



Legislation Text

File #: RES 15-269, **Version:** 1

Approving the release of a public sewer easement in vacated Simcoe Street, granting to Lewis Park Renewal LLC a driveway access easement, and accepting a quit claim deed for property rights within vacated Woodbridge Street.

WHEREAS, Lewis Park Renewal LLC, ("Lewis Park") owns the property located at 180 Wayzata Street in Saint Paul on which an apartment building was constructed in the early 1980's (the "Lewis Park Property"); and

WHEREAS, on December 19, 1978 the St. Paul City Council approved the vacation of Simcoe Street lying between the northerly right-of-way line of Milford Street and the southerly right-of-way line of Wayzata Street to permit construction of said apartment building (the "1978 Vacation") as memorialized in Council File No. 272254 and recorded in Ramsey County property records as Document No. 2032708 (Abstract) and Document No. 672739 (Torrens); and

WHEREAS, the City of Saint Paul ("City") retained a 25-foot permanent sewer easement within said vacated area for the benefit of its Department of Public Works; and

WHEREAS, Lewis Park now requests that the City release its sewer easement rights and allow the sewer line remaining in the vacated area to revert to a private sewer service to the Lewis Park Property; and

WHEREAS, at the time said apartment building was constructed, an access driveway was also constructed within the east half of vacated Woodbridge Street between Milford and Wayzata streets adjacent to the Lewis Park Property, as vacated by the St. Paul City Council on March 18, 1980 and memorialized in Council File No. 274596 and a subsequent amendment as Council File No. 274713, both recorded in Ramsey County property records as Document No. 2081256 (Abstract); and

WHEREAS, the east half of vacated Woodbridge Street appears to be under city ownership and part of Lewis Park abutting the Lewis Park Property to the west, but no public documentation of city ownership has been located; and

WHEREAS, the City, through its department of Parks and Recreation, has agreed to grant an easement for ingress and egress purposes over a portion of vacated Woodbridge Street where said access driveway is located, as depicted and described in Exhibit A attached hereto; and

WHEREAS, in exchange for said grant of easement Lewis Park has agreed to quit claim whatever right, title and interest it may possess in the east half of vacated Woodbridge Street, as depicted and described in Exhibit B attached hereto; and

WHEREAS the City has determined that granting said easement for ingress and egress purposes within Lewis Park would not constitute a diversion of city parkland under Chapter 13.1.01 of the City Charter because said access driveway existed prior to adoption of the Charter provision and is therefore not subject to said provision; now, therefore be it

RESOLVED, that with the Certificate of Intended Non-Use, filed voluntarily on behalf the City's Department of

Public Works, the City hereby waives its rights to the sewer easement retained in the 1978 Vacation; and be it further

RESOLVED, that the proper city officials are hereby authorized and directed to execute a grant of easement to Lewis Park for ingress and egress purposes over a portion of vacated Woodbridge Street, as depicted and described in Exhibit A, and to accept a quit claim deed from Lewis Park for the east half of vacated Woodbridge Street, as depicted and described in Exhibit B; and be it finally

RESOLVED, that upon passage of this resolution and the City's receipt of a \$300.00 administrative processing fee, the proper city officials are further authorized and directed to record a copy of said resolution in the office of the Ramsey County Recorder and/or Registrar of Titles, and that the Office of Financial Services Real Estate Section shall maintain on file a copy of the Certificate of Intended Non-Use referenced in this resolution.