

Department of Community Planning and Economic Development - Planning Division
Vacation 1496

Date: October 29, 2007

Applicant: John Wolf

Address of Property: Part of the north-south alley south of Lake Street and running parallel to and between Chicago and Elliot Avenues South

Contact Person and Phone: John Wolf 612-823-3400

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

60-Day Review Decision Date: Not Applicable

Ward: 8 Neighborhood Organization: Powderhorn Park

Existing Zoning: Bordered by C1 and C2 Commercial and R2B and R5 Multiple-family Residential

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 26

Legal Description: All that part of the alley located north of a line extended west from the south line of Lot 5 to the south line of Lot 24, Block 2, The Erastus Byers Addition to Minneapolis, as of record on file at the Hennepin County Records Office, Minneapolis, Minnesota.

Concurrent Review: Alley vacation. No other applications are necessary at this point.

Background: The applicant is requesting a vacation of the northerly 212 feet of the north-south alley south of Lake Street that runs parallel to and between Chicago and Elliot Avenues South. The original proposal had the vacation extending one lot (42 feet) further south, but this has been revised further north. A new east alley leg will be constructed out to Elliot Avenue South through the lot a 3020 Elliot Avenue South, so a dead end alley will not be created. The leg will connect with Elliot south of a proposed cul-de-sac and dead end on Elliot Avenue that is being constructed (not part of this review).

Development Plan: No new development is proposed. Please see the aerial photo for existing development and the Public Works plan for the proposed cul-de-sac on Elliot Avenue South.

Responses from Utilities and Affected Property Owners: Xcel Energy and Qwest request easements for their facilities.

Findings: The Public Works Department and City Planning Department find that the alley proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, and that it can be vacated if an “L” alley connection is constructed east to Elliot Avenue South to prevent the creation of a dead end alley. No properties will lose access to a right-of-way.

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, subject to retention of easements by Xcel Energy and Qwest.

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Vacating all that portion of the alley located north of a line extended west from the south line of Lot 5 to the south line of Lot 24, Block 2, The Erastus Byers Addition to Minneapolis, as of record and on file at the Hennepin County Recorders Office, Minneapolis, Minnesota (Vacation File No. 1496).

Resolved by The City Council of The City of Minneapolis:

That all that portion of the alley located north of a line extended west from the south line of Lot 5 to the south line of Lot 24, Block 2, The Erastus Byers Addition to Minneapolis, as of record and on file at the Hennepin County Recorders Office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to Xcel Energy and Qwest: An easement over the entire proposed vacation area.

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 alley 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.