



Legislation Text

File #: RES PH 13-222, **Version:** 1

Approving the petition of David Brooks to right-of-way easement rights over a portion of a public alley in the block bounded by Wacouta Street, Wall Street, Sixth Street, and Seventh Street, for a pedestrian bridge.

BE IT RESOLVED, that upon the petition of David Brooks, as documented in Office of Financial Services Vacation File Number 11-2013, the public property described and depicted in Exhibit A is hereby vacated and discontinued as public property, subject to the following conditions:

1. An easement shall be retained within the existing public right-of-way below the proposed vacation area on behalf of District Energy St. Paul, Inc. and District Cooling St. Paul, Inc. The utility will not object to the vacation, within the area defined above, provided that the cost reimbursement is agreed to for any required utility relocation and subject to the following conditions:

a) District Energy St. Paul, Inc. and District Cooling St. Paul, Inc. have and shall be permitted to maintain direct buried heating and direct buried cooling facilities below the proposed vacation area.

b) A utility easement, subsurface, surface and overhead below the entire proposed vacation area shall be retained in the right-of-way for the benefit of District Energy St. Paul, Inc. and District Cooling St. Paul, Inc. to maintain, inspect, repair, construct or reconstruct the existing heating and cooling utilities or any new facilities related to the heating and cooling piping and/or its equipment or any part thereof and to enter upon said easement or any portion at any time and from time to time.

c) If a utility relocation is required due to the work in the proposed vacation area or development of adjacent properties associated with work in the proposed vacation area, it shall only be completed by District Energy St. Paul, Inc., its agents and its designated contractors. Full and complete cost reimbursement is required for any required relocation of the heating piping in the area below the proposed vacation area.

d) The direct buried heating and direct buried cooling facilities below the proposed vacation area and the area defined for utility easement purposes may be used to serve the other buildings in the future. District Energy St. Paul, Inc. and District Cooling St. Paul, Inc. shall be permitted to install the necessary heating and cooling facilities within the subsurface area below the proposed vacation area.

2. On behalf of the City of Saint Paul, Department of Planning and Economic Development, review and approval of the bridge plan by the Historic Preservation Commission (HPC) or the HPC staff is required.

3. On behalf of the City of Saint Paul, Department of Public Works:

a) Abutments, piers or any supporting structures are not allowed within the City's alley right-of-way.

b) Vertical clearance between the alley surface and bottom of the bridge structure must be no less than 17 feet 4 inches per City Skyway Policy.

c) The vacation shall be for the life of the bridge structure only. The right-of-way easement rights within the proposed vacation area shall automatically revert back to the City upon removal of the structure.

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. Petitioner, his 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.

6. 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.

7. 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.