



Legislation Text

File #: RES PH 11-933, **Version:** 2

Approving the petition of Sara Billings, LLC to vacate the unimproved right-of-way between Gordon Avenue and Blake Avenue abutting 35 Langford Park, and the adjacent City park property known as Gordon Square.

WHEREAS, the City of Saint Paul ("City") owns park land known as Gordon Square, which is located immediately westerly of and adjacent to the residential property at 35 Langford Park ("Petitioner's Property") in Saint Paul; and

WHEREAS, Sara Billings, LLC ("Petitioner") has requested the diversion of the 3,485 square-foot Gordon Square parcel (the "Park Property") for use as greenspace, as depicted on the survey drawing attached hereto as Attachment A, a copy of which is on file in the Office of Financial Services, Real Estate Section, in the file number 01-PKLDVRS-2011; and

WHEREAS, the Saint Paul Parks and Recreation Commission supports the diversion of the Park Property, as stated in its resolution, Number 11-04, adopted April 13, 2011, a copy of which is attached hereto; and

WHEREAS, the City recommends the sale of the Park Property to the Petitioner, and the Petitioner has agreed to pay just compensation as determined by an independent appraisal pursuant to Section 13.01.1 of the Saint Paul City Charter; and

WHEREAS, the City also has received a petition from the Petitioner to vacate the right-of-way between and abutting the Park Property and the Petitioner's Property; and

WHEREAS, the City has determined that there is no longer a public purpose for maintaining its easement rights within said right-of-way as dedicated in the plat St Anthony Park, Ramsey County, Minnesota, and the City wishes to vacate its interest in said right-of-way; now, therefore be it

RESOLVED, that, upon the petition of the Petitioner, as documented in Office of Financial Services Vacation File Number 03-2011, the public right-of-way and Park Property identified in Attachment A is hereby vacated and discontinued as public property, and the easements within said right-of-way are hereby released:

This vacation shall be subject to the terms and conditions of Chapter 130, codified March 1, 1981, of the Saint Paul Legislative Code as amended, and to the following conditions:

1. Petitioner agrees to purchase the Park Property and comply with all City requirements for the diversion or disposal of city park land.
2. Petitioner, its successors and assigns shall pay \$600.00 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.
3. 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.

4. 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.

; and be it further

RESOLVED, that the proper city officials are hereby authorized and directed to convey via quitclaim deed said Park Property to said Petitioner, and to accept just compensation from said Petitioner in the form of cash to be deposited into the Parkland Replacement Fund and held in reserve for future purchase of park property as required in Chapter 13.01.1 of the City Charter; and that all fees required by the City to comply with its parkland diversion guidelines shall be fully compensated by said Petitioner.

None