



## Legislation Details (With Text)

**File #:** RES PH 12- 70 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 6/20/2012

**Title:** Approving the petition of Piercing Faith Church, Inc. to vacate a portion of Hubbard Avenue adjacent to their property at 733 Pierce Butler Route.

**Sponsors:** Melvin Carter III

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - map.pdf, 2. Exhibit B - Retained legal.pdf

Date	Ver.	Action By	Action	Result
6/26/2012	1	Mayor's Office	Signed	
6/20/2012	1	City Council	Adopted	Pass

Approving the petition of Piercing Faith Church, Inc. to vacate a portion of Hubbard Avenue adjacent to their property at 733 Pierce Butler Route.

BE IT RESOLVED, that upon the petition of Piercing Faith Church, Inc. ("Petitioner"), as documented in Office of Financial Services Vacation File Number 10-2011, the public property described as:

All that part of Hubbard Street as platted in Butterfield's Addition No. 2, Ramsey County, Minn., lying between the Northerly extension of the Easterly line of Lot 16, Block 11 and the Northerly extension of the Easterly line of Lot 5, Block 11, Butterfield's Addition No. 2, Ramsey County, Minn.

and depicted in Exhibit A 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. An easement shall be retained over, under and across the proposed vacation area as described and depicted on Exhibit B on behalf of CenturyLink for existing facilities. If relocation of the facilities is required by the Petitioner for or arising from the street vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities into the dedicated easement area described below.
2. An easement shall be retained over, under and across the proposed vacation area as described and depicted on Exhibit B on behalf of Northern States Power Company d/b/a Xcel Energy - Electric Division for existing facilities. If relocation of the facilities is required by the Petitioner for or arising from the street vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities into the dedicated easement area described below.
3. No change from the existing grade within the easement area shall be permitted without written permission from the Department of Public Works Sewer Division.
4. This vacation shall be subject to the terms and conditions of Chapter 130, codified March 1, 1981, of the Saint Paul Legislative Code as amended.
5. 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.

6. 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.

7. 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.

None