



Legislation Text

File #: RES 16-835, **Version:** 1

Approving an amendment to the Woodward Avenue vacation, RES PH 16-119.

WHEREAS, on April 20, 2016, the City Council approved Resolution PH 16-119, the petition of State Supply and Patrick Lombardo to vacate Woodward Avenue, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the City of Saint Paul and Petitioner desire to amend and include further conditions in the above mentioned vacation; so

THEREFORE BE IT RESOLVED, that said RES PH 16-119 be amended to include the following conditions and exceptions:

1. A permanent 40 foot easement shall be retained on behalf of the City's Department of Public Works, Sewer Division; centered on the existing sewer located at the centerline of existing Woodward Avenue. The City further reserves its right to maintain and operate any sewer in or upon said easement, and to enter upon said easement, or any portion thereof, at any time and from time to time, for the purposes of future construction, reconstruction, inspection, maintenance or repair of the same, or any part thereof. Said easement shall be subject to the following requirements:

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.

f. The Petitioner, its successors and assigns shall fully indemnify, defend, and save harmless the City, its officers, agents, employees, and servants from all suits, actions, or claims which shall arise from any injuries or damages received or sustained by any break in any service pipe or connection in said reserved easement arising out of or resulting from any action or negligence of the Petitioner, its employees, agents or business invitees.

2. An easement shall be retained on behalf of Century Link for existing facilities over, under and across

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

3. An easement shall be retained on behalf of Northern States Power, d/b/a Xcel Energy, for existing facilities over, under and across the vacation area to maintain both gas and electrical service in the area.

4. An easement shall be retained on behalf of Comcast for existing facilities in the vacation area. If relocation of the facilities is required by the Petitioner for or arising from the street vacation, the Petitioner, his successors or assigns, shall assume all costs of relocation of said facilities.

BE IT FURTHER RESOLVED, that all other terms and conditions set forth in Resolution PH 16-119 shall remain in full force and effect.