



## Legislation Text

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**File #:** RES 21-346, **Version:** 1

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Approving an amendment to Council File No. 223180 vacating a seven-foot strip of Wabash Avenue.

WHEREAS, on April 29, 1965 the St. Paul City Council approved Council File No. 223180 (the "Vacation") that vacated a seven-foot strip of right-of-way along the northerly portion of Wabash Avenue abutting the property at 2103 Wabash Avenue (the "Property"); and

WHEREAS, on May 25, 1965 the Vacation was recorded in Ramsey County property records as Document Number 485665, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, PAK Properties and Superior, LLC ("Owner"), owns or has interest in the Property, which includes the vacated portion of Wabash Avenue identified in the Vacation; and

WHEREAS, the Vacation contains a provision limiting the vacation term to either forty (40) years or the life of the portion of the building encroaching in the street right-of-way, whichever is less; and

WHEREAS, the 40-year term has expired and the building that is currently located on the vacated seven-foot strip has not been changed since before City Council approval of the Vacation, and therefore, but for the term limit, the seven-foot strip would still be vacated; and

WHEREAS, the Owner now requests an amendment to the Vacation to restate the vacation term, with said term being solely contingent upon the life of the portion of the building encroaching in the street right-of-way; now, therefore, be it

RESOLVED, that the condition in Paragraph 3 of the Vacation be and is hereby amended as follows:

3. that the vacation continue for ~~a period of forty years~~, or the life of that portion of building which is located on the portion of street vacated, ~~whichever is the lesser~~; this condition to run with the land and be binding upon the owner, or owners, and their successors in interest; "

and be it further

RESOLVED, that all other terms and conditions of the Vacation shall remain in full force and effect and be fully incorporated into this resolution; and be it finally

RESOLVED, that the proper City officials are hereby authorized and directed to record a copy of this resolution in the office of the Ramsey County Recorder and/or Registrar of Titles as an amendment to the Vacation.