

PUBLIC WORKS AND UTILITIES COMMITTEE

10-0491R

RESOLUTION AUTHORIZING AGREEMENT WITH KEGLERS, INC., TO REMOVE A SIDEWALK VAULT BELOW FIRST STREET WEST OF FIFTH AVENUE WEST.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, a copy of which is on file in the office of the city clerk as Public Document No. \_\_\_\_\_, with Keglars, Inc., for the abandonment of a sidewalk vault located on the lower side of West First Street and west of Sixth Avenue West and for the termination of that vault abandonment agreement filed of record in the office of the county recorder for St. Louis County, Minnesota, in Book 36 of Agreements at page 240.

Approved:

Approved for presentation to council:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

Approved:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Auditor

PW&U/ATTY     REA:dma     9/9/2010

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize an agreement with Keglars, Inc., for the abandonment and filling of the vault under the sidewalk on the lower side of First Street across from Fire Hall No. 1.

Keglers is the owner of the Incline Station bowling alley and bar and restaurant at Fifth Avenue West and Superior Street and owns the vacant lot above it which it uses for surface parking for its business and as rental parking. This lot originally was occupied by a building and in 1924 the owner of that building requested permission from the city to build a vault under the sidewalk (within the city right-of-way) to serve the building; such vaults were common at the time as a convenient place to received goods and fuel delivered to adjacent buildings. The city agreed to allow the construction of the vault under the usual and customary agreement pursuant to which the owner/applicant agreed to abandon the vault at the city's request.

At some point in time the building that was served by the vault was demolished, leaving the lot itself vacant and leaving the vault space relatively open to the elements and open to trespass. And such trespass has occurred. It has come to the attention of the city's police department and to the department of public works and utilities that someone has erected a makeshift wall across the opening at the edge of the sidewalk and has left evidence that the space may be being used as makeshift residential facilities. In addition, complaints of such use have lead to inspections by the city engineer's office which have determined that the vault is in a deteriorated condition which threatens the structural integrity of West First Street and the sidewalk over the vault. This situation has been forced to a head by the fact that the city is currently installing new gas main on the lower side of West First Street which will include replacing the main which runs through the vault.

The city engineer has reached an agreement with Keglers to cooperatively abandoning and filling the vault and terminate the vault agreement. Keglers is going to be assessed for its share of the cost of abandonment which is agreed to be \$10,000. The city will then be able to complete its gas line project in an expeditious manner.