



## Legislation Details (With Text)

**File #:** RES PH 14- 308      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 11/5/2014

**Title:** Approving the petition of Opus Development Company, L.L.C. to vacate part of an alley in Block 26, Rice & Irvine's Addition, near West Seventh Street and Chestnut Street.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Exhibit B, 3. Map of General Area, 4. Map of Proposed Vacation Area

Date	Ver.	Action By	Action	Result
11/10/2014	1	Mayor's Office	Signed	
11/5/2014	1	City Council	Adopted	Pass

Approving the petition of Opus Development Company, L.L.C. to vacate part of an alley in Block 26, Rice & Irvine's Addition, near West Seventh Street and Chestnut Street.

BE IT RESOLVED, that upon the petition of Opus Development Company, L.L.C. ("Petitioner"), as documented in Office of Financial Services Vacation File Number 15-2014, the public property legally described 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:

1. An easement shall be retained on behalf of Northern States Power, d/b/a Xcel Energy (Electric), for existing facilities in the proposed vacation area. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs to relocate said facilities.
2. An easement shall be retained on behalf of CenturyLink for existing facilities in the proposed vacation area. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs to relocate said facilities.
3. An easement shall be retained on behalf of Comcast for existing facilities in the proposed vacation area. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs to relocate said facilities.
4. 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.
5. The 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.
6. The 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 the 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.

; and be it further

RESOLVED, that, pursuant to Sec. 51.01(7) of the Saint Paul Administrative Code, the proper city officials are hereby authorized to sell and convey to the underlying fee title owners by Quit Claim Deed the portion of proposed vacation area owned in fee simple by the City of Saint Paul, as legally described in Exhibit B attached hereto ("City Parcels"), for the fair market value amount of \$10,800.00, as established by the Office of Financial Services, Real Estate Section.