



Legislation Text

File #: RES PH 13-275, **Version:** 1

Approving vacation of Front Street and alleyway adjacent to 85 Water Street.

BE IT RESOLVED, that upon the petition of the City of Saint Paul ("Petitioner"), as documented in Office of Financial Services Vacation File Number 13-2013, and 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 utility easements within said public property are hereby released:

1. A permanent utility easement shall be retained on, over, under and across the proposed alleyway vacation area on behalf of the City of Saint Paul, Department of Public Works to maintain and operate it's own sewer rights 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 utility 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.

2. 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. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities

3. . 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 - Gas Division for existing facilities. If relocation of the facilities is required by the Petitioner for or arising from the vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.

4. An easement shall be retained over, under and across the proposed vacation area on behalf of Comcast, a Pennsylvania Corporation, for existing facilities. If relocation of the facilities is required by the Petitioner for or

arising from the alley vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.

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, 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.