



Legislation Text

File #: RES PH 18-202, **Version:** 1

Approving the petition of HDR, Incorporated, on behalf of the BNSF Railway Company, to vacate right-of-way in the area of Brunson Street, Kenny Road, Desoto Street, and Woodward Avenue.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of HDR, Incorporated, on behalf of the BNSF Railway Company ("Petitioner"), as documented in Office of Financial Services' Vacation File Number 14-2017, the public property described and depicted in Exhibit "A" is hereby vacated and discontinued as public property and, subject to the following conditions, all of the utility easements within said public property are hereby released in accordance with Section 130.05(3):

1. An easement shall be retained on behalf of Saint Paul Public Works for all public sewer pipes existing within the vacated right-of-way, specifically, the active storm water main segment located in the intersection of vacated Woodward and vacated Desoto; also, the abandoned sanitary main on the northerly portion of vacated Desoto. If relocation of any existing 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.

Said sewer easement shall also 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.

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. The Petitioner, its successors and assigns shall fully indemnify, defend, and save harmless the City of Saint Paul, 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 Xcel Energy (aka Northern States Power Co) for its electrical service line running across the railroad right-of-way that is part of the Woodward Avenue vacation area..

3. 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.

4. 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.

5. 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.