



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution-Public Hearing: RES PH 22-320

File Number: RES PH 22-320

Approving the petition of Cziasarh Yang on behalf of DNZ LLC to vacate the alley south of 519 Payne Avenue, and to convey the City's interest in the vacated alley to the petitioner.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of Cziasarh Yang on behalf of DNZ LLC ("Petitioner"), as documented in Office of Financial Services Real Estate Section Vacation File Number 02-2018, the public property described in Ramsey County, Minnesota, as the **alley in Block 8, Brunson's Addition to St. Paul, subject to Payne Avenue as widened**, and as referenced in Exhibit A (the "Vacation Property") is hereby vacated and discontinued as public property, and all utility easements within the Vacation Property are hereby released in accordance with Section 130.05(3), subject to the following conditions:

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, 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, 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, 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. An easement shall be retained over, under and across the vacated area on behalf Saint Paul Regional Water Services.
4. The proper storm sewer drainage utility plan shall be provided to the satisfaction of the City of Saint Paul, Department of Public Works.
5. 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. 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;

and be it further

RESOLVED, that the proper city officials are hereby authorized and directed to:

1. Execute a Real Property Sale and Purchase Agreement between the City, Housing and Redevelopment Authority ("HRA") and Petitioner, in a form and content substantially as set forth in Exhibit B, a copy of which is on file in the Office of Financial Services Real Estate Section;
2. Convey the City's interest in the southerly portion of the Vacation Property, by quit claim deed, to the HRA for subsequent conveyance to Petitioner; and
3. Accept from Petitioner just compensation for the southerly portion of the Vacation Property in the form of cash, in the amount of \$10,000.00, as established by the Office of Financial Services Real Estate Section, and payment of all other related costs.

At a meeting of the City Council on 11/9/2022, this Resolution-Public Hearing was Passed.

Yea: 7 Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang, and Councilmember Balenger

Nay: 0

Vote Attested by Shari Moore **Date** 11/9/2022
Council Secretary Shari Moore

Approved by the Mayor Melvin Carter III **Date** 11/11/2022
Melvin Carter III

Clerk Shari Moore **Date** _____
Shari Moore

Test Signature Shari Moore **Date** _____
Shari Moore