

**LAND USE APPLICATION SUMMARY**

*Property Location:* Petition to vacate part of the alley in Block 5, South Gate Terrace 2nd Division, bounded by Robbins Street, West 54th Street, Cumberland Road and Upton Avenue South

*Project Name:* Not applicable

*Prepared By:* Becca Farrar-Hughes, Senior City Planner, (612) 673-3594

*Applicant:* Joseph Smith

*Project Contact:* Joseph Smith

*Request:* To vacate a remnant portion of an existing alley.

*Required Applications:*

<b>Vacation</b>	To vacate part of the alley located in Block 5, South Gate Terrace 2nd Division, bounded by Robbins Street, West 54th Street, Cumberland Road and Upton Avenue South.
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**SITE DATA**

<b>Existing Zoning</b>	RI District SH Overlay District
<b>Lot Area</b>	Not applicable
<b>Ward(s)</b>	13
<b>Neighborhood(s)</b>	Armatage Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	The property is approximately 3 blocks from the Neighborhood Commercial Node located at 54 <sup>th</sup> Street West and Penn Avenue South. Penn Avenue South is also a designated Community Corridor.
<b>Small Area Plan(s)</b>	Not applicable

<b>Date Application Deemed Complete</b>	May 24, 2015	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	Not applicable	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The remnant portion of the public alley that the applicant proposes to vacate is a paper alley. It has not been constructed and therefore, is vegetated and is currently used as an extension of the rear yards of adjacent residential dwellings.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The properties that surround the proposed vacation area are all developed and residential in nature. All surrounding properties are either zoned RI or RIA.

**PROJECT DESCRIPTION.** The owner of the property located at 2612 Robbins Street proposes to vacate a remnant piece of the alley located in the block bounded by Robbins Street, West 54th Street, Cumberland Road and Upton Avenue South. Portions of the alley were previously vacated in 1946. The applicant states that a portion of the proposed vacated area would potentially be used for garden or play space for kids and in the future for a development of a 3-car garage.

**PUBLIC COMMENTS.** Staff has not received official correspondence from the Armatage Neighborhood Association or any neighborhood letters/emails prior to the printing of the report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration and included in the public record.

## ANALYSIS

### VACATION

**RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS.** Minneapolis Public Works has reviewed the vacation petition and recommends denial as the proposed vacation as petitioned would leave a section of alley with no access as it would be blocked off by private property. There is a 60 inch concrete storm line in the portion to be vacated which the City would need to continue to access for maintenance. In addition, both Xcel Energy and Comcast have requested that their existing easements be maintained; that correspondence is attached for reference.

**FINDINGS.** The Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation should be denied.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings for the application by Joseph Smith:

- A. Vacation of part of the alley located in Block 5, South Gate Terrace 2nd Division, bounded by Robbins Street, West 54th Street, Cumberland Road and Upton Avenue South.**

Recommended motion: **Deny** the vacation of part of the alley located in Block 5, South Gate Terrace 2nd Division, bounded by Robbins Street, West 54th Street, Cumberland Road and Upton Avenue South.

## ATTACHMENTS

1. Project description
2. Zoning map
3. Legal description and map of the area to be vacated
4. Responses from Public Works and the utility companies

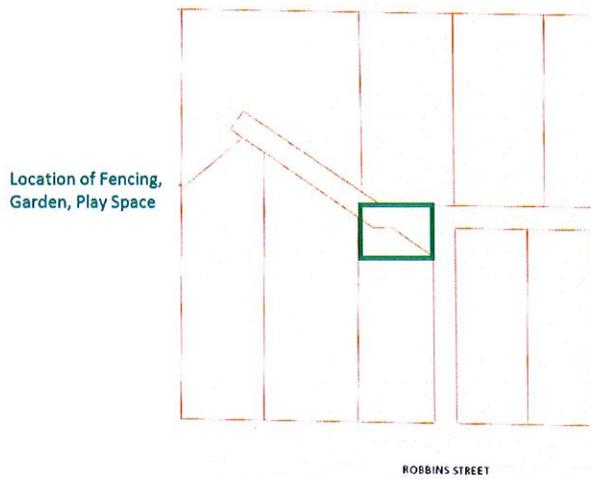
**Plans Submitted By:**

Joseph Smith

2612 Robbins Street

Minneapolis, MN 55410

With the current alley-way immediately north of the garage I'd build a seasonal flower and vegetable garden and/or a kid's play space, complete with fencing and woodchips. First step (if acceptable) would be to prepare the land by cleaning it up and flatten the plot this spring. Then adding the garden and/or the kids play space and woodchips with fencing.



Sincerely,

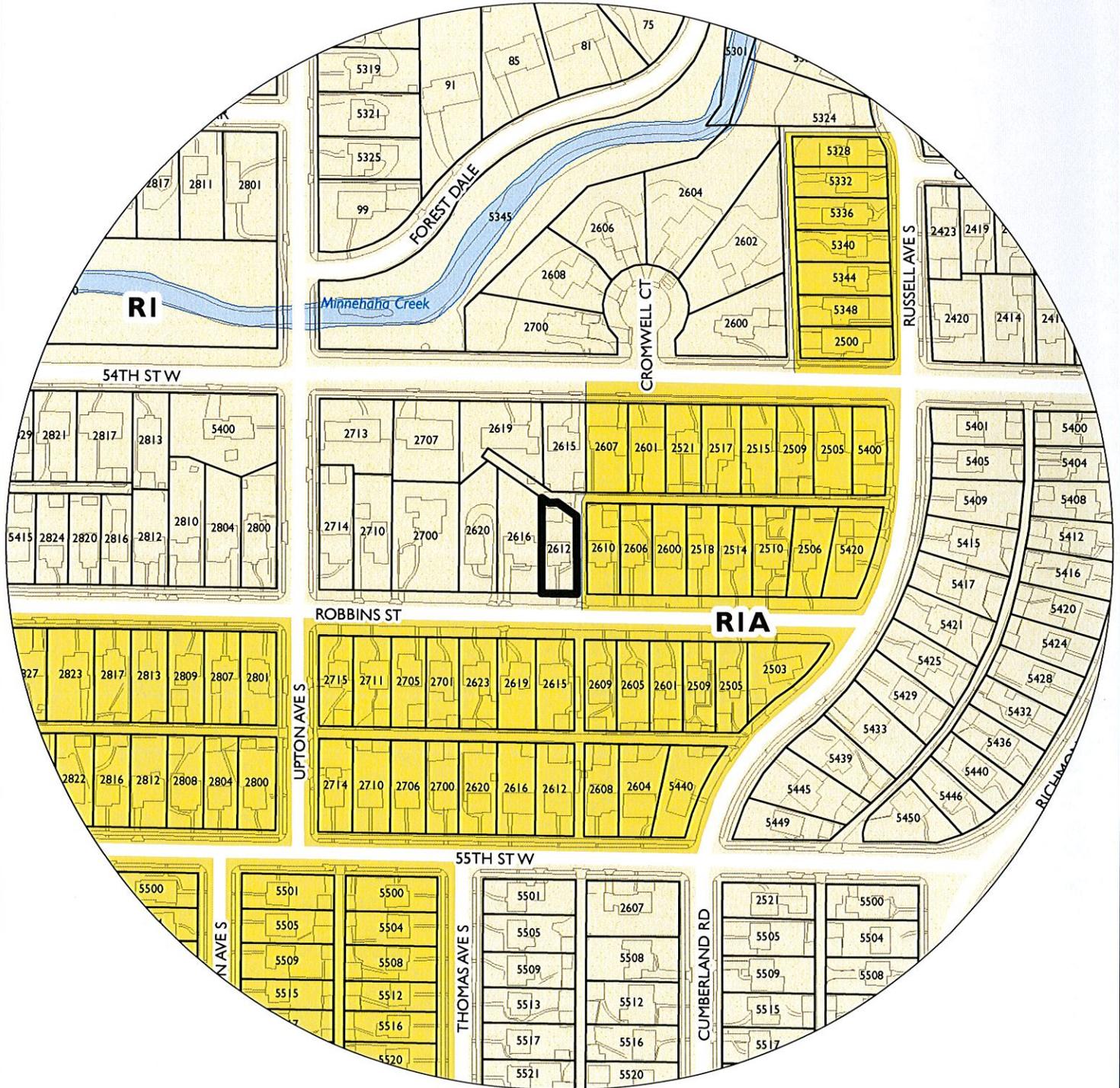
Joseph Smith

Joseph Smith

13th

NAME OF APPLICANT

WARD

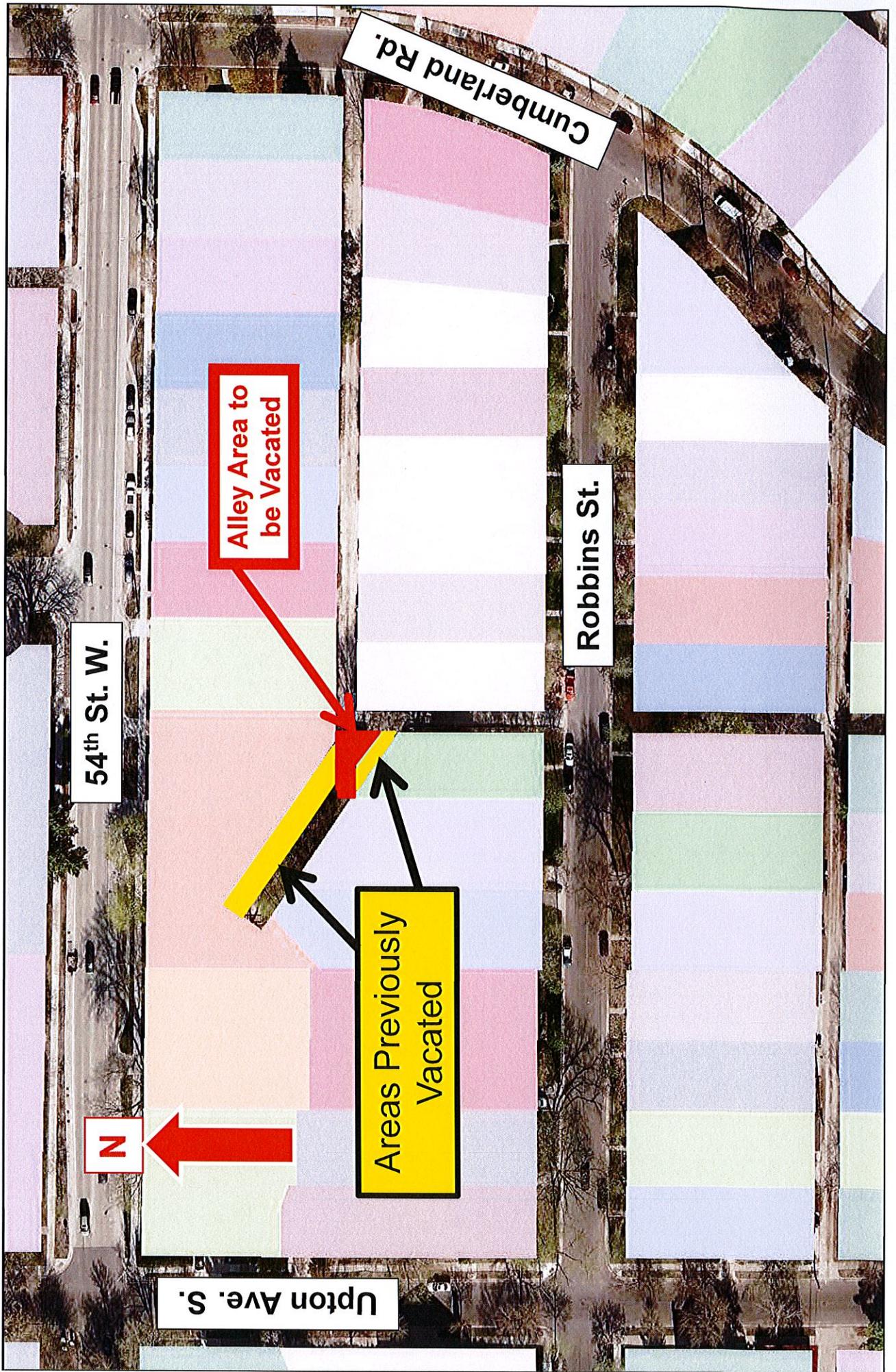


PROPERTY ADDRESS

2612 Robbins Street - Remnant alley vacation

FILE NUMBER

VAC-1647





**Department of Public Works  
Engineering Services /Right-of-Way Management  
309 2nd Avenue South, Room 200  
673-3607**

Date: June 22, 2015  
To: Don Elwood, Director, Transportation Planning & Engineering  
From: Robert Boblett, Right of Way  
Subject: Vacation 1647 Letter for Planning Department.

Staff has completed its review of vacation petition 1647. An information sheet and a set of maps are attached.

This proposal calls for vacating a dead-end alley, parts of which were previously vacated in 1946.

The vacation as petitioned would leave a section of alley with no access.

There is a 60" concrete storm line in the portion to be vacated, over which we would still need an easement for access and maintenance.

We therefore recommend denial of this petition.

If you have any questions about this vacation, please contact me at extension - 2428.

Thank you.



June 22, 2015

**Department of  
Public Works**

Steven A Kotke, P.E.  
City Engineer  
Director

350 South 5th Street - Room 203  
Minneapolis MN 55415

Office 612 673-3000  
Fax 612 673-3565  
TTY 612 673-2157

Becca Farrar  
CPED-Planning  
250 4<sup>th</sup> St. So., Room 100  
Minneapolis, MN 55415

RE: Vacating a dead-end alley in Block 5, South Gate  
Terrace, Second Division, bounded by Upton Ave. S.,  
Cumberland Rd., 54<sup>th</sup> St. W. and Robbins St.  
(Vacation 1647)

Dear Ms. Farrar:

Public Works staff has reviewed this vacation petition and recommends Denial of said petition.

The alley in question contains a 60" concrete storm line to which we would continue to require access for maintenance.

Vacating the portion requested by the petitioner would leave a section of public alley blocked off by private property, and the City would still need an access easement.

Sincerely,

Don Elwood, P.E.  
Director, Transportation Planning & Engineering

Cc: Dennis Morris



**Petition to Vacate  
City Of Minneapolis Street, Alley or Utility Easement**

Petitioner:	Joseph Smith
Address:	2612 Robbins St. Minneapolis, MN 55410
Contact:	(612) 889-5730

Vacation File No. <b>1647</b> Page 1 of 2
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**Description of Easement to be vacated:** Part of the alley in Block 5, South Gate Terrace 2<sup>nd</sup> Division, bounded by Robbins St., 54<sup>th</sup> St. W., Cumberland Rd., and Upton Ave. S.

**Review and Comment**

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

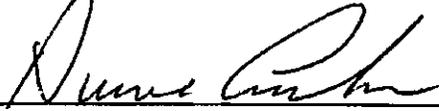
Name of Reviewing Agency COMCAST TOM NIEDZIELSKI

Phone: 651-493-5407 e-Mail: Thomas.Niedzielski@cable.comcast.com

Approve petition as requested

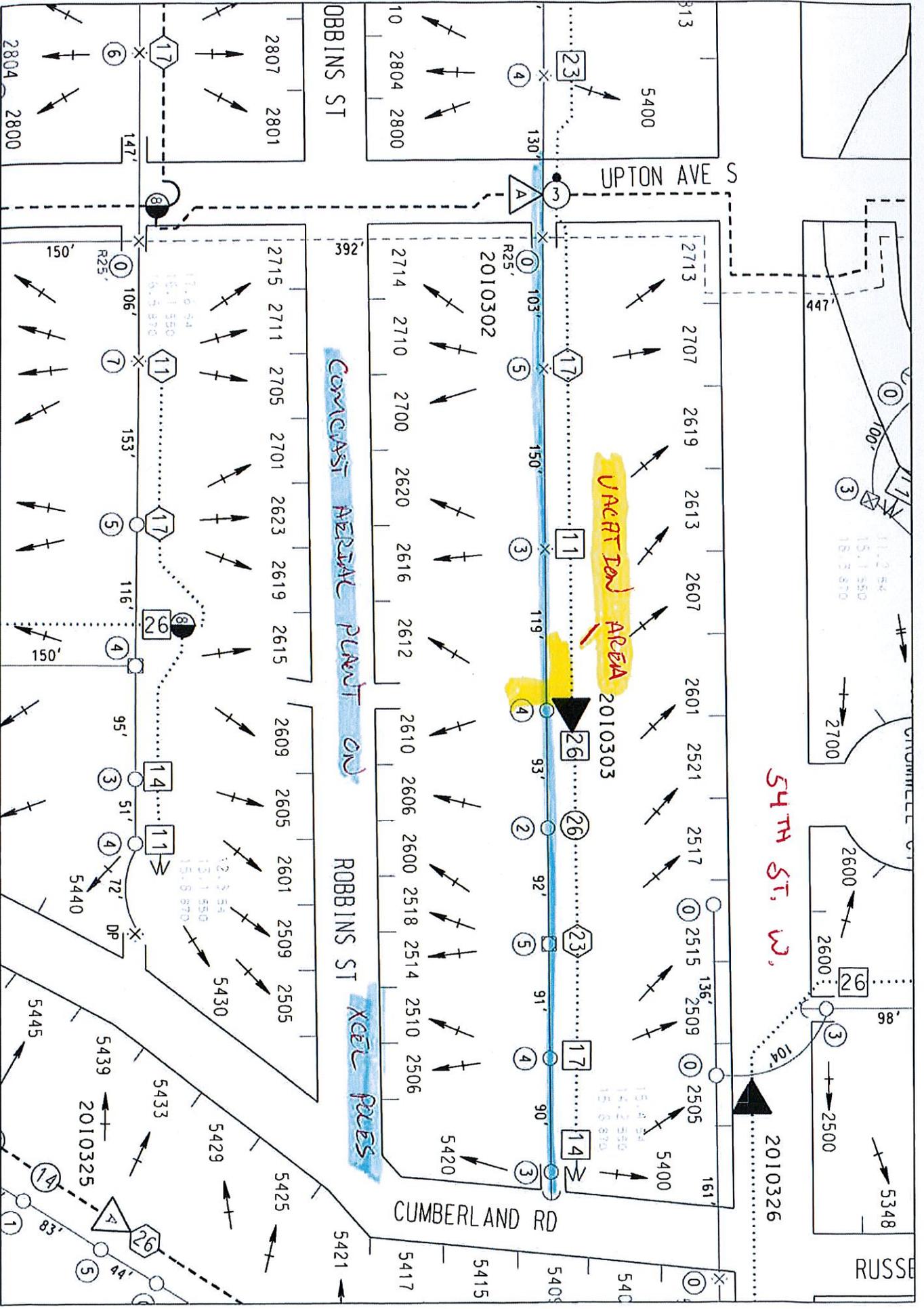
Deny petition (provide explanation)

Reserve Easements (provide description)

By: 

Date 5-28-15

Comments:



<b>Reply to Vacation Inquiry</b> <b>File # 1647</b> Part of the alley in Block 5, South Gate Terrace 2 <sup>nd</sup> Division.	To <b>Lisa Baldwin</b>	From: Tom Niedzielski
	City of Minneapolis Planning Commission	Comcast
	Phone # 612-673-5342	Phone # 612-490-7750
	Fax # 612-673-2526	Fax #651-493-5116

Description of public right-of way proposed to be vacated:

**See attached legal description**

**This section to be completed ONLY by City Depts**

- We have no objections to this vacation
- We have no objections to the vacation, subject to conditions stated below
- We object to the vacation for the reasons stated below

Conditions/Reasons:

**This section to be completed ONLY by Utilities**

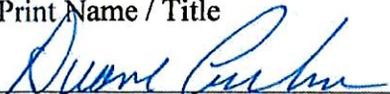
- We do NOT have facilities in the proposed vacated area, and we therefore RELEASE our utility easement rights, subject to any conditions or exceptions stated below
- We do NOT have facilities in the proposed vacated area, but we wish to RETAIN our easement rights, subject to any conditions or exceptions stated below
- We DO have facilities in the proposed vacated area, and we therefore RETAIN our easement rights, subject to any conditions or exceptions stated below

Conditions/Exceptions: *We can release these rights provided the proposed improvements do not interfere with its existing facilities or interfere with Comcast's access to the said facilities to maintain, repair, or upgrade them. Should the said improvements in anyway interfere with or prevent access to the said facilities, the petitioner or its successor shall provide new easements as required and the petitioner or its successor shall assume all costs of relocating facilities to the new easements..*

Duly authorized representative:

Duane Carlson / Construction Manager

Print Name / Title



Signature

Comcast

Company Name

5/18/15

Date

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Contact: (612) 889-5730

Vacation File No.  
**1647**  
Page 1 of 2

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**Review and Comment**

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Name of Reviewing Agency XCEL ENERGY

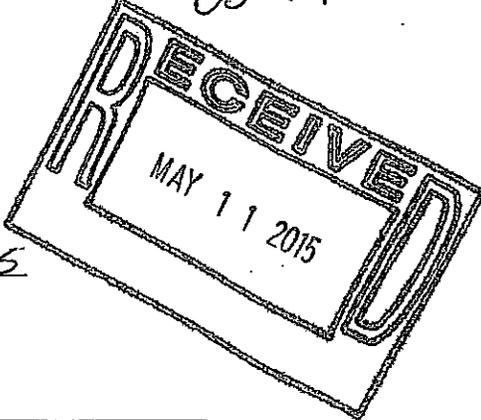
Phone: 612-330-1956 e-Mail: Sean.w.lawler@xcelenergy.com

Approve petition as requested

Deny petition (provide explanation)

Reserve Easements (provide description)

By: SEAN LAWLER Date 5/26/15



Comments:  
XCEL ENERGY REQUESTS AN EASEMENT TO BE RESERVED FOR EXISTING ELECTRIC FACILITIES SERVING MULTIPLE PROPERTIES OVER THE ENTIRE AREA TO BE VACATED AND DESCRIBED ABOVE -