



## Legislation Text

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**File #:** RES 16-599, **Version:** 1

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Declaring a hardship to satisfy petition requirements for a proposed vacation of Superior Street adjacent to the property at 603 West Seventh Street.

WHEREAS, Robert Dubnecay ("Petitioner") is seeking to vacate a portion of Superior Street between Western Avenue and West Seventh Street adjacent to his property at 603 West Seventh Street, as highlighted on Exhibit A attached hereto, for the purpose of establishing an outdoor restaurant patio within the proposed vacated area; and

WHEREAS, in accordance with the City of Saint Paul's ordinance for vacating city streets, (Legislative Code, Sec. 130.02 (a) (2)), Petitioner has attempted to secure the support of a majority of abutting property owners for the vacation; and

WHEREAS, the owner of the property abutting Superior Street to the north, whose support is necessary to constitute a majority, will not agree to support the vacation or sign the petition; and

WHEREAS, Petitioner believes that the vacation would not adversely impact the neighboring owner's access to or use of its property; and

WHEREAS, pursuant to Legislative Code, Sec. 130.02 (a) (3), Petitioner believes that a hardship therefore exists and requests that the Saint Paul City Council waive the "majority" requirement; now, therefore be it

RESOLVED, that the Mayor and Council of the City of Saint Paul do hereby declare that a hardship exists with respect to the proposed petition to vacate said portion of Superior Street between Western Avenue and West Seventh Street, and that the requirement to obtain support from a majority of abutting property owners is hereby waived.