



## Legislation Details (With Text)

**File #:** RES 14-1153 **Version:** 2

**Type:** Resolution  
**Status:** Passed  
**In control:** City Council  
**Final action:** 7/16/2014

**Title:** Approving the release of utility easement rights in a vacated alley, and the deletion of a condition prohibiting vehicular access to Madison Street in connection with the redevelopment of the McDonald's restaurant property at 2322 West 7th Street.

**Sponsors:** Chris Tolbert

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - 1981 Vacation Resolution

| Date      | Ver. | Action By      | Action  | Result |
|-----------|------|----------------|---------|--------|
| 7/18/2014 | 2    | Mayor's Office | Signed  |        |
| 7/16/2014 | 2    | City Council   | Adopted | Pass   |

Approving the release of utility easement rights in a vacated alley, and the deletion of a condition prohibiting vehicular access to Madison Street in connection with the redevelopment of the McDonald's restaurant property at 2322 West 7th Street.

WHEREAS, McDonald's USA, LLC, ("McDonald's") owns the property at 2322 West 7<sup>th</sup> Street in Saint Paul on which a McDonald's restaurant was constructed in 1981-82 (the "Property"); and

WHEREAS, as part of the review and permitting process prior to construction, McDonald's petitioned the City of Saint Paul ("City") to vacate part of Benson Street and part of an adjacent alley, both running through the Property; and

WHEREAS, on April 13, 1981 the City Council approved the street and alley vacation (the "1981 Vacation") as memorialized in Council File No. 276661, attached hereto as Exhibit A and recorded in Ramsey County property records as Document No. 2120998 (Abstract) and Document No. 709987 (Torrens); and

WHEREAS, the 1981 Vacation retained utility easements to protect the interests of Northern States Power Company, Northwestern Bell Telephone Company and the Saint Paul Water Utility, and also established a condition prohibiting vehicular access to the Property from Madison Street; and

WHEREAS the utility easements retained in the vacated alley are no longer required because Northern States Power, d/b/a Xcel Energy, intends to re-route power lines around the perimeter of the site as part of the redevelopment; and

WHEREAS, the City has received a request from McDonald's to:

1) release the utility easements retained in Paragraph 3 of the 1981 Vacation to protect the interests of Northern States Power Company and Northwestern Bell Telephone Company within the vacated alley area described as: *All of the alley in C. W. Youngman's Rearrangement of Block 2, Palisade Addition to St. Paul*; and

2) delete Paragraph 10 of the 1981 Vacation prohibiting vehicular access to the Property from Madison

Street; and

WHEREAS, Xcel Energy has determined that its easement, as it applies to the Property, may be released, contingent upon payment in full from McDonald's to relocate Xcel's facilities affected by this release; and

WHEREAS, CenturyLink, as successor to Northwestern Bell Telephone Company, has determined that its easement, as it applies to the Property, may be released, contingent upon payment in full from McDonald's to relocate CenturyLink facilities affected by this release; and

WHEREAS, City staff have reviewed and approved a site plan for the redevelopment showing two access driveways to the Property from Madison Street, and therefore Paragraph 10 of the 1981 Vacation prohibiting such access may now be deleted; now, therefore be it

RESOLVED, that with the Certificates of Intended Non-Use, filed voluntarily on behalf of Xcel Energy and CenturyLink, the City hereby waives their rights to the utility easements retained in Paragraph 3 of the 1981 Vacation; and be it further

RESOLVED, that the 1981 Vacation is hereby amended to delete Paragraph 10, and that all other terms and conditions of said vacation shall remain in full force and effect; and be it finally

RESOLVED, that upon passage of this resolution and the City's receipt of a \$300.00 administrative processing fee, the proper city officials are hereby authorized and directed to record a copy of said resolution in the office of the Ramsey County Recorder, and that the Office of Financial Services Real Estate Section shall maintain on file a copy of the Certificates of Intended Non-Use referenced in this resolution.