



Legislation Text

File #: RES PH 14-46, **Version:** 1

Approving the petition of Robert Stolpestad to vacate that part of Jackson Street right-of-way (1 foot strip+/-) adjacent to 185 Kellogg Boulevard East.

BE IT RESOLVED, that upon the petition of Robert Stolpestad ("Petitioner"), as documented in the Office of Financial Services Vacation File Number 17-2013, the public property described as:

A PORTION OF JACKSON STREET

Those parts of Lots 5 and 6, Block 30 and of Jackson Street, all in the City of St. Paul, according to the recorded plat thereof, Ramsey County, Minnesota, described as follows:
Commencing at the intersection of the southwesterly line of said Lot 5 and the southeasterly line of Third Street, as established by the widening of Third Street (now Kellogg Boulevard) confirmed July 28, 1872, by the Board of Public Works, City of St. Paul; thence southeasterly, along the southwesterly lines of said Lots 5 and 6, a distance of 208.30 feet to the point of beginning of the parcel to be described; thence northeasterly, deflecting to the left 90 degrees 00 minutes 00 seconds, a distance of 0.40 feet; thence northwesterly, deflecting to the left of 89 degrees 15 minutes 00 seconds, a distance of 58.00 feet; thence southwesterly, deflecting to the left of 90 degrees 45 minutes 00 seconds, a distance of 1.40 feet; thence southeasterly, deflecting to the left of 90 degrees 14 minutes 00 seconds, a distance of 58.00 feet to the point of beginning and there terminating;

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. 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.
2. This vacation shall remain in effect for the life of the existing structures within the proposed vacation area. If the structures are removed or destroyed, no rebuilding will be allowed in the vacated area, and the vacated area will automatically revert back to the City as public right of way.
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 - 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.
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 vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.
5. An easement shall be retained over, under and across the proposed vacation area on behalf CenturyLink, 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.

6. The 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.

7. The 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.

8. The 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.