



Legislation Text

File #: RES PH 13-114, **Version:** 1

Approving the petition of Metropolitan State University to vacate air rights over a part of East 6th Street between Maria Avenue and Mounds Boulevard.

BE IT RESOLVED, that upon the petition of Metro State University ("Petitioner"), as documented in Office of Financial Services Vacation File Number 05-2013, the public property depicted on the attached map and described as:

A 19.00 foot wide strip of East 6th Street lying between Block 18, Lyman Dayton's Addition and Block 3, Auditor's Subdivision No. 73, Ramsey County, Minnesota, and lying between the elevations of 141.58 feet and 164.42 feet per City of St. Paul datum. The centerline of said strip is described as commencing at the most northerly corner of Lot 22, said Block 18; thence on an assumed bearing of South 55 degrees 41 minutes 47 seconds West, along the northwesterly line of said Lot 22, 9.51 feet to the point of beginning of the centerline to be described; thence North 34 degrees 18 minutes 13 seconds West, 60.00 feet to the southeasterly line of Lot 7, said Block 3 and said centerline there terminating;

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 Northern States Power Company d/b/a Xcel Energy - Electric Division for existing facilities. When relocation of the facilities is required by the Petitioner, the Petitioner, its successors or assigns, shall assume all relocation costs. The easement shall be released when the existing facilities are relocated and operational and an executed Certificate of Intended Non-Use is filed with Ramsey County property records.
2. The vertical clearance of the skyway must be 17' 4" per City Skyway Policy; also, abutments, piers or any supporting structures are not allowed in the public right-of-way.
3. The vacation shall be for the life of the structure only. Once the structure is removed the air rights shall automatically revert back to the City.
4. The Petitioner, its successors and assigns shall pay \$1,200.00 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.
5. 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.
6. 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, 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.