



Legislation Text

File #: RES PH 17-185, **Version:** 1

Approving the petition of the CSE Building Company to vacate a portion of Galtier Street, south of Larpenteur, and to vacate portions of Idaho Avenue and Matilda Street, easterly of Wheelock Parkway.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of the CSE Building Company ("Petitioner"), as documented in Office of Financial Services' Vacation File Number 02-2017, the public property described and depicted in Exhibit "A" is hereby vacated and discontinued as public property and, subject to the following conditions, all of the easements within said public property are hereby released in accordance with Section 130.05(3):

1. An easement shall be retained on behalf of Saint Paul Public Works for its public storm sewer facilities over, under and across that portion of the proposed vacated Galtier Street lying northerly and easterly of a line described as beginning on the east line said Galtier Street, 40 feet southerly of the southwest corner of Lot 29, Block 4, Rice Street Villas, thence northwesterly to the northwesterly corner of Lot 16, Sarah's Out lots and said line there terminating. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.

Said storm sewer easement shall also be subject to the following requirements:

a. No buildings, structures, trees or any temporary structure, material storage, fixture, or any other objects which may prohibit normal access to utility facilities for maintenance purposes will be permitted within the easement area.

b. Improvements in or upon the above described easement that do not prohibit the City from exercising its reserved rights may be allowed by obtaining written permission from the Department of Public Works Sewer Division with the understanding that the restoration and costs of such improvements shall be the sole responsibility of the Petitioner, its successors and assigns.

c. Should it be necessary that the Petitioner's works or improvements be removed or damaged as a result of the Department of Public Works operations, all removal, replacement or modification costs shall be borne solely by the Petitioner.

d. No change from the existing grade within the easement area shall be permitted without written permission from the Department of Public Works Sewer Division.

e. The Petitioner, its successors and assigns shall fully indemnify, defend, and save harmless the City of Saint Paul, its officers, agents, employees, and servants from all suits, actions, or claims which shall arise from any injuries or damages received or sustained by any break in any service pipe or connection in said reserved easement arising out of or resulting from any action or negligence of the Petitioner, its employees, agents or business invitees.

2. An easement shall be dedicated for right-of-way purposes over, under and across a portion of Lot 16, Sarah Outlots to St. Paul, to become part of Galtier Street, subject to the approval of Public Works.

3. An easement shall be dedicated for right-of-way purposes over, under and across a portion of Lot 17,

Sarah Outlots to St. Paul, to become part of Wheelock Parkway, subject to the approval of Public Works.

4. 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.

5. 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.

6. 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.