



**Request for City Council Committee Action from the Department of Community Planning  
& Economic Development – Planning Division**

Date: April 27, 2010  
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee  
Referral to: Zoning and Planning Committee  
**Subject:** Referral from the April 26, 2010 City Planning Commission Meeting  
**Recommendation:** See report from the City Planning Commission

**Prepared by:** Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

**Approved by:** Jason Wittenberg, Supervisor, CPED Planning-Development Services

**Presenter in Committee:**

1. Aeon, 1105 – 8th St S and 1401 – 11th Ave S, Jim Voll, Principal Planner, x3887

**Community Impact (use any categories that apply)**

Other: See staff report(s) from the City Planning Commission

**Background/Supporting Information Attached**

The attached report summarizes the actions taken at the City Planning Commission meeting held on April 26, 2010. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT  
of the  
CITY PLANNING COMMISSION  
of the City of Minneapolis**

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The Minneapolis City Planning Commission, at its meeting on April 26, 2010 took action to **submit the attached comment** on the following items:

**1. Aeon (Vac-1567, Ward: 7), 1105 – 8th St S and 1401 – 11th Ave S ([Jim Voll](#)).**

**A. Vacation:** Application by Aeon, as General Partner in Augustana Village LP and East Village Housing Corp., to vacate all of the drainage and utility easements in Lots 1 and 2, Block 1, of the East Village Subdivision, property located at 1105 – 8th St S and 1401 – 11th Ave S.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation of the dedicated drainage and utility easements in Lots 1 and 2, Block 1, East Village Subdivision, subject to the reservation of an easement to Xcel along the easterly property line of Lots 1 and 2, where Xcel has indicated there are utilities, unless the applicant and Xcel agree on a private easement for Xcel's facilities.

**Department of Community Planning and Economic Development - Planning Division**  
Easement Vacation  
Vacation 1567

**Date:** April 26, 2010

**Applicant:** Aeon for Augustana Village LP and East Village Housing Corporation

**Address of Property:** 1105 – 8<sup>th</sup> Street South and 1401 11<sup>th</sup> Avenue South

**Contact Person and Phone:** Becky Landon – 651-647-3547

**Planning Staff and Phone:** Jim Voll 612-673-3887

**60-Day Review Decision Date:** Not Applicable

**Ward: 7 Neighborhood Organization:** Elliot Park

**Existing Zoning:** R5 Multiple-family Residence District, C1 and C2 Commercial Districts, and the DP Downtown Parking Overlay District.

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 20

**Legal Description:** All that part of the east half of France Avenue South between 30<sup>th</sup> ½ Street West and 31<sup>st</sup> Street West.

**Existing Use:** Planned unit development with three buildings, 175-units, and 11,000 square feet of retail.

**Concurrent Review:** Drainage and utility easements vacations. No other applications are necessary at this point.

**Background:** The City Planning Commission approved a planned unit development (C-1915), side yard and parking variances (V-4329), a site plan review (PR-461), a vacation of 12<sup>th</sup> Avenue South between 8<sup>th</sup> and 9<sup>th</sup> Streets (Vac-1210), a vacation of a part of 8<sup>th</sup> Street South (Vac-1250), and a replatting of the site (PL-35) in 1998, to allow a 175-unit planned unit development in three buildings with 11,000 square feet of retail. The approval of the project and preliminary plat were completed first, the final site plan was approved by staff (PW#6590), and then a final plat was approved by the City Planning Commission at a subsequent meeting. In this process drainage and utility easements were inadvertently reserved along the perimeter of the lots, some 10 feet and others 5 feet, in areas where parts of the easements are in the same location as the constructed buildings. In the process of refinancing this year, the project partners discovered this error. They have now applied to vacate the easements around the perimeter of Lots 1 and 2 to correct this error.

There are no utilities in any of the easements, with the exception of a small part of the east sides of Lots 1 and 2, where Xcel has facilities (please see utilities section below). The approved drainage plan is independent of the easements. For these reasons, staff is recommending approval of the vacation request.

As of the writing of this staff report no comments have been received from the neighborhood group. Staff will forward comments, if any, to the Planning Commission.

**Development Plan:** Please see attached preliminary plat from 1998.

**Responses from Utilities and Affected Property Owners:** Xcel has facilities that run in parts of the established easement (see attached drawing) and requests that an easement be reserved for those facilities. The city can not reserve an easement beyond the easement currently established, as a part of a vacation process. The applicant and Xcel are working to establish a private easement for Xcel's facilities. If this is done, then the City will not need to reserve any easement. Otherwise the City will reserve those parts of the existing easement along the easterly sides of Lots 1 and 2 where Xcel's facilities are located.

**Findings:** The Public Works Department and Community Planning and Economic Development Department – Planning Division find that the drainage and utility easements proposed for vacation are not be needed for public purpose and that they should be vacated.

**Recommendation of the Community Planning and Economic Development Department - Planning Division:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation of the dedicated drainage and utility easements in Lots 1 and 2, Block 1, East Village Subdivision, subject to the reservation of an easement to Xcel along the easterly property line of Lots 1 and 2, where Xcel has indicated there are utilities, unless the applicant and Xcel agree on a private easement for Xcel's facilities.

**CPED Planning Division**  
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## MEMORANDUM

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DATE: April 26, 2010  
TO: Planning Commission Members  
FROM: Jim Voll - CPED Planning Division  
SUBJECT: Vacation 1567 – Agenda Item #1

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The legal description on the cover page of the staff report is incorrect and should read as follows:

Dedicated drainage and utility easements in Lots 1 and 2, Block 1, East Village Subdivision, being 5 feet in width unless otherwise indicated, and adjoining lot lines, and 10 feet in width unless otherwise indicated and adjoining right-of-way lines, as shown on the plat as recorded by the Hennepin County Surveyor, Hennepin County, Minnesota.

Schiff

**Vacating all of the dedicated drainage and utility easements in Lots 1 and 2, Block 1, East Village Subdivision, as shown on the plat as recorded by the Hennepin County Surveyor, Hennepin County, Minnesota. (Vacation File No. 1567).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the dedicated drainage and utility easements in Lots 1 and 2, Block 1, East Village Subdivision, being 5 feet in width unless otherwise indicated, and adjoining lot lines, and 10 feet in width unless otherwise indicated and adjoining right-of-way lines, as shown on the plat as recorded by the Hennepin County Surveyor, Hennepin County, Minnesota are hereby vacated except that such vacations shall not affect the existing easement right and authority of Xcel Energy, its successors and assigns, to enter upon that portion of the aforescribed easement which is described in regard to said corporations as follows, to wit:

**As to Xcel Energy:** Where facilities currently exist in the 5 foot easements along the most easterly property lines of Lot 1 and Lot 2 and where facilities currently exist in the 10 foot easement along the common lot line between Lot 1 and Lot 2.

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 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 easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.