



## Legislation Text

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**File #:** RES 13-1037, **Version:** 1

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Approving the agreement between Richard and Nancy Nicholson, owners of real property located at 260 Summit Avenue, and the City of Saint Paul, in the amount of \$82,418.25 for transfer of ownership of Walnut Street Stairway and a masonry brick wall.

WHEREAS, Richard and Nancy Nicholson are the owners ("Owners") of real property located at 260 Summit Avenue Saint Paul; and

WHEREAS, said property include the Walnut Street Stairway, which has an easement to allow public foot traffic, and a masonry brick wall ("Wall") built by former owner James J. Hill in approximately 1901, pursuant to a resolution adopted by the Common Council of the City on August 15, 1901 and an agreement dated August 23, 1901, both recorded on September 23, 1901 in Book 45 of Miscellaneous Records, page 352; and

WHEREAS, portions of the Wall are deteriorating and in need of immediate repair; and

WHEREAS, the City through its Department of Safety and Inspections issued a Correction Notice to the Owners dated April 11, 2011, requesting repair of the deteriorating Wall; and

WHEREAS, the Owners timely appealed the Correction Notice to the City Council (RLH CO 11-2); and

WHEREAS, the Owners and the City have now reached an agreement ("Agreement") to address immediate repair of the Wall, and future maintenance and ownership thereof, and the Owners have withdrawn their appeal, subject to Council Approval of the Agreement, which includes a payment of \$82,418.25 from the Owners to the City, and transfer of ownership of certain portions of the Wall to the City, so that repairs can be made and future maintenance performed.

NOW, THEREFORE, BE IT RESOLVED:

The City hereby accepts the terms and conditions of the aforementioned Agreement, as specifically recited in the attached:

1. Agreement Establishing Encroachment Easement, Mutual Construction and Maintenance Agreements and Cost Sharing Related to the Walnut Street Stairway;
2. Easement Agreement, to be recorded with Ramsey County;
3. Quit Claim Deed to the City, to be recorded with Ramsey County; and

BE IT FURTHER RESOLVED, that the payment of \$82,418.25 be placed into the public works budget and used as deemed necessary and appropriate by the Director of Public Works to accomplish repair of the Wall.