



Legislation Text

File #: RES PH 16-435, **Version:** 1

Approving the petition of BK 200 Grand LLC, to vacate the alley in Block 2, Samuel Leeche's Addition. (Public hearing held December 7)

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of BK 200 Grand LLC. ("Petitioner"), as documented in Office of Financial Services Vacation File Number 07-2016, the public property described as:

All that part of the alley located in Block 2, Samuel Leeche's Addition to St. Paul, Ramsey County, Minnesota, lying northerly of a line drawn from the southeast corner of lot 12 to the southwest corner of Lot 3, Block 2, Samuel Leeche's Addition to St. Paul

is hereby vacated and discontinued as public property and, subject to the following conditions, all utility 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 a 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 alley vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.
2. An easement shall be retained over, under and across 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 alley vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.
3. An easement shall be retained over, under and across the proposed vacation area on behalf of CenturyLink for existing facilities. If relocation of the facilities is required by the Petitioner for or arising from the alley vacation, the Petitioner, its successors or assigns, shall assume all costs of relocation of said facilities.
4. That the Petitioner, its successors or assigns shall grant and dedicate a permanent, nonexclusive Public Access Easement over Block 2, Samuel Leeche's Addition to St. Paul, to connect the alley in said Block 2 to Leech Street, subject to approval by the Department of Public Works.
5. 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.
6. 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.
7. 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.