



Legislation Text

File #: RES PH 15-358, **Version:** 1

Approving the petition of L & M Holding Co LLP to vacate the Southeasterly 10 feet of Carleton Street and Northeasterly 20 feet of Charles Avenue adjacent to 2326-2328 Territorial Road.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of L & M Holding Co LLP ("Petitioner"), as documented in Office of Financial Services Vacation File Number 13-2015, the public property described as:

That part of the northeasterly 20.00 feet of Charles Avenue, as dedicated in the plat of Hewitt's Outlots, Ramsey County, Minnesota, lying northwesterly of the southwesterly extension of the southeasterly line of Lot 20 of said plat and lying southeasterly of a line parallel to and distant 10.00 feet northwesterly of the northwesterly line of said Lot 20.

AND

That part of the southeasterly 10.00 feet of Carleton Street, as dedicated in the plat of Hewitt's Outlots, Ramsey County, Minnesota, lying northeasterly of the northwesterly extension of the southwesterly line of Lot 20 of said plat and lying southerly of the northwesterly extension of the northeasterly line of said Lot 20.

is hereby vacated and discontinued as public property and, subject to the following conditions, all of the easements within said public property are hereby released in accordance with Section 130.05(3):

1. An easement shall be retained over, under and across part of 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. The area to be retained is over the North 20 feet of Charles Avenue.
2. An easement shall be retained over, under and across part of the proposed vacation area on behalf of Comcast 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. The area to be retained is over the North 20 feet of Charles Avenue.
3. The Petitioner shall provide sidewalk, curb and gutter per City of Saint Paul Department of Public Works standards for both Carleton Street and Charles Avenue. A minimum of 10 feet of right of way for sidewalk and boulevard is required on both Carleton Street and Charles Avenue.
4. The Petitioner, its 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.
5. The Petitioner, its 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.
6. The Petitioner, its 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 its agents or employees.