

**Department of Community Planning and Economic Development**  
Vacation  
Vac-1628

**Date:** December 2, 2013

**Address of Property:** 1215-1219 Marshall Street Northeast

**Applicant:** Acre Land Surveying, Inc.

**Contact Person and Phone:** Eric Vickaryous (763-458-2997)

**CPED Staff and Phone:** Janelle Widmeier (612-673-3156)

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

**Ward: 3      Neighborhood Organization:** Sheridan Neighborhood Organization

**Existing Zoning:** OR2 High Density Office Residence District

**Zoning Plate Number:** 9

**Legal Description:** All that part shown and described as “drainage and utility easement” and all that part of the “public utilities easement” that was retained when 12<sup>th</sup> Avenue NE was vacated per Document No. 2452430, all in Lot 1, Block 1, Grain Belt Terraces, Hennepin County, Minnesota.

**Proposed Use:** Planned unit development (PUD) with 151 dwelling units and offices

**Concurrent Review:** Not applicable for this application

**Background:** The applicant has applied to vacate two easements located within the property of 1215-1219 Marshall Street Northeast. The first easement was a public utility easement that was retained when 12<sup>th</sup> Avenue Northeast was vacated. One of the buildings located within the PUD will encroach into this easement; therefore the applicant is requesting that the easement be vacated. The other easement was recorded as a 22-foot wide drainage and utility easement with a plat that was done for a previous development proposal. However, it was intended to be a driveway easement only as was shown on the preliminary and final plat that was approved by the City Planning Commission. The drainage and utility easement was an error. However, the easement must be vacated to correct this issue. A parking area is proposed where this easement is located. Because the easement is not needed, the applicant is requesting that it be vacated.

**Development Plan:** See attached site plan. Land use approvals for this project were obtained earlier this year. The easements that are proposed to be vacated were discovered after these approvals were obtained.

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**Responses from Utilities and Affected Property Owners:** Of the responses received, there were no objections and no easements requested.

**Findings:** CPED and the Public Works Department find that the area proposed for vacation is not needed for any public purpose and it is not part of a public transportation corridor.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the easement vacations.

**Attachments:**

- 1) Public Works letter
- 2) Map of area to be vacated
- 3) Aerial photo
- 4) Site survey
- 5) Development plan