concourse within the easements herein described and the adjacent easements shall be designated as public easements and that all ordinances of the City which by force of law are applicable to the System shall govern.

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

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Presented by ~~DAVID JAMES~~

1 WHEREAS, Ron Kolb has submitted an application on behalf of River Park Lofts at 406 Wacouta
 2 Street for an exception to the general hours of operation for the pedestrian skyway system. That
 3 application requests an exception to the general hours of operation for the portion of the skyway leading
 4 from bridge number 15, allowing the building to have the hours of 7:00 a.m. to 6:00 p.m. Monday through
 5 Friday;
 6
 7 WHEREAS, Chapter 140.11(b) of the Saint Paul Legislative Code give the Council the power to
 8 grant such exceptions; and
 9
 10 WHEREAS, River Park Lofts connects to a parking ramp and is an access point for egress from the
 11 skyway system for area residents; and
 12
 13 WHEREAS, River Park Lofts can control access to other portions of the building through security
 14 doors; and
 15
 16 WHEREAS, the Skyway Advisory Committee considered this application and recommended denial
 17 of the application; and
 18
 19 WHEREAS, the Council held a public hearing on the application for an exception on September
 20 10, 2008 at which time the Council heard a recommendation from the Department of Safety and
 21 Inspections, the applicant was given an opportunity to speak but did not appear, and public testimony was
 22 allowed; now therefore be it
 23
 24 RESOLVED, that the Council hereby finds that there is not a sufficient basis for the proposed hours
 25 of operation for the above-stated reasons and denies the application for alternate hours.
 26
 27 A copy of this resolution, as adopted, shall be sent by first class mail to the applicant.

	Yeas	Nays	Absent
Bostrom			✓
Carter	✓		
Harris	✓		
Heigen	✓		
Lantry			✓
Stark	✓		
Thune	✓		
	5	0	2

Requested by Department of:
DSI
 By: Christine A. Ryzel
 Approved by the Office of Financial Services
 By: _____
 Approved by City Attorney
 By: Rachel Tierney
 Approved by Mayor for Submission to Council
 By: R. Mulholland

Adopted by Council: Date 9/24/08
 Adoption Certified by Council Secretary
 By: Mary Erickson
 Approved by Mayor: Date 10/1/08
 By: R. Mulholland