



Legislation Text

File #: RES PH 19-79, **Version:** 1

..Title

Approving the petition of John Hagen and Mariana Giovino to vacate a portion of unimproved Dunlap Street.

..Body

WHEREAS, John Hagen and Mariana Giovino ("Petitioners") have petitioned to vacate the east 15 feet of platted Dunlap Street abutting Lot 14, Block 6, Clifton Dale, Ramsey County, Minnesota; and

WHEREAS, the Transportation Planning & Safety Division of the Department of Public Works, recommends denial of the vacation petition because of the value of street right-of-way and its potential future use; now, therefore

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of the Petitioners, as documented in Office of Financial Services Vacation File Number 01-2019, the public property described and depicted in Exhibit "A" is hereby vacated and discontinued as public property and, subject to the following conditions, the utility easements within said public property are hereby released in accordance with Section 130.05(3):

1. That the following conditions, submitted by the St. Paul Parks and Recreation Department, shall be adhered to:
 - a. The Petitioners shall produce a current survey showing the property lines for the subject property, the area being vacated and the location and size of any trees affected.
 - b. All encroachments related to the private property must be removed from the parkland.
 - c. No portion of the vacated right-of-way accruing to the private property shall be paved, except in front of (street side) the proposed garage improvements
 - d. A tree preservation plan must be approved by the City Forestry Office.
 - e. No structure may be built within the critical root zone of any tree larger the 6" DBH (Diameter at Breast Height).
 - f. Any trees damaged or removed during construction on parkland, the boulevard or the area to be vacated, must be restored or replaced as directed by the City Forester, at full expense to the Petitioners, their successors or assigns.
 - g. Any grading, done as a part of any improvement project must direct all water run-off away from the parkland.
 - h. All conditions shall be met at the expense of the Petitioners, their successors or assigns.
2. The Petitioners, their 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.
3. The Petitioners, their 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.
4. The Petitioners, their 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 Petitioners' 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 Petitioners or any of their agents or employees.