



Legislation Text

File #: RES PH 12-179, **Version:** 1

Approving the petition of Eugene Waitas to vacate a portion of platted, unimproved Sims Avenue abutting 1499 Sims Avenue.

BE IT RESOLVED, that upon the petition of Eugene Waitas ("Petitioner"), as documented in Office of Financial Services Vacation File Number 05-2012, the public property described as:

That part of Sims Avenue right-of-way lying west of a line drawn between the southeast corner of Lot 16, Block 1, and the northeast corner of Lot 9, Block 2, Brokmeier's Subdivision of Lots 6 and 7, Block 1, Cruickshank's Garden Lots, City of St. Paul, 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 on behalf of CenturyLink for existing facilities over, 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 into the dedicated easement area described below.
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 west 10 feet of Sims Avenue lying west of a line drawn between the southeast corner of Lot 16, Block 1, and the northeast corner of Lot 9, Block 2, Brokmeier's Subdivision of Lots 6 and 7, Block 1, Cruickshank's Garden Lots, City of St. Paul, Minn. 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 into the dedicated easement area described below.
3. An easement shall be retained on behalf of Comcast for possible future location of facilities over, under and across the proposed vacation area.
4. As a condition of the vacation, the Petitioner must combine the four contiguous parcels south of the proposed vacation area (Lots 9, 10, 11 and 12, Block 2, Brokmeier's Subdivision of Lots 6 and 7, Block 1, Cruickshank's Garden Lots, City of St. Paul, Minn.) into a single parcel to avoid the creation of land-locked parcels resulting from the vacation.
5. 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.
6. 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.
7. 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.
8. 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.

None