



Request for City Council Committee Action from the Department of Public Works -- Transportation Planning and Engineering Division

Date: August 25, 2011

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Correction of utility easement vacation resolution 2011R-244 (Vac-1580)

Recommendation: The legal description supplied by the applicant and accepted by Public Works omitted an area within a previously vacated alley. Vacation resolution 1580 also included a temporary replacement utility easement, to be replaced at a later date by a permanent utility easement. The applicant has determined that a better and more straightforward approach would be to dedicate the new replacement utility easement in the Educational Service Center Addition plat, and to describe the area to be vacated separately, while correcting the alley omission. No easements will be retained as part of the vacation. Staff recommends that the attached corrected resolution be approved to correct and clarify the legal description.

Previous Directives: The sewer-line easement vacation was originally approved by the Zoning & Planning Committee on May 5, 2011. The sewer-line easement vacation was originally approved by Council on May 13, 2011.

Ward: 5

Prepared by: Robert Boblett, Real Estate Investigator I, (612-673-2428) Approved by: Dennis Morris, Right of Way Specialist Presenters in Committee: Robert Boblett, Real Estate Investigator I

Community Impact

- Neighborhood Notification: No neighborhood impact.
- City Goals: The vacation is in conformance with City Goals.
- Comprehensive Plan: The vacation is in conformance with the Comprehensive Plan.
- Zoning Code: The vacation is in conformance with the Zoning Code.

Supporting Information:

Schiff

Correcting the legal description for Resolution 2011R-244: Vacating a utility easement in Lots 1, 2, 3, 12, 13 and 14, and in the North-South vacated alley, Block 37, Highland Park Addition, in the Minneapolis Public Schools Educational Service Center project site. (Vacation File No. 1580)

Resolved by The City Council of The City of Minneapolis:

That the above referenced Resolution 2011R-244 be corrected to read as follows:

By Schiff

Vacating the utility easement in Lots 1, 2, 3, 12, 13 and 14, and in the North-South vacated alley, Block 37, Highland Park Addition, and in the vacated right of way of 21st Avenue North between Fremont and Girard Avenue North in the Minneapolis Public Schools Educational Service Center project site (Vacation File No. 1580)

Resolved by The City Council of The City of Minneapolis:

That all that part of the utility easement in Lots 1, 2, 3, 12, 13 and 14, and in the North-South vacated alley, Block 37, Highland Park Addition, and in the vacated right-of-way of 21st Avenue North between Fremont and Girard Avenue North the area described as follows:

~~A 20.00 foot temporary easement for storm sewer purposes, over under and across that part of vacated 21st Avenue North as dedicated in Highland Park Addition to Minneapolis, Hennepin County, Minnesota and vacated per Doc. No. 3816680, on file and of record in the office of the County Recorder, Hennepin County, Minnesota, and per Doc. No. 963215, on file and of record in the office of the Registrar of Titles, Hennepin County, Minnesota. The centerline of said easement is described as follows:-~~

~~Commencing at the northwest corner of Lot 14, Block 37, Highland Park Addition to the City of Minneapolis, said point being the intersection of the easterly right of way of Girard Avenue North and the south line of vacated 21st Avenue North; thence North 00 degrees 03 minutes 07 seconds West, assumed bearing, along said easterly right of way line of Girard Avenue North, a distance of 37.60 feet to the point of beginning of the line to be described; thence North 73 degrees 47 minutes 36 seconds East, a distance of 39.53 feet; thence South 89 degrees 49 minutes 29 seconds East, a distance of 256.39 feet; thence South 73 degrees 43 minutes 07 seconds East, a distance of 37.99 feet to a point on the westerly right of way line of Fremont Avenue North, said point lying 38.21 feet north of the northeast corner of~~

~~Lot 1, Block 37, Highland Park Addition to Minneapolis, as measured along said westerly right of way of Fremont Avenue North, and said line there terminating.~~

~~The sidelines of said easement are to be prolonged or shortened to terminate at the easterly right of way of Girard Avenue North and the westerly right of way line of Fremont Avenue North.~~

~~Said easement shall expire when permanent easement documentation over same temporary easement is filed and made of permanent record.~~

~~_____ to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said utility easement upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.~~

~~_____ Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this utility easement had not been vacated.~~

THOSE PARTS OF LOTS 1, 2, 12, 13, 14, BLOCK 37, HIGHLAND PARK ADDITION TO MINNEAPOLIS AND VACATED 21ST AVENUE NORTH AS ORIGINALLY DEDICATED PER HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS AND VACATED PER DOCUMENT NO. 3816680 HENNEPIN COUNTY RECORDS, HENNEPIN COUNTY, MINNESOTA, AS DESCRIBED IN DOCUMENT NO. 3819305 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 15 FEET OF LOTS 1 AND 2 AND THE EAST 15 FEET OF THE NORTH 6 FEET OF LOT 3, THE SOUTH 16 FEET OF THE NORTH 22 FEET OF LOT 12, THE WEST 15 FEET OF THE NORTH 6 FEET OF LOT 12, AND THE WEST 15 FEET OF LOTS 13 AND 14, ALL IN BLOCK 37, HIGHLAND PARK ADDITION; ALSO,

THOSE PARTS OF 21ST AVENUE NORTH, AS ORIGINALLY CONSTITUTED, AND NOW VACATED, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER-LINE OF SAID 21ST AVENUE NORTH WITH THE EXTENSION OF THE WEST LINE OF FREMONT AVENUE NORTH; THENCE SOUTH ALONG THE EXTENSION OF THE WEST LINE OF FREMONT AVENUE NORTH TO THE NORTHEAST CORNER OF LOT 1, BLOCK 37, HIGHLAND PARK ADDITION; THENCE

WEST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 15 FEET; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING; ALSO,

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER-LINE OF SAID 21ST AVENUE NORTH WITH THE EXTENSION OF THE EAST LINE OF GIRARD AVENUE NORTH; THENCE SOUTH ALONG THE EXTENSION OF THE EAST LINE OF GIRARD AVENUE NORTH TO THE NORTHWEST CORNER OF LOT 14, BLOCK 37, HIGHLAND PARK ADDITION; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 15 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING,

AND

THOSE PARTS OF LOT 3, BLOCK 37, HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA AS DESCRIBED IN DOCUMENT NO. 3819306 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 16 FEET OF THE NORTH 22 FEET OF LOT 3, BLOCK 37, HIGHLAND PARK ADDITION, AND THAT PART OF LOT 3, BLOCK 37, SAID ADDITION, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WEST LINE OF SAID LOT 3 DISTANT 32 FEET SOUTH FROM THE NORTHWEST CORNER THEREOF, MEASURED ALONG THE WEST LINE OF SAID LOT 3; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3 A DISTANCE OF 10 FEET; THENCE EAST ALONG A LINE DISTANT 22 FEET SOUTH FROM, MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 10 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING.

AND

THAT PART OF THE VACATED NORTH-SOUTH ALLEY AS DEDICATED IN HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS, VACATED PER DOCUMENT NO. 3983711, RESERVING EASEMENT FOR PUBLIC UTILITY PURPOSES OVER THAT PART OF SAID NORTH-SOUTH ALLEY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF EASEMENT AREA DESCRIBED PER DOCUMENT NO. 398711 AS THE NORTH SOUTH ALLEY IN SAID BLOCK 37 SAID ADDITION WHICH LIES BETWEEN LINES WHICH ARE PARALLEL WITH AND DISTANCE 6.0 FEET AND 22.0 FEET RESPECTIVELY FROM THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, BLOCK 37, SAID ADDITION

is hereby vacated.