



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

**Date:** October 27, 2011

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

**Referral to:** Zoning and Planning Committee

**Subject:** Vacation of the south 16 feet of 36<sup>th</sup> Avenue South, north of 46<sup>th</sup> Street East

**Recommendation:** The City Planning Commission considered and recommended approval of a vacation request of all of 36<sup>th</sup> Avenue South between 45<sup>th</sup> Street East and 46<sup>th</sup> Street East at its meeting of May 23, 2011 (vacation file Vac-1583). At the time of the Planning Commission action, Planning Staff had not yet received the Public Works review letter. This was received for the Zoning and Planning Commission meeting of June 23, 2011, with a recommendation to vacate the street except for the southerly 16 feet north of 46<sup>th</sup> Street East. This was done because of the city facilities in the area including traffic signals and associated mechanicals. Public Works and Planning staff made this recommendation based on an understanding that this was acceptable to the applicant. The applicant had an understanding that the entire street was to be vacated and an easement would be reserved for the south 16 feet. The City Council approved the vacation of the street, except for the south 16 feet, on July 1, 2011 (Resolution 2011R-365). Vacating the entire street and reserving an easement is acceptable to Planning and Public Works staff; therefore, Planning and Public Works recommend that the remaining 16 feet of the street be vacated. The Public Hearing at the Planning Commission considered a vacation of the entire street, so a new public hearing is not required.

**Ward #:** 12

Prepared by: Jim Voll, Principal Planner, 612-673-3887 Approved by: Jason Wittenberg, Planning Manager, 612-673-2297 Presenters in Committee: Jim Voll
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### **Community Impact**

- Neighborhood Notification – The Standish-Ericsson Neighborhood Association and the Longfellow Community Council were notified of the original vacation request.
- Comprehensive Plan – the Planning Commission found the street vacation in conformance with the comprehensive plan.
- Zoning Code – The vacation is in conformance with the zoning code.
- End of 60/120-day decision period – Not applicable for street vacations.

**Background/Supporting Information:**

Schiff

**Vacating the remaining part of 36<sup>th</sup> Avenue South between 45<sup>th</sup> Street East and 46<sup>th</sup> Street East (Vacation File No. 1583).**

Resolved by The City Council of The City of Minneapolis:

That part of 36<sup>th</sup> Ave. S. as dedicated in the plat of Hiawatha Park Addition and described as follows: Beginning at a point on the Southwesterly corner of Lot 6, Block 5, Hiawatha Park Addition, thence northerly along the west line of said Lot a distance of 16 feet, thence West to a point on the East line of Lot 6, Block 6, said point being 16 feet North of the Southeasterly corner of said Lot, thence South along the East line of said Lot 6, Block 6 to the Southeasterly corner of said Lot, thence East to the point of beginning and there terminating., is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described as follows, to wit:

**As to the City of Minneapolis:** An easement for surface water management and traffic signal and traffic lighting infrastructure within the entire area to be vacated.

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 street 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 street had not been vacated.