



Legislation Text

File #: RES PH 15-341, **Version:** 1

Approving the petition of Richard and Jeanette Johnson to vacate that part of the alley in Block 1 of Hornsby's Subdivision.

BE IT RESOLVED, that in accordance with Chapter 130 of the Saint Paul Legislative Code and upon the petition of Richard and Jeanette Johnson ("Petitioners"), as documented in the Office of Financial Services Vacation File Number 09-2014, the public property described as:

That part of alley right-of-way lying south of Lots 5 and 6 and north of Lots 7 and 8 all in Block 1 of Hornsby's Subdivision of Lot 7 Bidwell's Addition to West St Paul, and that part of Block G West St Paul Proper south of the north line of Belvidere Street, lying easterly of a line running from the northwest corner of said lot 8 to the southwesterly corner of said lot 5 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 in accordance with Section 130.05(3), subject to the following conditions:

1. An easement shall be retained on behalf of Northern States Power, d/b/a Xcel Energy, for existing facilities. There is an electrical pole and overhead line and if there is building within the vacated alley, 3 ½ feet clearance from line must be maintained.
2. An easement shall be retained on behalf of Comcast for location of facilities in the proposed vacation area. If relocation of the facilities is required by the Petitioners for or arising from the street vacation, the Petitioners, their successors or assigns, shall assume all costs of relocation of said facilities.
3. An easement shall be retained on behalf of Century Link for existing aerial cable and must be maintained to feed access to properties on South Robert Street. If relocation of the facilities is required by the Petitioners for or arising from the street vacation, the Petitioners, their successors or assigns, shall assume all costs of relocation of said facilities.
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. The Petitioners, their 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.
6. The Petitioners, their 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. The Petitioners, their 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 Petitioners' use of this property, including but not limited to, a claim brought because of any act of omission, neglect, or misconduct of said Petitioners 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 Petitioners or any of their agents or employees.