Legislation Text

File #: RES PH 16-119, **Version:** 1

Approving the petition of State Supply and Lombardo Bros., LLC to vacate part of Woodward Avenue abutting 597 7th Street East, and accepting a right-of-way easement over part of 597 7th Street East for the 7th/Payne Improvement Project.

WHEREAS, in 2016 the City of Saint Paul ("City") will be reconstructing and realigning the public right-of-way at the intersection of 7th Street East and Payne Avenue ("7th/Payne Improvement Project"); and

WHEREAS, the 7th/Payne Improvement Project requires that the City acquire a right-of-way easement ("ROW Easement") over part of the property owned by State Supply Inc. and Lombardo Bros. LLC ("Petitioner"), and Petitioner has agreed to grant said ROW Easement to the City, as depicted and described in Exhibit A attached hereto, subject to the following conditions:

(a) Vacation of Woodward Avenue abutting Petitioner's property located at 597 7th Street East, as depicted and described in Exhibit B attached hereto (the "Vacation Property"); and

(b) Conveyance to the Petitioner by the Saint Paul Housing and Redevelopment Authority ("HRA") of the north half of the Vacation Property that will accrue to the abutting HRA-owned property, as depicted and described in Exhibit C attached hereto, and documented in the attached Real Property Agreement; and

WHEREAS, following approval of the vacation, Petitioner has agreed to grant a non-exclusive easement to the HRA over the Vacation Property for access to an existing cellular communications facility located on said HRA-owned property; now, therefore be it

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of the Petitioner, as documented in Office of Financial Services Real Estate Section Vacation File Number 15-2015, the Vacation Property is hereby vacated and discontinued as public property, and all utility easements within the Vacation Property are hereby released in accordance with Section 130.05(3), subject to the following conditions:

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. 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.

3. 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.

4. Petitioner, its successors and assigns agrees 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 forward 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.

; and be it further

RESOLVED, that the Mayor and Council of the City of Saint Paul do hereby accept said ROW Easement, in a form and content substantially as set forth in Exhibit A attached hereto, and authorize and direct the proper city officials to record same with the Ramsey County Recorder's Office and/or Registrar of Titles upon the HRA’s conveyance to the Petitioner of the north half of the Vacation Property.