



Legislation Text

File #: RES PH 12-207, **Version:** 1

Approving the petition of the City of Saint Paul to vacate the right of way of a portion of Rose Avenue and adjacent alleyways.

BE IT RESOLVED, that upon the petition of City of Saint Paul, as documented in Office of Financial Services Vacation File Number 05-2012, the public property described 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. A permanent utility easement shall be retained on, over, under and across the vacated area of Rose Avenue on behalf of the Board of Water Commissioners (Board) of the City of Saint Paul to reserve the right of the Board to maintain and operate any water facility in or upon said easement and to enter upon said easement, or any portion thereof, at any time and from time to time, for the purposes of future construction, reconstruction, inspection, maintenance or repair of the same, or any part thereof. Said utility easement shall be subject to the following requirements:

- a. No buildings, structures, trees or any temporary structure, material storage, fixture, or any other objects which may prohibit normal access to water facilities for maintenance purposes will be permitted within the easement area.
- b. Improvements in or upon the above described easement that do not prohibit the Board from exercising its reserved rights may be allowed by obtaining written permission from Saint Paul Regional Water Services with the understanding that the restoration and costs of such improvements shall be the sole responsibility of the petitioner, its successors and assigns in the event the Board exercises its reserved easement rights.
- c. Should it be necessary that the Petitioner's works or improvements be removed or damaged as a result of Saint Paul Regional Water Services operations, all removal, replacement or modification costs shall be borne solely by the petitioner.
- d. No change from the existing grade within the easement area shall be permitted without written permission from Saint Paul Regional Water Services.
- e. No change in surfacing within the easement area shall be permitted without written permission from Saint Paul Regional Water Services.
- f. The petitioner, its successors and assigns shall fully indemnify, defend, and save harmless the Board of Water Commissioners of the City of Saint Paul, its officers, agents, employees, and servants from all suits, actions or claims which shall arise from any injuries or damages received or sustained by any break in any service pipe, water main, or connection in said reserved easement, arising out of or resulting from any action or negligence of the petitioner, its employees, agents or, business invitees.

2. A permanent utility easement shall be retained on, over, under and across the vacated area of Rose Avenue on behalf of the City of Saint Paul, Department of Public Works to reserve the right of the City to maintain and operate any sewer in or upon said easement and to enter upon said easement or any portion thereof at any time and from time to time, for the purposes of future construction, reconstruction, inspection, maintenance, or

repair of the same or, any part thereof. Said utility easement shall be subject to the following conditions:

- a. No buildings, structures, trees or any temporary structure, material storage, fixture, or any other objects which may prohibit normal access to water facilities for maintenance purposes will be permitted within the easement area.
- b. Improvements in or upon the above described easement that do not prohibit the City from exercising its reserved rights may be allowed by obtaining written permission from the Department of Public Works Sewer Division with the understanding that the restoration and costs of such improvements shall be the sole responsibility of the petitioner, its successors and assigns in the event the City exercises its reserved easement rights.
- c. Should it be necessary that the Petitioner's works or improvements be removed or damaged as a result of the Department of Public Works operations, all removal, replacement or modification costs shall be borne solely by the petitioner.
- d. No change from the existing grade within the easement area shall be permitted without written permission from the Department of Public Works Sewer Division.
- e. No change in surfacing within the easement area shall be permitted without written permission from the Department of Public Works Sewer Division.
- f. The petitioner, its successors and assigns shall fully indemnify, defend, and save harmless the City of Saint Paul, its officers, agents, employees, and servants from all suits, actions, or claims which shall arise from any injuries or damages received or sustained by any break in any service pipe or connection in said reserved easement arising out of or resulting from any action or negligence of the petitioner, its employees, agents, or business invitees.

The petitioner shall be responsible for the removal or reconstruction of Rose Avenue to eliminate the appearance of public right-of-way. This shall include, but not be limited to, reconstruction and/or construction of storm sewer structures, curb, gutter, sidewalk and boulevard to the satisfaction of the City of Saint Paul Public Works Department.

If the part of Rose Avenue proposed to be vacated should no longer be used for a city development and there is a desire in the future to rededicate that part of Rose Avenue for right-of-way purposes, it shall be dedicated or granted at no cost to the City, including any fees related to disposal or diversion of parkland.

3. An easement shall be retained on behalf of Northern States Power, d/b/a Xcel Energy (Gas), for the gas main located in Rose Avenue. If relocation of the facilities is required by the Petitioner for or arising from the street vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities into the dedicated easement area described below.

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, its 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, its 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, its 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.

; and be it further

RESOLVED, that the Mayor and Council of the City of Saint Paul do hereby accept conveyance of the following properties from the Housing and Redevelopment Authority of the City of Saint Paul ("HRA"), which shall become part of the Payne/Mayland development: Lots 6 and 7, Block 2, Evans Addition to the City of Saint Paul, Ramsey County, Minnesota; and be it finally

RESOLVED, that the proper city officials are hereby authorized to dedicate additional right-of-way for a turnaround over existing City property, and over HRA-owned property following conveyance to the City, as described and depicted on Exhibit B attached hereto.

No financial analysis