CPED STAFF REPORT

Prepared for the City Planning Commission
CPC Agenda Item #2
August 3, 2015
VAC-1644

LAND USE APPLICATION SUMMARY

Property Location: Not applicable – see attached map.

Project Name: Partial alley vacation.

Prepared By: Mei-Ling Smith, City Planner, (612) 673-5342

Applicant: Joseph Vinar

Project Contact: Joseph Vinar

Request: To vacate part of the alley in the vicinity of 33rd Avenue Northeast and Taylor Street Northeast. Once vacated, the land is proposed to be incorporated into the residential uses at 3254 Taylor Street Northeast and 3259 Polk Street Northeast.

Required Applications:

Vacation	To vacate part of the alley in the vicinity of 33rd Avenue Northeast and Taylor Street Northeast.

SITE DATA

Legal Description	Part of the alley in Block 2, Chute Bros. 1st Addn., bounded by Polk and Taylor Sts. NE, 32nd and 33rd Aves. NE, north of the south line of Lot 2. Some maps incorrectly show this area as already vacated.
Existing Zoning	R1A Single-Family District
Lot Area	Not applicable
Ward(s)	1
Neighborhood(s)	Waite Park Community Council
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

BACKGROUND

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties consist of mainly low-density residential dwellings. The Central Avenue NE Community Corridor is approximately three blocks to the west of the area subject to the vacation petition.

PROJECT DESCRIPTION. Joseph M. Vinar has applied to vacate a portion of the alley near 33rd Avenue NE and Taylor Street NE, where it is adjacent to 3254 Taylor Street NE and 3259 Polk Street NE. The remainder of the alley was previously vacated and some maps incorrectly show the proposed area as being vacated already. Once vacated, the land would be distributed to the adjacent residential uses to the east and west.

This item was continued from the July 6, 2015, and July 20, 2015, City Planning Commission meetings. The petitioner, Joseph Vinar, no longer owns or lives at 3254 Taylor Street NE. The petitioner's intent in applying for the vacation was to clarify how the portion of the alley would be used by the adjacent property owners and to provide a basis for their easement agreement. In the meantime, CPED and Public Works staff has been in communication with the new owner and the adjacent neighbor regarding the vacation application and the existing easement agreements between the two owners. It is the understanding of City staff that the two current adjacent property owners continue to have a demonstrated interest in the vacation application.

DEVELOPMENT PLAN. The existing houses would remain. No changes are proposed.

PUBLIC COMMENTS. Staff has received one letter of support regarding this petition for a vacation. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

VACATION

The applicant is proposing to vacate a part of the alley in Block 2, Chute Bros. 1st Addn., bounded by Polk and Taylor Streets NE, 32nd and 33rd Avenues NE, north of the south line of Lot 2.

The area to be vacated is legally described as follows:

- That part of the alley as dedicated in Block 2, Chute Brothers 1st Addition described as follows:
- The east ½ of said alley lying north of the westerly extension of the south line of Lot 2 and lying south of the westerly extension of the north line of Lot 1.
- The west ½ of said alley lying north of the easterly extension of the south line of Lot 29 and lying south of the easterly extension of the north line of Lot 30.

RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS. Minneapolis Public Works has reviewed the vacation petition and recommends approval of the request. Xcel Energy and Comcast have requested easements over the portion of the alley to be vacated. No other easements were requested by any of the referral agencies that responded during the comment period prior to the printing of this report.

FINDINGS. The Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation is not needed for any public purpose, it

is not part of a public transportation corridor, and that it can be vacated if the easements requested above are granted by the petitioner.

RECOMMENDATIONS

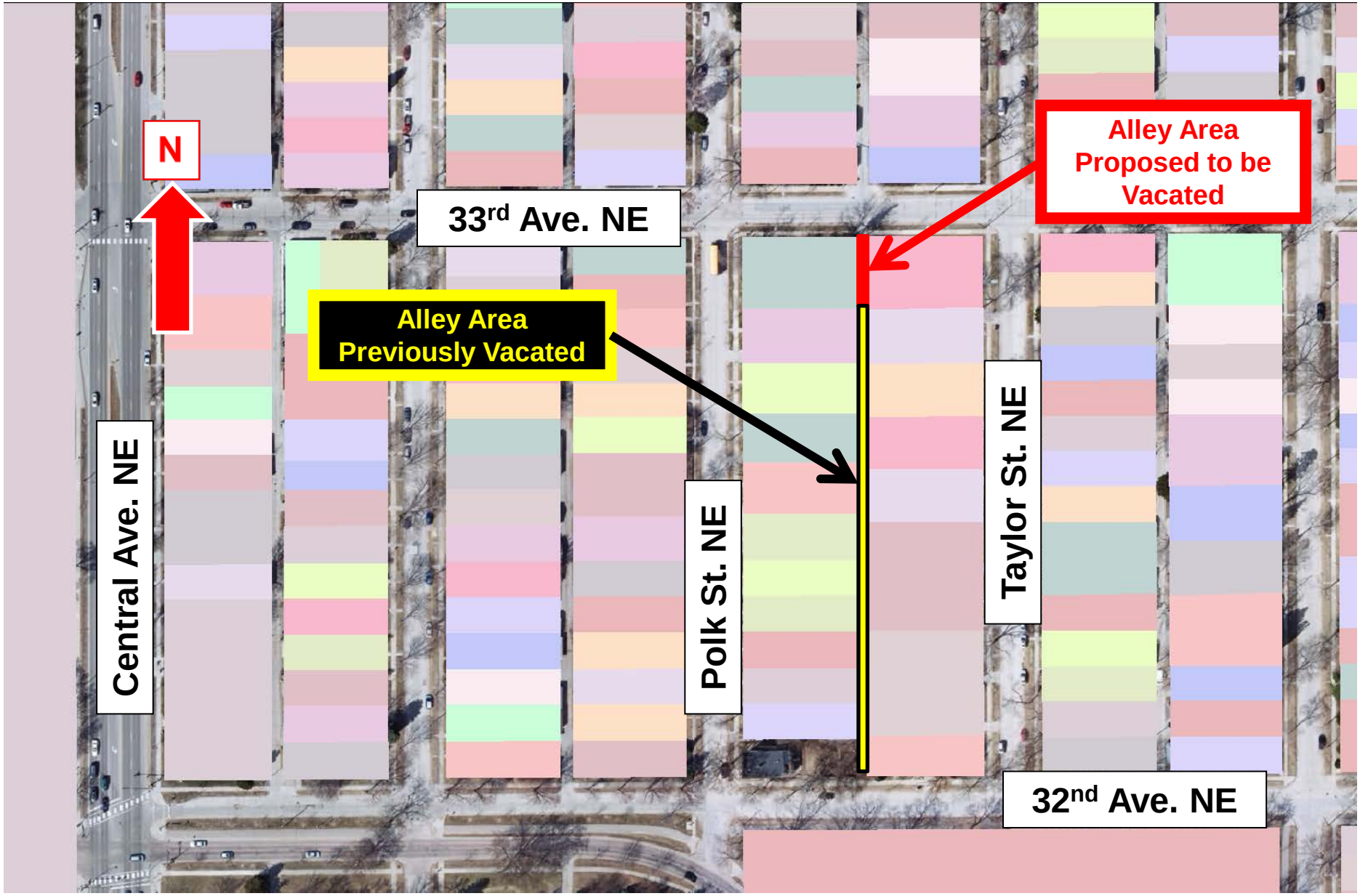
The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings for the application by Joseph Vinar, subject to the retention of easements by Xcel Energy and Comcast:

A. Vacation.

Recommended motion: **Approve** the vacation (Vacation file 1644) of part of the alley in the vicinity of 33rd Avenue Northeast and Taylor Street Northeast, subject to the provision of easements to Xcel Energy and Comcast.

ATTACHMENTS

1. Map of area to be vacated
2. Public Works letter
3. Letter from utilities
4. Draft resolution
5. Public comments


N
33rd Ave. NE
Alley Area
Proposed to be
Vacated
Alley Area
Previously Vacated
Central Ave. NE
Polk St. NE
Taylor St. NE
32nd Ave. NE

N
33rd Ave. NE
Alley Area
Proposed to be
Vacated
Alley Area
Previously Vacated
Central Ave. NE
Polk St. NE
Taylor St. NE
32nd Ave. NE

Minneapolis
City of Lakes

Department of Public Works

Steven A Kotke, P.E.
City Engineer
Director

350 South 5th Street - Room 203
Minneapolis MN 55415

Office 612 673-3000
Fax 612 673-3565
TTY 612 673-2157

May 29, 2015

Mei-Ling Anderson
CPED-Planning
250 4th St. So., Room 100
Minneapolis, MN 55415

RE: Vacating a dead-end alley at 3259 Taylor St. NE
(Vacation 1644)

Dear Ms. Anderson:

Public Works staff has reviewed this vacation petition and recommends Approval of said petition.

The alley area to be vacated is described as a dead-end remainder of an alley previously vacated at 3259 Taylor St. NE, and legally described as:

> *That part of the alley as dedicated in Block 2, Chute Brothers 1st Addition described as follows:*
>
> *The east ½ of said alley lying north of the westerly extension of the south line of Lot 2 and lying south of the westerly extension of the north line of Lot 1.*
>
> *The west ½ of said alley lying north of the easterly extension of the south line of Lot 29 and lying south of the easterly extension of the north line of Lot 30.*

Sincerely,

Don Elwood, P.E.
Director, Transportation Planning & Engineering

Cc: Dennis Morris

Call 311 Minneapolis
City Information and Services

www.ci.minneapolis.mn.us
Affirmative Action Employer

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

Petitioner:	Joseph Vinar
Address:	3254 Taylor St. NE, Minneapolis MN 55418
Contact Person:	Joseph Vinar (612) 615-3957

Vacation File No.
1644
Page 1 of 2

Description of Easement to be vacated: Part of the alley in Block 2, Chute Bros. 1st Addn., bounded by Polk and Taylor Sts. NE, 32nd and 33rd Aves. NE, north of the south line of Lot 2. Some maps incorrectly show this area already vacated.

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

Name of Reviewing Agency: CenterPoint Energy

Phone: 612-321-5381 e-Mail: Charles.Mayers@CenterPointenergy.Com

Approve petition as requested ☑

Deny petition (provide explanation) ☐

Reserve Easements (provide description) ☐

By: Chuck Mayers Date 5-12-14

RECEIVED APR 28 2015

Comments:

OSP National Support/
Investigations
2400 North Glenville
Richardson, TX 75082

MCI Communications Services, Inc.

05/07/2015

CITY OF MINNEAPOLIS
PLANNING AND DEVELOPMENT
MEI-LING
250 S. 4TH STREET, ROOM 300
MINNEAPOLIS, MN 55415

RE: FILE NO. 1644 – EASEMENT VACATION REQUEST – ALLEY BOUNDED BY POLK STREET NE, TAYLOR STREET NE, 32ND AVE. AND 33RD AVE. MINNEAPOLIS, HENNEPIN COUNTY, MN.

Verizon Business ID: 3779-2015

Dear Sir or Madam:

MCI has been notified by your office regarding the above referenced project.

For your records, in reviewing the area in question, it has been determined that MCI does not have facilities within your project area.

You should address correspondence concerning any future projects to the attention of **OSP National Support/Investigations** at the above address.

If you need further assistance with this project, please do not hesitate to call me.

Sincerely,

JOHN BACHELDER
OSP National Support / Investigations
972-729-6322

Anderson, Mei-Ling C.

From: Rogers, Rock A.
Sent: Wednesday, April 29, 2015 10:02 AM
To: Boblett, Robert; Blackhawk, Brad J.; Casey, Joe P.; Collin, Steve E.; Jenks, Jeff T.; Moriarity, Kelly M.; Morton, Shane M.; Pflaum, Donald C.; Strehlo, Jeremy T.; Veek, Larry W.
Cc: Anderson, Mei-Ling C.; Hjelle, Brette L.; Dyrdahl, Matthew; Hanson, Allen J.; Miller, Paul D.; Swanson, Jennifer
Subject: RE: Vacation 1644

Water has no issues with the vacation of the alley.

From: Boblett, Robert
Sent: Monday, April 27, 2015 4:25 PM
To: Blackhawk, Brad J.; Casey, Joe P.; Collin, Steve E.; Jenks, Jeff T.; Moriarity, Kelly M.; Morton, Shane M.; Pflaum, Donald C.; Rogers, Rock A.; Strehlo, Jeremy T.; Veek, Larry W.
Cc: Anderson, Mei-Ling C.; Hjelle, Brette L.; Dyrdahl, Matthew; Hanson, Allen J.; Miller, Paul D.; Swanson, Jennifer
Subject: Vacation 1644

Attached are digital copies of the information sheet and the maps for Vacation 1644. This request is for the northerly portion of the alley in Block 2, of the Chute Bros. 1st Addition. This block is bounded by Polk and Taylor Streets NE, and between 32nd and 33rd Avenues NE. The section proposed to be vacated is that part north of the south line of Lot 2. The previously vacated section is south of the south line of Lot 2, vacated in 1950. City and County maps show the proposed vacation section as already vacated, but that is incorrect. Call or e-mail if you have a question.

Please review and send your comments.

Bob
Right of Way
(612) 673-2428

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

Petitioner: Joseph Vinar
Address: 3254 Taylor St. NE, Minneapolis MN 55418
Contact Person: Joseph Vinar (612) 615-3957

Vacation File No.
1644
Page 1 of 2

Description of Easement to be vacated: Part of the alley in Block 2, Chute Bros. 1st Addn., bounded by Polk and Taylor Sts. NE, 32nd and 33rd Aves. NE, north of the south line of Lot 2. Some maps incorrectly show this area already vacated.

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

Name of Reviewing Agency XCEL ENERGY

Phone: 612-330-1956 e-Mail: sean.w.lawler@xcelenergy.com

RECEIVED APR 28 2015

Approve petition as requested ☐

Deny petition (provide explanation) ☐

Reserve Easements (provide description) ☒

By: SEAN LAWLER Date 5/27/15

Comments:

XCEL MAINTAINS ELECTRIC FACILITIES IN THE AREA TO BE VACATED. THEREFORE, REQUESTS AN EASEMENT TO BE RESERVED OVER THE AREA DESCRIBED ABOVE TO BE VACATED.

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

Petitioner: Joseph Vinar Address: 3254 Taylor St. NE, Minneapolis MN 55418 Contact Person: Joseph Vinar (612) 615-3957	Vacation File No. **1644** **Page 1 of 2**

Description of Easement to be vacated: Part of the alley in Block 2, Chute Bros. 1st Addn., bounded by Polk and Taylor Sts. NE, 32nd and 33rd Aves. NE, north of the south line of Lot 2. Some maps incorrectly show this area already vacated.

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

Name of Reviewing Agency COMCAST – TOM NIEDZIELSKI

Phone: 651-493-5407 e-Mail: Thomas-Niedzielski@cable.comcast.com

Approve petition as requested ☐

Deny petition (provide explanation) ☐

Reserve Easements (provide description) ☐

By: [signature] Date 5-28-15

Comments:

April 30, 2015

RE: Vacation File No. 1644

1644: Part of the alley in Block 2, Chute Bros. 1st Addn., bounded by Polk and Taylor Sts. NE, 32nd and 33rd Aves. NE, north of the south line of Lot 2. Some maps incorrectly show this area already vacated.

Please find enclosed the sketches, legal descriptions and proposals regarding a request for vacations of the above-mentioned areas which may affect facilities in the area that are owned or operated by your company.

If your company has facilities in the vicinity of these proposals and needs to reserve an easement, a legal description of the easement must be submitted within 30 days of the above date to be included in the City Council's final resolution.

Even if your company does not have facilities in these areas, please respond so that the vacations may be processed as quickly as possible.

Any questions or comments about these vacations should be directed to:

Mei-Ling Anderson, City Planner
Department of Community Planning & Economic Development
250 South 4th Street, Room 300
Minneapolis, MN 55415
Phone: 612-673-5342, Fax: 612-673-2526
E-mail: Mei-Ling.Anderson@minneapolismn.gov

MA/lmk
Cc: Council Member Kevin Reich, Ward 1
Encl.: Vacation File No. 1644

Reply to Vacation Inquiry File # 1644 Part of the alley in Block 2, Chute Brothers 1st Addition.	To **Lisa Baldwin**	From: Tom Niedzielski
	City of Minneapolis Planning Commission	Comcast
	Phone # 612-673-5342	Phone # 612-490-7750
	Fax # 612-673-2526	Fax #651-493-5116

Description of public right-of way proposed to be vacated:

See attached legal description

This section to be completed ONLY by City Depts

- We have no objections to this vacation ☐
- We have no objections to the vacation, subject to conditions stated below ☐
- We object to the vacation for the reasons stated below ☐

Conditions/Reasons:

This section to be completed ONLY by Utilities

- We do NOT have facilities in the proposed vacated area, and we therefore RELEASE our utility easement rights, subject to any conditions or exceptions stated below ☐
- We do NOT have facilities in the proposed vacated area, but we wish to RETAIN our easement rights, subject to any conditions or exceptions stated below ☐
- We DO have facilities in the proposed vacated area, and we therefore RETAIN our easement rights, subject to any conditions or exceptions stated below ☒

Conditions/Exceptions: *We can release these rights provided the proposed improvements do not interfere with its existing facilities or interfere with Comcast's access to the said facilities to maintain, repair, or upgrade them. Should the said improvements in anyway interfere with or prevent access to the said facilities, the petitioner or its successor shall provide new easements as required and the petitioner or its successor shall assume all costs of relocating facilities to the new easements..*

Duly authorized representative:

Duane Carlson / Construction Manager
Print Name / Title

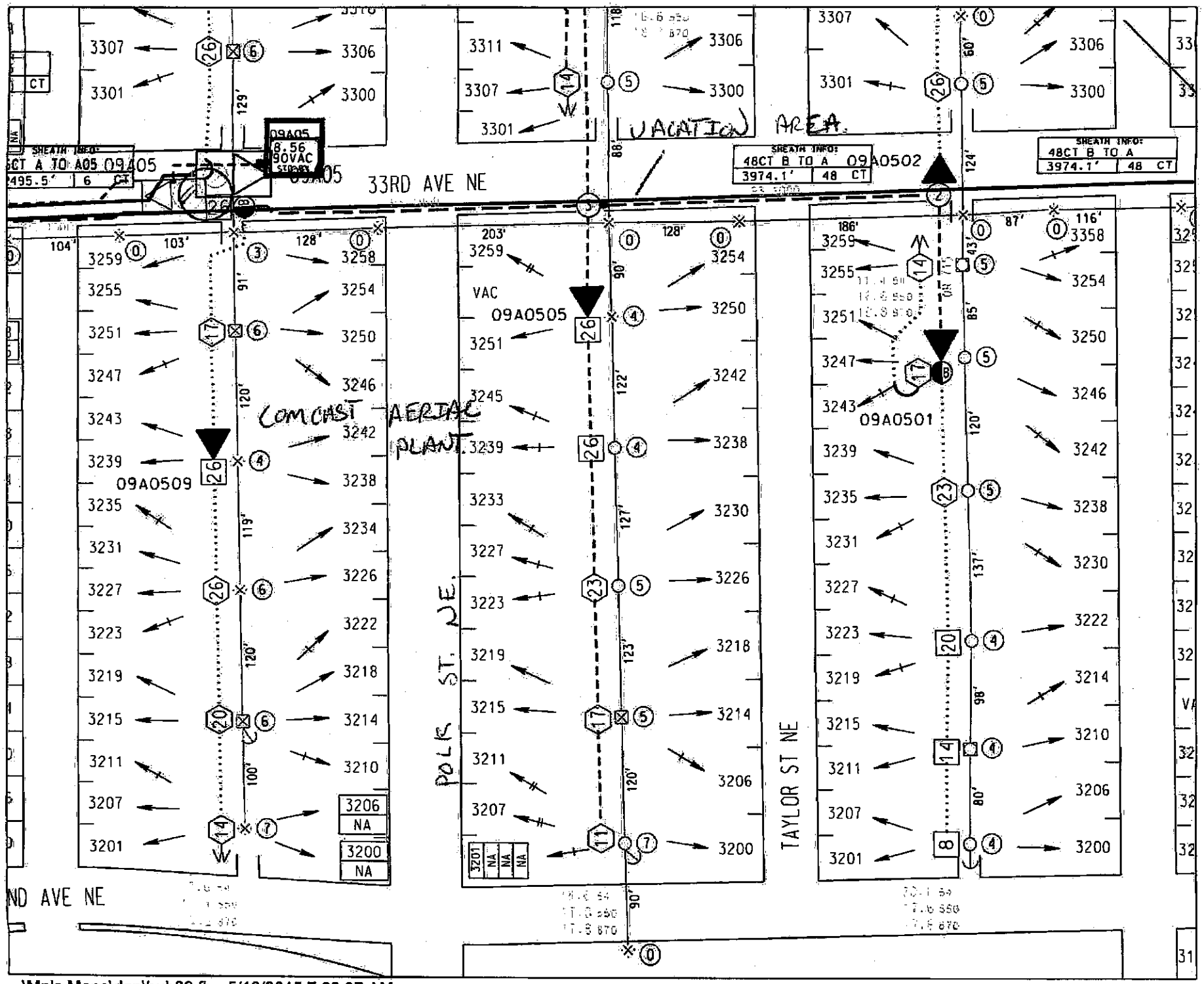
Comcast
Company Name

Duane Carlson
Signature

5/18/15
Date

Description of Vacation Area

Part of the alley in Block 2, Chute Brothers 1st Addition bounded by Polk St and Taylor St NE, 32nd and 33rd Aves NE, north of the south line of Lot 2. Some maps incorrectly sow this area already vacated.



...\Mpls Maps\dgn\hub09.fbr 5/18/2015 7:03:37 AM

By Bender

Vacating that part of the alley as dedicated in Block 2, Chute Brothers 1st Addition, bounded by Polk and Taylor Sts. NE, 32nd and 33rd Aves NE, north of the south line of Lot 2, described as follows (Vacation File No. 1644):

Resolved by The City Council of The City of Minneapolis:

That part of the alley as dedicated in Block 2, Chute Brothers 1st Addition described as follows:

The east ½ of said alley lying north of the westerly extension of the south line of Lot 2 and lying south of the westerly extension of the north line of Lot 1.

The west ½ of said alley lying north of the easterly extension of the south line of Lot 29 and lying south of the easterly extension of the north line of Lot 30.

is hereby vacated except that such vacation shall not affect the existing authority of Comcast and Xcel Energy, their successors and assigns, to enter upon that portion of the aforedescribed portion of the alley which is described in regard to each of said corporations as follows, to wit:

Comcast, subject to an easement over the entire area to be vacated.
Xcel Energy, subject to an easement over 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 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.

From: Craig Halvorsen
To: Smith, Mei-Ling C.
Subject: Response to Notice of Public Hearing
Date: Sunday, June 28, 2015 7:28:14 PM

June 28, 2015

Mei-Ling Anderson, City Planner
250 South 4th St
Room 300
Minneapolis, MN 55415

email: Mei-Ling.Anderson@minneapolismn.gov

To Whom It May Concern:

My name is Albert Knutson, and I reside at 3200 Taylor St. NE, Minneapolis.
I received the notice of public hearing regarding Joseph Vinar's application to vacate part of the alley
in the vicinity of 33rd Ave NE and Taylor St NE.

I am writing to let you know I support his request, and have no issues with the alley being vacated and
incorporated into the residental uses at 3254 Taylor St NE and 3259 Polk St NE

Sincerely,

Albert Knutson
6132-789-0904