



## Legislation Text

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**File #:** RES PH 21-322, **Version:** 1

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Approving the petition of Matthew Michel, on behalf of Noelna Holdings, LLC, to vacate a two-foot portion of Wynne Avenue abutting 1611 Wynne Avenue.

BE IT RESOLVED, in accordance with Chapter 130 of the Saint Paul Legislative Code, that upon the petition of Matthew Michel, on behalf of Noelna Holdings, LLC ("Petitioner"), as documented in Office of Financial Services' Vacation File Number 04-2021, the public property described and depicted in Exhibit A, attached hereto, is hereby vacated and discontinued as public property and, subject to the following conditions, the 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 the vacated area on behalf of Xcel Energy for its existing facilities. If relocation of said facilities is required by Petitioner for or arising from this vacation, Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
2. An easement shall be retained over, under and across the vacated area on behalf of St. Paul Regional Water Services for its existing facilities. If relocation of said facilities is required by Petitioner for or arising from this vacation, Petitioner, its successors and assigns, shall assume all costs of relocation of said facilities.
3. Petitioner shall construct a mainline public sidewalk along the south side of Petitioner's property to the satisfaction of the Department of Public Works.
4. This vacation shall remain in place for the life of the proposed building. If the building is demolished in the future, the area vacated will automatically revert back to the City of Saint Paul as public right-of-way. Once the footing is removed, no new construction will be allowed in the right-of-way.
5. 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. 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. 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 Petitioner's use of its property, including but not limited to, a claim brought because of any act of omission, neglect, or misconduct of 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 Petitioner or any of its agents or employees.