



## Legislation Text

**File #:** RES PH 12-135, **Version:** 1

Approving the petition of Joel & Dan Pastorius to vacate the alley within the block bounded by Geranium Avenue East, Desoto Street, Jessamine Avenue East, and Clark Street.

BE IT RESOLVED, that upon the petition of Joel & Dan Pastorius ("Petitioners"), as documented in Office of Financial Services Vacation File Number 06-2011, the public property described as:

*The East/West alley of Block 2, as dedicated in Van Slyke & Lewis Rearrangement of Humbird's Addition to Saint Paul, Ramsey County, Minnesota, together with that part of vacated Clark Street accruing thereto,*

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 on behalf of Century Link, a Louisiana Corporation for existing facilities. If relocation of the facilities is required by the Petitioners for or arising from the alley vacation, the Petitioners, their 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 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 Petitioners for or arising from the alley vacation, the Petitioners, their successors or assigns, shall assume all costs of relocation of said facilities into the dedicated easement area described below.
4. An easement shall be retained over, under and across the proposed vacation area on behalf Comcast, a Pennsylvania Corporation, for existing facilities. If relocation of the facilities is required by the Petitioners for or arising from the alley vacation, the Petitioners, their successors or assigns, shall assume all costs of relocation of said facilities into the dedicated easement area described below.
5. The Petitioners shall dedicate an access easement benefiting the property described as Lot 11, Block 2, Van Slyke & Lewis Rearrangement of Humbird's Addition to Saint Paul and burdening Petitioners' property described as Lots 8, 9 and 10 Block 2, Van Slyke & Lewis Rearrangement of Humbird's Addition to Saint Paul, said easement attached hereto as Exhibit B; and shall record said easement with the Ramsey County Recorder's Office.
6. 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.
7. The Petitioners, their 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.
8. The Petitioners, their 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.
9. The Petitioners, their 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 Petitioners' use of this property, including but not limited to, a claim brought because of any act of

omission, neglect, or misconduct of said Petitioners 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 Petitioners or any of their agents or employees.

None