



Legislation Text

File #: RES 16-2037, **Version:** 2

Authorizing the demolition of Skyway Bridge Number 10.

WHEREAS, On December 31, 1976, the Council of the City of Saint Paul enacted Ordinance No. 16145 authorizing the Housing and Redevelopment Authority of the City of Saint Paul ("HRA") or its successors in interest, to expand the City's "skyway" system through the construction, operation, and maintenance, over and above Wabasha Street, of an overhead pedestrian passageway, commonly known as "Skyway No. 10" ("Skyway"), to be located between what were then known as the Dayton's Department Store building and the Wabasha Court building; and

WHEREAS, Ordinance No. 16145 further provided, upon execution of an agreement between the owners of the respective buildings noted above to assume responsibilities for the construction, operation, and maintenance of the said Skyway, that the HRA would be relieved of any further obligations regarding the Skyway; and

WHEREAS, On January 31, 1978, an agreement by and between the HRA, the City of Saint Paul, Wabasha Court Associates, Dayton-Hudson Corp., United Properties and the Port which is attached hereto as Attachment 1 (the "Skyway 10 Agreement") transferred responsibilities for the said Skyway to the owners of the respective buildings served by the Skyway was duly executed thereby relieving the HRA from any further obligation regarding the Skyway; and

WHEREAS, As of the date of this Resolution, the building known as the Dayton's Department Store is presently vacant, the building known as Wabasha Court has been torn down and, as a result, the Skyway is no longer used for its intended purposes and currently extends from the vacant Dayton's store site over Wabasha Street and dead-ends in air above the surface parking lot that now occupies what had been the location of the Wabasha Court building; and

WHEREAS, Go Wild, LLC ("Go Wild"), a joint venture of the Port Authority of Saint Paul ("Port") and a private developer, has expressed a desire to redevelop the former Dayton's Department Store building (commonly known as 411 Cedar Street and/or 400 Wabasha Street) into a mixed-use office, retail, medical, commercial, and entertainment center including a parking facility structure to be known as Wabasha Center and that the Skyway is not a part of the venture's development plan; and

WHEREAS, In order to facilitate redevelopment of the Wabasha Center site, the Port and Go Wild desire to remove the Skyway and have retained a construction firm to apply for the permits necessary to remove the Skyway; and

WHEREAS, Ordinance No. 16145 provided that the "[Skyway] shall be removed by and at the sole cost and expense of said permittee and/or its successors in interest whenever the Council of the City of Saint Paul shall by Resolution determine such removal necessary in the public interest and accordingly order the removal of said structure from said location;" and

WHEREAS, The Council finds that a proposal to redevelop Wabasha Center would be conceptually compatible with the City's *Comprehensive Plan (2010)* goal of implementing the *Saint Paul Downtown Development Strategy (2003)*; and

WHEREAS, The Council further finds that retention of the various connections afforded to downtown residents, employees, and visitors via the City's skyway system must be maintained in order to build upon Downtown's strengths and assets as envisioned in the *Comprehensive Plan* and the *Downtown Development Strategy*; and

WHEREAS, Public Works understands that as part of the improvements planned for the old Macy's building, there is a need to eliminate the skyway-to-nowhere that goes over Wabasha between Macy's and the parking lot on the west side of Wabasha. The Department of Public Works hereby confirms that it has no interest in the bridge, in whole or in part, either now or following the removal of said bridge superstructure/substructure, provided that removal and disposal of the bridge would be at no cost to the City and/or Public Works. The cost of any future skyway connection would be borne completely by the adjacent and benefitting property owner(s); and

WHEREAS, The Port and Go Wild have identified three feasible potential points within the Wabasha Center redevelopment project which will accept such a bridge and that the Port and Go Wild agree that each potential bridge point be designed according to plans and specifications approved by the City's building official to accept for the use and occupancy of such a bridge and all its related functions; and

WHEREAS, Provided that the Port and Go Wild agree to construct, operate, and maintain at their own expense or share expenses through a future agreement with another party, a substitute overhead pedestrian passageway bridge when deemed necessary by the City to connect 411 Cedar Street with any new development on the site of the former Wabasha Court building and, further provided that the Port and Go Wild grant at no cost to the City, a permanent public easement through the building at Wabasha Center, for the limited purpose of pedestrian passageway through the building, in a manner and configuration substantially similar to those easements granted to the City in the Skyway 10 Agreement, the Council is prepared to determine that the continued presence of the subject Skyway is no longer in the interest of the public; and

WHEREAS, The Port and Go Wild understand that they are obligated to retain all existing easement areas through the building at 411 Cedar in a manner and configuration substantially similar to those easements previously granted to the City; provided that during the redevelopment of the Wabasha Center project should any relocation or change in any existing easement through the Wabasha Center building be necessary, the Port and Go Wild have agreed to work with the Department of Safety and Inspections ("DSI") to obtain approval prior to any move or change; and

WHEREAS, The Port and Go Wild understand that their obligations related to the pedestrian skyway system, which includes the bridges and easement areas, are contained in Chapter 140 of the Saint Paul Legislative Code; NOW,

THEREFORE, BE IT RESOLVED, That the Council of the City of Saint Paul, based upon the facts and history set forth above, hereby finds that the Skyway, which at one time connected the former Dayton's Department Store and the Wabasha Court buildings as a part of the City's skyway system, is no longer used for its intended purposes based upon the demolition of Wabasha Court and the closing of the Dayton's Department Store; and

BE IT FURTHER RESOLVED, That a proposal by the Port and Go Wild to redevelop the Wabasha Center building into a mixed-use office, retail, medical, commercial, and entertainment center with a parking facility structure which does not include the Skyway can be consistent with the goals of the City's *Comprehensive Plan* and the *Downtown Development Strategy* provided that the Downtown skyway system is maintained and preserved through provisions to replace the Skyway when deemed necessary and that pedestrian easements through the Wabasha Center building are assured by the Port and Go Wild, as set forth above, all at no cost to the City; and

BE IT FURTHER RESOLVED, that the Port and Go Wild assure the City that provisions to replace the Skyway and provide pedestrian easements through the Wabasha Center building at no cost to the City will be made as set forth above; and

BE IT FURTHER RESOLVED, that the Port and Go Wild assure the City that they will work with DSI to obtain approval prior to relocating, moving or changing any of the easements currently in place within the Wabasha Center building; and

BE IT FURTHER RESOLVED, that the Port and Go Wild assure the City that they understand their obligations under Chapter 140 of the Saint Paul Legislative Code; and

BE IT FINALLY RESOLVED, with these assurances, the Council hereby approves the removal of the Skyway by the Port and Go Wild and that the removal and disposal of the Skyway and any restoration of the public right of way occasioned by its removal, shall be at the sole cost and expense of the Port and Go Wild.