



Legislation Details (With Text)

File #: RES PH 13- 69 **Version:** 2

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 4/17/2013

Title: Approving the petition of Zachary David Ferrall to vacate the alley adjacent to 498 Brimhall Street.

Sponsors: Chris Tolbert

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/23/2013	2	Mayor's Office	Signed	
4/17/2013	2	City Council	Adopted	Pass

Approving the petition of Zachary David Ferrall to vacate the alley adjacent to 498 Brimhall Street.

BE IT RESOLVED that upon the petition of Zachary David Ferrall ("Petitioner"), as documented in the Office of Financial Services Vacation File Number 15-2012, the public property described as:

The west 6.75 feet of that part of Lot 3, lying between the extended North line of Lot 1, Block 1 Haley's Addition, in Lots 1,2,3, and 4, Southwest Quarter, Section 10, Township 28, Range 23, according to the United States Government Survey thereof and situate in Ramsey County, Minnesota.

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 on behalf of Century Link for existing buried cable, under and across the proposed vacation area. If relocation of the facilities is required by the Petitioner for or arising from the street vacation, the Petitioner, his successors or assigns, shall assume all costs of relocation of said facilities.
2. An easement shall be retained on behalf of Northern States Power, d/b/a Xcel Energy, for existing facilities over, under and across the north 5 feet of the alley for a primary overhead line. A fence in the described area must not exceed 7 feet in height to meet clearance standards.
3. An easement shall be retained on behalf of Comcast for location of facilities in the proposed vacation area. If relocation of the facilities is required by the petitioner for or arising from the street vacation, the Petitioner, his successors or assigns, shall assume all costs of relocation of said facilities.
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, his successors and assigns shall pay \$600.00 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.