

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

Date: 9/18/08

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

Referral to: Zoning & Planning Committee

Subject: Correction of alley vacation resolution 94R-165 (Vac-1130e)

Recommendation: The legal description prepared by Planning for Vac-1130e (part of 37th Street east located between 29th Avenue South and the Hiawatha LRT line) was incorrect in the resolution, but was correct in the public utility review. The Minneapolis Community Development Agency originally applied for the vacation. The 37th Street vacation was done in conjunction with 13 other street vacations adjacent to the Hiawatha Corridor in order to assemble sites for residential development. The incorrect resolution was for only the north half of the aforementioned part of 37th Street. The correction will officially vacate the southern half. A proposed residential development with 64 dwelling units was approved by the Planning Commission on April 14, 2008 and the Council adopted the rezoning for the development on May 16, 2008. When the land use applications were processed, it was staffs and the applicants understanding that the southerly half of the street had been vacated. Therefore, the lot area was included as part of the site. The applicant is proposing to provide an easement to the Met Council over the vacated street for a public walkway leading to the 38th Street LRT station to 29th Avenue and landscape the remaining area. Due to the length of time between the Council action and the correction, staff sent out notices to the public utilities and Public Works again. No requests for easements were received. The original resolution reserved an easement for a storm drain easement over the entire street. This easement will be retained. Staff recommends that the attached corrected resolution be approved to correct the legal description.

Previous Directives: The street vacation was originally approved by Council on June 17, 1994.

Prepared by: Janelle Widmeier, Senior Planner (612-673-3156) Approved by: Jason Wittenberg, Development Services Supervisor Presenters in Committee: Janelle Widmeier, Senior Planner

Financial Impact

- No financial impact

Community 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 94R-165: Vacating 37th St E between 29th Ave S and the Hiawatha Corridor (#1130e).

Resolved by The City Council of The City of Minneapolis:

That the above referenced Resolution 94R-165 be corrected to include the following:

That part of 37th Street East, dedicated in the plat of Palmer's Addition to Minneapolis, according to the recorded plat thereof on file, Hennepin County, Minnesota, lying south and west of the following described line:

Commencing at the southeast corner of Lot 15, Block 16, said Palmer's Addition to Minneapolis, thence easterly along the south block line of Block 17, said Addition, on an assumed azimuth of 89 degrees 44 minutes 28 seconds a distance of 417.51 feet to the point of beginning of the line to be described; thence northwesterly on an azimuth of 334 degrees, 25 minutes, 49 seconds a distance of 692.67 feet and there terminating.

And, lying east and north of the following described line:

Commencing at the southwest corner of Lot 1, Block 1, Luesse Third Addition, formerly known as the southwest corner of Block 15, Palmer's Addition to Minneapolis; thence easterly along a south line of said Lot 1 to a tangential curve concave to the southwest; thence southerly along said curve to the intersection with the most southerly line of said Lot 1, said intersection being the point of beginning of the line to be described; thence continuing along the extension of said curve to the north line of Block 17, said Palmer's Addition to Minneapolis or the westerly extension of said north line.

is hereby vacated except that such vacation shall not affect the existing easement rights and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis, a storm drain easement over all of the to-be-vacated E 37th St;

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.