City of Saint Paul

Legislation Text

File #: RES 19-343, **Version:** 1

Resolution approving and authorizing the execution of easement agreement with Minnesota Public Radio for the Fitzgerald Theater at 475 Cedar St., District 17, Ward 2

WHEREAS, the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA") is a public body corporate and politic established pursuant to the provisions of Minnesota Statutes, Section 469.001, et seq. (the "Act"); and

WHEREAS, the HRA has the power to engage in development or redevelopment activities under Minnesota law and the HRA is authorized to engage in activities relating to (a) housing projects and development, (b) removal and prevention of the spread of conditions of blight or deterioration, (c) bringing substandard buildings and improvements into compliance with public standards, (d) disposition of land for private redevelopment, and (e) improving the tax base and the financial stability of the community, and to engage in the aforementioned activities when these needs cannot be met through reliance solely upon private initiative and which can also be undertaken in targeted neighborhoods; and is authorized to create redevelopment projects as defined in Minn Stat Section 469.002, Subd. 14; and

WHEREAS, the HRA owns a tract of land ("HRA Land") running from Wabasha Street to the west and Cedar Street to the east that is adjacent to and north of the HRA owned World Trade Center parking ramp ("HRA Parking Ramp") that is situated between Wabasha Street, Exchange Street, Cedar Street and Seventh Street in Saint Paul, Mn; and

WHEREAS, Minnesota Public Radio ("MPR") owns and operates a building known as the Fitzgerald Theatre ("MPR Parcel") that abuts a portion of the northerly boundary line of the HRA Land; and

WHEREAS, in 1902 and 1909 private alley and right-of-way easements (the "Previous Easements") were granted to a predecessor in title to the MPR Parcel that provided ingress and egress access from the MPR Parcel to a public street to the south of the MPR Parcel; and

WHEREAS, in the 1980s the HRA constructed the HRA Parking Ramp which blocked the public access to the MPR Parcel that was afforded by the 1900s Easements, and in lieu of using the area described in the 1900s Easements to gain access to a public street, the owner of the MPR Parcel with the consent of the HRA began using a portion of the HRA Land ("HRA Easement Area") that provided ingress and egress access from the MPR Parcel to Wabasha Street and temporary parking for the loading and unloading of items from the MPR Parcel's loading dock; and

WHEREAS, in order to evidence and put of record the MPR's rights to use the HRA Easement Area for the purposes described in the preceding recital clause HRA staff together with the City Attorney Office have prepared an easement agreement between the HRA and MPR ("Easement Agreement") which is being submitted to the HRA Board of Commissioners for consideration; and

WHEREAS, HRA staff is recommending to the HRA Board of Commissioners approval of the Easement Agreement; and

WHEREAS, by this resolution the HRA finds a public purpose for the actions taken by the HRA Board in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota that:

     1.   The HRA Board of Commissioners hereby approves the execution and delivery of the Easement Agreement conditioned on MPR terminating the Previous Easements. The HRA's Chair is authorized to execute the Easement Agreement.

     2.   The HRA Executive Director, staff and legal counsel for the HRA are directed and authorized to take all actions necessary to implement this Resolution. The HRA Executive Director is directed and authorized to make any non-material changes to the Easement Agreement, with the approval of the City Attorney Office, and to execute any further documents and instruments needed to implement this Resolution.