

## **Vacation Ordinance (Ch. 130, Leg. Code)**

### **Proposed Amendment – Impacts on Participants**

OFS/Real Estate

August 7, 2025

#### **City Departments and Public/Private Utilities**

##### What continues:

- Real Estate will send a vacation information and a “reply form” for feedback on whether they support or oppose the vacation (and why), and whether utilities wish to retain easement rights after the right-of-way is vacated.
- Real Estate will continue to reflect in the city council vacation resolutions any conditions or requirements departments and utilities may impose related to the vacation or any release or retention of utility easements they may want.
- Utilities may continue to retain their easement rights in a vacation area even if they do not currently have facilities located in the vacation area.
- There continues to be a mechanism to release easements subsequent to a vacation. Real Estate will continue to request department/utility input on such easement-release requests as they come in.

##### What’s new:

- Clarification of definitions:
  - Facilities: “sewer, water, gas, electric, communication mains, pipes, conduits, wires, poles, towers, and other related public and private utility transmission equipment.”
  - Street: “public streets, highways, alleys, walkways, right-of-way, or parts thereof in the city of Saint Paul, whether established by plat, direct conveyance or condemnation, and whether opened and improved or unimproved.”
  - Utilities: “legal entities that operate facilities within city right of way, including the City of Saint Paul, the Board of Water Commissioners of the City of Saint Paul, and private utility companies that operate within city right of way under franchise agreements with the city.”
- KEY CHANGE: Release/retention of easement rights:
  - In the event a utility does not respond to Real Estate’s request for input on the vacation in a reasonable timeframe, or does not respond at all, the vacation resolution will retain the utility’s easement rights if it has existing facilities in the vacation area or if the utility is a city franchisee, and will

release its easement rights if OFS/Real Estate determines no facilities are located in the vacation area or the utility is not a city franchisee.

### **City Administration (OFS/Real Estate)**

#### What continues:

- Allows Mayor to submit a vacation petition if desired
- No impact on the city budget

#### What's new:

- Nothing

### **City Council**

#### What continues:

- Allows Council to submit a vacation petition if desired
- Vacation resolution heard at a properly notified public hearing (20-day notice)
- 5 votes required to pass the resolution
- Ability to rescind the vacation resolution if the petitioner fails to comply with conditions imposed in the resolution
- No impact on the city budget

#### What's new:

- Nothing

### **Property Owners**

#### What continues:

- Process largely the same:
  - Same timeframe
  - Allowance for “hardship” petition if necessary
  - Same right to bring petition before Council at a public hearing
  - Same city notification requirements
  - Ability to later release utility easements after previous vacation
  - No cost increase in the filing/application fee (\$100)

#### What's new:

- Clarifies information required in a petition (e.g., ownership and encumbrance report or deed, not property abstract; plat, survey or detailed drawing of street proposed to be vacated)
- Sets a 60-day time limit on petitioners signing a certificate of completion accepting the conditions of the vacation resolution (or up to a 60-day extension, as permitted by OFS/Real Estate). If petitioners fail to comply, Real Estate must prepare a Council resolution to rescind the vacation.

**Question:**

Are there potential negatives resulting from the proposed amendment (e.g., restricted rights, added bureaucracy, more confusion)?

**Answer:**

No, just the opposite. The amendment clarifies terms and procedures that benefit all parties: petitioners, city departments, utilities, Administration, Council.