



## Legislation Text

**File #:** RES PH 15-299, **Version:** 1

Approving the petition of Robert Stolpestad to vacate that part of Jackson Street right-of-way adjacent to 185 Kellogg Boulevard East.

BE IT RESOLVED, that upon the petition of Robert Stolpestad ("Petitioner"), as documented in the Office of Financial Services Vacation File Number 11-2015, the public property as described and depicted In Exhibit A (those portions and interests in the property that the City acquired with Documents numbered and 1646724 and 1380713 as recorded with the Ramsey County Recorder's Office) attached hereto, is hereby vacated and discontinued as public property and, subject to the following conditions, the easements within said public property are hereby released.

1. This vacation shall be subject to the terms and conditions of Chapter 130.05(3), codified March 1, 1981, of the Saint Paul Legislative Code as amended.
2. An easement shall be retained over, under and across the proposed vacation area on behalf of Northern States Power Company d/b/a Xcel Energy - Electric and Gas Divisions for existing facilities. 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.
3. An easement shall be retained over, under and across the proposed vacation area on behalf District Energy St. Paul, Inc. (the "District"), for existing facilities. 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.
  - a. The utility easement, subsurface, surface and overhead, shall be retained in the right-of-way for the benefit of the District to maintain, inspect, repair, construct or reconstruct the existing heating utilities or any new facilities related to the heating piping and/or its equipment or any part thereof and to enter upon said easement or any portion at any time and from time to time.
  - b. If a utility removal or relocation is required by the vacation Petitioner and/or Property Owner and/or its assigned agents due to the work in the area or development of adjacent properties associated with the work, the vacation Petitioner and/or Property Owner and/or its assigned agents shall receive approval from the District for the utility removal or relocation.
4. The Petitioner shall grant to the City of Saint Paul a "Sidewalk Easement" within Petitioner's property in a form and content substantially set forth in Exhibit B.
5. The Petitioner, his 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.
6. The Petitioner, his 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.

7. The Petitioner, his 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 his agents or employees.

; and be it further

RESOLVED, that, pursuant to Sec. 51.01(7) of the Saint Paul Administrative Code, the proper city officials are hereby authorized to sell and convey to the underlying fee title owner(s) by Quit Claim Deed the portion of the proposed vacation area owned by the City of Saint Paul, as legally described in Exhibit A attached hereto, for the fair market value amount as established by the Office of Financial Services, Real Estate Section.