



Legislation Text

File #: RES PH 11-1083, **Version:** 1

Approving the petition of Wayne Wermager to vacate a portion of a platted, unimproved alley abutting 1065 Juliet Avenue. (Public hearing held October 19)

(As amended, 11/2/2011)

BE IT RESOLVED, that upon the petition of the Wayne Wermager ("Petitioner"), as documented in Office of Financial Services Vacation File Number 07-2011, the public property described as:

That part of the public alley dedicated adjacent to Block 17 RIDGEWOOD PARK ADDITION to the City of St Paul, Ramsey County Minnesota which lies southerly of a line drawn easterly from the northeast corner of the east 144 feet of the north 57 feet of the south 90 feet of Lot 8, SUBDIVISION OF AYD'S FARM, 100 Acres NW ¼ of Section 11, Township 28, Range 23, Ramsey County Minnesota, and at a right angle to the easterly line of said alley.

and depicted in Exhibit A attached hereto is hereby vacated and discontinued as public property and, subject to the following conditions, the public and private utility easements within said public property are hereby released:

1. 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.
2. The Petitioner must offer to the property owner of 368 Lexington Parkway (the "Neighbor") to either: a) install, at the Petitioner's expense, a new gate within the existing north-south fence on the eastern boundary of the Neighbor's property; or b) compensate the Neighbor for the cost of the gate and installation based on a contractor's estimate.
3. The City of Saint Paul must receive confirmation that the portion of the platted north-south alley proposed to be vacated was properly identified on a certificate of survey prepared by a professional land surveyor.
- ~~2.~~ 4. 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.
- ~~3.~~ 5. 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.
- ~~4.~~ 6. The Petitioner, his successors and assigns agrees 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; and be it further

RESOLVED, that the easement for ingress and egress connecting Juliet Avenue with said platted unimproved alley, which was reserved by the City in a 1968 vacation of an adjacent portion of Juliet Avenue (Council File No. 238576, Recorded Doc. No. 524655), is hereby released.

None