

2730991

RECORDED ON

JUN 28 1993

ENTERED IN TRANSFER RECORDS

6-25-1993

DIRECTOR, PROPERTY TAXATION
Ramsey County, Minnesota

By DS-

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss.
CITY OF ST. PAUL)

DOCUMENT NO.
OFFICE CO. RECORDER
RAMSEY COUNTY MN
CERT. RECORDED ON
JUN 28 12 12 PM '93
COUNTY RECORDER
BY LP

I, Molly O'Rourke, City Clerk of the City of Saint Paul, Minnesota, do hereby certify that I have compared the attached copy of Council File No. 93-577 as adopted by the City Council on May 4, 1993 and approved by the Mayor on May 6, 1993 with the original thereof on file in my office.

I further certify that said copy is a true and correct copy of said original and the whole thereof.

WITNESS, my hand and the seal of the City of Saint Paul, Minnesota
this 23rd day of June 1993.

Molly O'Rourke (ps)
CITY CLERK

Instru #	1780
Filed	17
Rec. date	
Car copy	
Initials	DS
Pd by/bill	19

RETURN TO

City Clerk
170 City Hall
St Paul

126

ORIGINAL

Return copy to:
Real Estate Division
218 City Hall

Council File # 93-577

Green Sheet # 23529

**RESOLUTION
CITY OF SAINT PAUL, MINNESOTA**

2730991

Presented By M. M. M. M.

Referred To _____

Committee: Date _____

RESOLVED, that upon the petition of the First National Bank of The North and Independent School District 625, per Finance Department File No. 3-1993, that part of Clear Avenue lying westerly of Arcade Avenue, hereinafter described, is hereby vacated and discontinued as public property.

The vacated area is described as follows:

All that part of Clear Avenue lying between Arcade Avenue and the west line of the east thirteen feet of Lot 26, Block 3, Kings Arcade Park, extended southerly across said Clear Avenue.

This vacation shall be subject to the following conditions:

1. That this vacation shall be subject to the terms and conditions of Chapter 130, codified March 1, 1981, of the Saint Paul Legislative Code as amended.
2. That the petitioners, their successors and assigns shall pay \$9017.00 as compensation for this vacation which shall be paid within 60 days of the publication date of this resolution.
3. That a permanent 30 foot utility easement shall be retained on, over, under and across the vacated area and centered along the centerline of said vacated Clear Avenue on behalf of the City of Saint Paul, Department of Public Works, subject to the following conditions:
 - a. No buildings, structures, or trees are permitted within the easement area nor any temporary structure, material storage, fixture, or other objects that will prohibit normal access to sewer facilities for maintenance purposes.
 - b. Improvements in or upon the above described easement that do not prohibit the City from exercising its reserved rights may be allowed by obtaining written permission from the Department of Public Works Sewer Division

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with the understanding that the restoration and costs of such improvements shall be the responsibility of the petitioners, their successors and assigns in the event the city exercises its reserved easement rights.

- c. No change from the existing grade is permitted without written permission from the Director of the Department of Public Works.
- d. No change in surfacing within the easement area is permitted without written permission from the Director of the Department of Public Works.
- e. That the petitioners, their successors, and assigns shall indemnify, defend, and save harmless the City of Saint Paul, 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 of connection in said reserved easement arising out of or resulting from any action or negligence of the petitioners, their employees, agents, or business invitees.

4. That a permanent Water Utility Easement shall be retained on, over, under and across the south 30 feet of the north 35 feet of the vacated area on behalf of the City of Saint Paul, Board of Water Commissioners and shall be subject to the following conditions:

- a. No buildings, structures, or trees are permitted within the easement area, nor any temporary structure, material storage, fixture or other objects that will prohibit normal access to water facilities for maintenance purposes.
- b. No change from the existing grade is permitted without written permission from the Water Utility.
- c. No change in surfacing within the easement area is permitted without written permission from the Water Utility.
- d. That the petitioners, their successors, and assigns shall fully indemnify, defend, and save harmless the Board of Water Commissioners, its officers, agents,

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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.

5. That a permanent easement be retained within the vacated area to protect the interests of Northern States Power Company.
6. That a permanent easement be retained within the, vacated area to protect the interests of U. S. West Communications, Inc.
7. That the petitioners, their successors, and assigns by acceptance of the terms and conditions of this resolution, hereby agree to indemnify, defend, and save harmless the City of Saint Paul, its officers, and employees against 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 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.

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8. That the petitioners, their successors, and assigns shall within 60 days of the publication date of this resolution, file with the City Clerk, an acceptance in writing of the conditions of this resolution and shall within the period(s) specified in the terms and conditions of this resolution, comply in all respects with these terms and conditions.

	Yeas	Nays	Absent
Guerin			
Long			
MacGabe			
Griffin			
Raffman			
Wine			
Wilson			

Adopted by Council: Date MAY 4 1993

Adoption Certified by Council Secretary

By: [Signature] Date MAY 6 1993

Approved by Mayor: Date [Signature]

By: [Signature]

Requested by Department of:

By: Nickel Center

Form Approved by City Attorney

By: John W. Lawrence 3-25-93

Approved by Mayor for Submission to Council

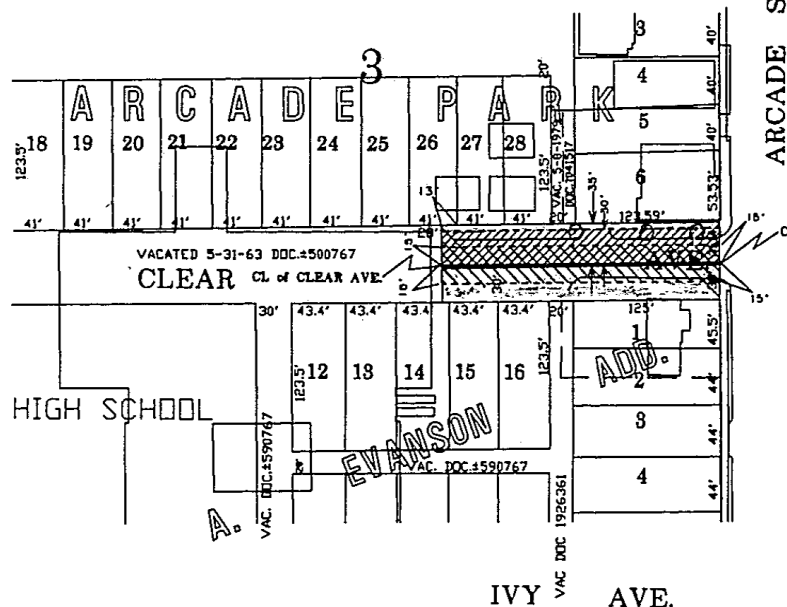
By: [Signature]

PUBLISHED APR 15 '93

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KING'S



CLEAR AVE. Arcade Ave. - W'ly VACATION

City of St. Paul
Dept. of Public Works
June 7, 1993
Scale: 1=100

NORTH

- VACATION
- 30' Utility Esmt.
CENTERED ON STREET
- 30' Water Esmt.
S. 80' OF N. 85' OF ST.

Drawn by Mapping Unit
Dept. of Public Works

CLEAR AVE. Arcade Ave. - W'ly VACATION

Dr. 4 No. 2892