



## Legislation Text

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**File #:** RES PH 12-24, **Version:** 1

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Approving the petition of Semper Development to vacate a portion of the alley in the block bounded by Larpenteur Avenue, California Avenue, Lexington Parkway, and Dunlap Street.

BE IT RESOLVED, that upon the petition of Semper Development ("Petitioner"), as documented in Office of Financial Services Vacation File Number 12-2011, the public property described as:

That part of the alley as dedicated on the plat of Clifton Dale, Ramsey County, Minnesota lying easterly of the southerly extension of the west line of Lot 7, Block 1, said Clifton Dale, and depicted in Exhibit A attached hereto, is hereby vacated and discontinued as public property and, subject to the following conditions, the easements within said public property are hereby released:

1. An easement shall be retained over, under and across the proposed vacation area on behalf of Century Link, a Louisiana Corporation for existing facilities. 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 into the dedicated easement area described below.
2. An easement shall be retained over, under and across the proposed vacation area on behalf of Northern States Power Company d/b/a Xcel Energy - Electric Division for existing facilities. 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 into the dedicated easement area described below.
3. An easement shall be retained over, under and across the proposed vacation area on behalf of Northern States Power Company d/b/a Xcel Energy - Gas Division for existing facilities. 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 into the dedicated easement area described below.
4. An easement shall be retained over, under and across the proposed vacation area on behalf Comcast, a Pennsylvania Corporation, for existing facilities. 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 into the dedicated easement area described below.
5. The Petitioner, its successors and assigns, shall dedicate to the City by recordable documents a utility easement and permanent right-of-way easements, as depicted in Exhibit B attached hereto.
6. 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.
7. The 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.
8. 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.
9. 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.

None