



Legislation Text

File #: RES 13-406, **Version:** 1

Authorizing the release of easements for the property located at the southwest corner of University Avenue and Fairview Avenue as requested by Anchor Episcopal Homes of Minnesota.

WHEREAS, a request has been received from Episcopal Homes of Minnesota ("EPM") for the release of existing utility easements in vacated Dewey Street and vacated alleys located within the boundaries of EPM's property, as depicted on Exhibit A, attached hereto, and legally described as:

Parcel 1. That part of Dewey Street lying southwesterly of the southwest line of University Avenue and northwesterly of the northwest line of Feronia Avenue; and

Parcel 2. The northwest-southeast alley lying westerly of a line from the northeast corner of Lot 100, Union Park to the southeast corner of Lot 181 Hinkel's 3rd Amendment, and lying southeasterly of a line from the northwest corner of Lot 87, Union Park to the southwest corner of Lot 193, Hinkel's 3rd Amendment; and

Parcel 3. The north-south dead-end alley, including cul-de-sac, extending southerly of a line from the northeast corner of Lot 87 to the northwest corner of Lot 100, all in the said Union Park.

Parcel 4. That part of the east-west alley, vacated, as dedicated in Union Park, lying adjacent to, and northerly of Lots 72, 73, 74, 75 and 76, said Union Park, lying east of the easterly line of vacated Dewey Street, and westerly of the west line of the east 7.00 feet of said Lot 76, and its northerly extension;

all in the County of Ramsey, State of Minnesota; and

WHEREAS, the easement rights requested to be released are stated and depicted in recorded Ramsey County Document Numbers [1673115 <tel:1673115>](tel:1673115), 428805 and 428806; and

WHEREAS, the Department of Public Works of the City of Saint Paul ("City/Public Works"), Saint Paul Regional Water Services ("SPRWS"), Comcast, CenturyLink and Northern States Power Company d/b/a Xcel Energy ("Xcel") have determined that said easements, as they apply to the above property, may be released; now, therefore be it

RESOLVED, that with the accompanying Certificates of Intended Non-Use, filed voluntarily on behalf of Comcast, Century Link and Xcel, said utilities waive the right to the easements described above; and be it further

RESOLVED, that with the accompanying Certificate of Intended Non-Use, filed voluntarily on behalf of the City/Public Works, the City waives the right to the easements described above; except that it specifically retains its easement rights within Parcel 1 described above; and further retains a permanent 20-foot subterranean easement below elevation 120 feet city datum for the existing 9-foot sewer tunnel, as per documents filed in Book 42 of Plans, page 33, Book 862 of Deeds, pages 377, 339 and 623, and Book 867 of Deeds, page 72; and be it further

RESOLVED, that with the accompanying Certificate of Intended Non-Use, filed voluntarily on behalf of SPRWS, SPRWS waives the right to the easements described above; except that it specifically retains its

easement rights within Parcel 1 described above; and be it finally

RESOLVED, that upon passage of this resolution and the City's receipt of a \$300.00 administrative processing fee, said easement rights are released and the proper city officials are hereby 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 City Clerk shall maintain on file a copy of the Certificates of Intended Non-Use referenced in this resolution.

Financial Analysis is not applicable.