



## Legislation Text

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**File #:** RES PH 24-128, **Version:** 1

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Approving the petition of Wedum Lexington LLC to vacate the unimproved portion of old Lexington Parkway South between West 7th Street and the improved portion of old Lexington Parkway South. (Public hearing closed and laid over from June 12, 2024)

WHEREAS, Chapter 130 of the Saint Paul Legislative Code gives the City Council the exclusive power to vacate public streets within the City; now, therefore, be it

RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of Wedum Lexington LLC ("Petitioner"), as documented in Office of Financial Services Vacation File Number 01-2024, the public property described and depicted in Exhibit A attached hereto 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. An easement shall be retained over, under and across the vacated portion of street on behalf of Xcel Energy for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
2. An easement shall be retained over, under and across the vacated portion of street on behalf of Verizon for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
3. An easement shall be retained over, under and across the vacated portion of street on behalf of CenturyLink (dba Lumen) for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
4. An easement shall be retained over, under and across the vacated portion of street on behalf of Comcast (dba Xfinity) for its existing facilities. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
5. An easement shall be retained over, under and across the vacated portion of street on behalf of the Board of Water Commissioners of the City of Saint Paul (dba St. Paul Regional Water Services) for its existing facilities. The Petitioner shall follow the Standard Easement Provisions in Exhibit B attached hereto. If relocation of any existing facilities is required by the Petitioner for or arising from this vacation, the Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
6. The Petitioner, its successors and assigns, shall be responsible for mowing the grass over the entire vacation area.
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.