



Legislation Text

File #: RES PH 22-364, **Version:** 1

Approving the petition of Sam Jagodzinski, on behalf of PHS Norfolk Avenue, LLC, to vacate the west ten feet of Sue Street between Graham Avenue and Norfolk Avenue.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of Sam Jagodzinski, on behalf of PHS Norfolk Avenue, LLC ("Petitioner"), as documented in Office of Financial Services' Vacation File Number 09-2022, 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 southerly five feet of the vacated area, on behalf of Xcel Energy for its existing facilities. If relocation of said existing facilities is required by Petitioner for or arising from this vacation, the Petitioner, his successors and assigns, shall assume all costs of relocation of said facilities.
2. An easement shall be retained over, under and across the southerly five feet of the vacated area, on behalf of Comcast, dba Xfinity, for its existing facilities. If relocation of said existing facilities is required by Petitioner for or arising from this vacation, the Petitioner, his successors and assigns, shall assume all costs of relocation of said facilities.
3. An easement shall be retained over, under and across the southerly five feet of the vacated area, on behalf of CenturyLink, dba Lumen, for its existing facilities. If the relocation of existing facilities is required by Petitioner for or arising from this vacation, the Petitioner, his successors and assigns, shall assume all costs of relocation of said facilities within the guidelines established by CenturyLink and all regulating entities.
4. 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.
5. 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.
6. 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 Petitioner's use of his property, including but not limited to, a claim brought because of any act of omission, neglect, or misconduct of 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 Petitioner or any of his agents or employees.