Legislation Details (With Text)

File #:	RES PH 16-406	**Version:**	1	
Type:	Resolution-Public Hearing	**Status:**		Passed
		In control:		City Council
		Final action:		11/16/2016
Title:	Approving the petition of Gan Mizrachi, LLC to vacate a portion of alley and Idaho Avenue East adjacent to 76 Wheelock Avenue East.			
Sponsors:	Amy Brendmoen			
Indexes:				
Code sections:				
Attachments:	1. Exhibit A, 2. Map of area to be vacated			

Date	Ver.	Action By	Action	Result
11/18/2016	1	Mayor's Office	Signed	
11/16/2016	1	City Council	Adopted	Pass
11/2/2016	1	City Council	Laid Over	Pass

Approving the petition of Gan Mizrachi, LLC to vacate a portion of alley and Idaho Avenue East adjacent to 76 Wheelock Avenue East.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of Gan Mizrachi, LLC. ("Petitioner"), as documented in Office of Financial Services Vacation File Number 05-2016, the public property described as:

That part of the north-south alley, as dedicated in Block 8 Gurney Highland Park, Ramsey County Minnesota; lying southerly of a line running between the northeast corner of Lot 16 and the northwest corner of Lot 9, Block 8 and northerly of a line running between the southeast corner of Lot 13 and the southwest corner of Lot 12, Block 8 of said plat;

Also that part of Idaho Avenue (Louisa Street) as dedicated in Gurney Highland Park, Ramsey County Minnesota; lying easterly of a line running between the southwest corner of Lot 13, Block 8 and the northwest corner of Lot 24, Block 9 and westerly of a line running between the southeast corner of Lot 13, Block 8 and the northeast corner of Lot 24, Block 9 of said plat;

is hereby vacated and discontinued as public property and, subject to the following conditions, all utility easements within said public property are hereby released in accordance with Section 130.05(3):

1.   An easement shall be retained over, under and across a part of the proposed vacation area on behalf of Northern States Power Company d/b/a Xcel Energy - Electric Division for existing facilities as described and depicted in Exhibit A. If relocation of the facilities is required by the Petitioner for or arising from the alley vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.

2.   An easement shall be retained over, under and across the proposed vacation area on behalf of Comcast for existing facilities as described and depicted in Exhibit A. If relocation of the facilities is required by the Petitioner for or arising from the alley vacation, the Petitioner, its successors or assigns, shall assume

all costs of relocation of said facilities.

3.	The Petitioner, its successors and assigns shall pay $600.00 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.

4.	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.

5.	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.