



## Legislation Details (With Text)

**File #:** RES PH 15-132      **Version:** 2

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

**In control:** City Council

**Final action:** 6/3/2015

**Title:** Approving the petition of Grand Realty Company, LLP to vacate surplus Ayd Mill Road right-of-way adjacent to its building at 1261 Grand Avenue (Kowalski's). (Public hearing continued from May 20)

**Sponsors:** Chris Tolbert

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Description and Depiction of Vacation Property, 2. Exhibit B - DRAFT Sale and Purchase Agreement, 3. Aerial Map - 1261 Grand Ave

| Date      | Ver. | Action By      | Action                  | Result |
|-----------|------|----------------|-------------------------|--------|
| 6/8/2015  | 2    | Mayor's Office | Signed                  |        |
| 6/3/2015  | 2    | City Council   | Adopted                 | Pass   |
| 5/20/2015 | 2    | City Council   | Continue Public Hearing | Pass   |

Approving the petition of Grand Realty Company, LLP to vacate surplus Ayd Mill Road right-of-way adjacent to its building at 1261 Grand Avenue (Kowalski's). (Public hearing continued from May 20)

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of the Grand Realty Company, LLP ("Petitioner"), as documented in Office of Financial Services Vacation File Number 04-2015, the public property described as:

A vacation of the right-of-way over, under and across that part of Ayd Mill Road, Ramsey County, Minnesota, described as follows:

Commencing at the southeast corner of Lot 16, Block 1, Stinson's Boulevard Addition to St. Paul, Ramsey County, Minnesota; thence North 00 degrees 11 minutes 09 seconds West, assumed bearing along the east line of said Lot 16, a distance of 2.37 feet to the point of beginning of the vacation to be described; thence North 00 degrees 11 minutes 09 seconds West, continuing along said east line, a distance of 195.95 feet; thence North 07 degrees 14 minutes 24 seconds West a distance of 7.41 feet; thence North 89 degrees 54 minutes 16 seconds East a distance of 12.90 feet; thence South 00 degrees 05 minutes 44 seconds East a distance of 195.30 feet; thence South 44 degrees 54 minutes 16 seconds West a distance of 11.31 feet; thence South 89 degrees 54 minutes 16 seconds West a distance of 3.67 feet to the point of beginning,

and depicted 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) of the Saint Paul Legislative Code, subject to the following conditions:

1. Petitioner, its successors and assigns shall pay \$1,200.00 to the City of Saint Paul (the "City") as an administrative fee for this vacation which is due and payable within 60 days of the effective date of this resolution.

2. 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 ("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.

3. 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 the Vacation Property, including but not limited to, a claim brought forward 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 the proper city officials are hereby authorized and directed to:

1. Convey the Vacation Property by quit claim deed to the Housing and Redevelopment Authority of the City of Saint Paul (the "HRA") for subsequent conveyance to Petitioner;

2. Execute a Real Property Sale and Purchase Agreement between the City, HRA and Petitioner, in a form and content substantially as set forth in Exhibit B, a copy of which is on file in the Real Estate Section; and

3. Accept from Petitioner just compensation for the Vacation Property in the form of cash for the fair market value amount of \$23,760.00, as established by the Real Estate Section, and payment for all other related costs.