CPED STAFF REPORT

Prepared for the City Planning Commission
CPC Agenda Item #1
June 13, 2016
VAC-1493

LAND USE APPLICATION SUMMARY

Property Location: A portion of 23rd Avenue Southeast, lying between University Avenue Southeast and 4th Street Southeast

Project Name: Right-of-Way Vacation

Prepared By: Hilary Dvorak, Principal Planner, (612) 673-2639

Applicant: Regents of the University of Minnesota

Project Contact: Kelley Brandt

Request: To vacate the right-of-way of a portion of 23rd Avenue Southeast, lying between University Avenue Southeast and 4th Street Southeast

Required Applications:

Vacation	Of the right-of-way of a portion of 23rd Avenue Southeast, lying between University Avenue Southeast and 4th Street Southeast.

SITE DATA

Legal Description	The southeasterly 41 feet of Lots 4 and 7, Block 16, Regents' Addition to Minneapolis, according to the plat and Deed Doc. No.2229567, thereof on file and of record, at the Register of Deeds Office, Hennepin County, Minnesota.
Existing Zoning	OR2 High Density Office Residence District
Lot Area	Not applicable
Ward(s)	2
Neighborhood(s)	Prospect Park
Designated Future Land Use	Not applicable
Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The right-of-way that the applicant is proposing to vacate is located in southeast Minneapolis. The proposed right-of-way to be vacated is 23rd Avenue Southeast, lying between University Avenue Southeast and 4th Street Southeast. The portion of the street to be vacated is located immediately west of the METRO Green Line Stadium Village Station.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by the METRO Green Line, TCF Bank Stadium, office buildings, commercial establishments and residential developments of varying densities. The site is located in the Prospect Park neighborhood.

PROJECT DESCRIPTION. The applicant is proposing to vacate the right-of-way as it owns the majority of the land adjacent to it and it has limited public use except to access University of Minnesota property.

DEVELOPMENT PLAN. The applicant intends to continue to use the street for roadway purposes.

RELATED APPROVALS. Not applicable.

PUBLIC COMMENTS. No comment letters have been received in regards to this application. Any 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 portion of 23rd Avenue Southeast, lying between University Avenue Southeast and 4th Street Southeast.

The area to be vacated is legally described as follows:

- The southeasterly 41 feet of Lots 4 and 7, Block 16, Regents' Addition to Minneapolis, according to the plat and Deed Doc. No.2229567, thereof on file and of record, at the Register of Deeds Office, Hennepin County, Minnesota.

RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS. The Department of Public Works has reviewed the vacation petition and recommends denial of the request. The Department of Public Works has indicated that before vacating the right-of-way they would like to further study roadway operations in the vicinity.

Of the utilities and/or affected property owners that have responded Xcel Energy has requested an easement over the area to be vacated.

FINDINGS. The Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation is needed for a public purpose, is part of a public transportation corridor and that it cannot be vacated.

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 the Regents of the University of Minnesota:

A. Vacation of a portion of 23rd Avenue Southeast, lying between University Avenue Southeast and 4th Street Southeast.

Recommended motion: **Deny** the vacation of the right-of-way of a portion of 23rd Avenue Southeast, lying between University Avenue Southeast and 4th Street Southeast.

ATTACHMENTS

1. Vacation request from the Regents of the University of Minnesota
2. Description and map of area to be vacated
3. Public Works letter

4. Letter from utilities

APPLICATION FOR VACATION OF A PUBLIC RIGHT-OF-WAY
CITY OF MINNEAPOLIS
(Chapter 433, Minneapolis Code of Ordinances)

Applicant: Regents of the University of Minnesota		
Address: c/o Real Estate Office, 424 Donhowe Building, 319-15th Avenue SE		
City: Minneapolis	**State:** MN	**Zip:** 55455
Telephone: 612-626-0565		
Name (Please print): Tom Yang		
Signature		**Date:** 5/24/2006

RIGHT-OF-WAY INFORMATION

Describe right-of-way to be vacated: 23rd Avenue SE (approximately) between University Ave SE and 4th St SE; and 4th St SE (approximately) between 23rd Ave SE and 25th Ave SE; see attached maps.

Lot(s):

23rd Ave SE:
Lots 1-5, Blk 11, Regents Addn.
Lots 1-4, Blk 10, Regents Addn.
Lots 7-10, Blk 16, Regents Addn.
Lots 1 & 2, Blk 1, University Cricket Inn Addn.

4th St SE:
Lots 3, 4, 7 & 8, Blk 16, Regents Addn

Block(s):

Addition(s):

Reason for vacation: The University of Minnesota owns the land abutting the proposed vacation except for the Day's Inn Motel (PID # 3002923210042) and Baker's Square (PID # 3002923210043) at approximately 25th Ave SE and University Ave SE. The roadways have little pubic use except for access to University facilities. In conjunction with the construction of a new on-campus football stadium, the University plans to widen 23rd Ave SE at this area. The University needs to be able to manage the internal circulation within its property to meet development needs and to manage circulation needs at Stadium events. The University plans to maintain these streets for roadway purposes. A number of similar streets interior to the Campus have been vacated in the past and are maintained by the University for roadway purposes.

Future use of vacated land: The portion of 23rd Ave SE to be vacated plus additional land owned by the University will be used for an expanded roadway with added space for boulevards and sidewalks to meet the internal circulation needs of the University property. Vacated 4th St will also continue to be used as a roadway to meet the internal circulation needs of the University property and for access to the Day's Inn parking. The University has advised the owner of the Day's Inn that it will grant a permanent access easement from 25th Ave. SE across 4th St SE to be vacated to the current curb cut and driveway off 4th Street SE to the Day's Inn parking.

OFFICE USE ONLY

Ward: _____
Atlas Plate: _____
Zoning Plate: _____

VACATION NUMBER

Please make sure you have included the application fee, the mailing list and 8 1/2 X 11 map.
Submit application to: Minneapolis City Clerk's Office, 304 City Hall, 350 South 5th Street
Minneapolis, MN 55415-1382.

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

Petitioner: University of Minnesota
Address: 424 Donhowe, 319 – 15th Av. SE, Mpls., MN 55455
Contact Person: Tom Yang, Assistant - Director of Real Estate
(612) 626-0565

Vacation File No.
1493
Page 1 of 3

Description of Easement to be vacated: The southeasterly 41 feet of Lots 4 and 7, Block 16, Regents' Addition to Minneapolis, according to the plat and Deed Doc. No.2229567, thereof on file and of record, at the Register of Deeds Office, Hennepin County, Minnesota.

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.

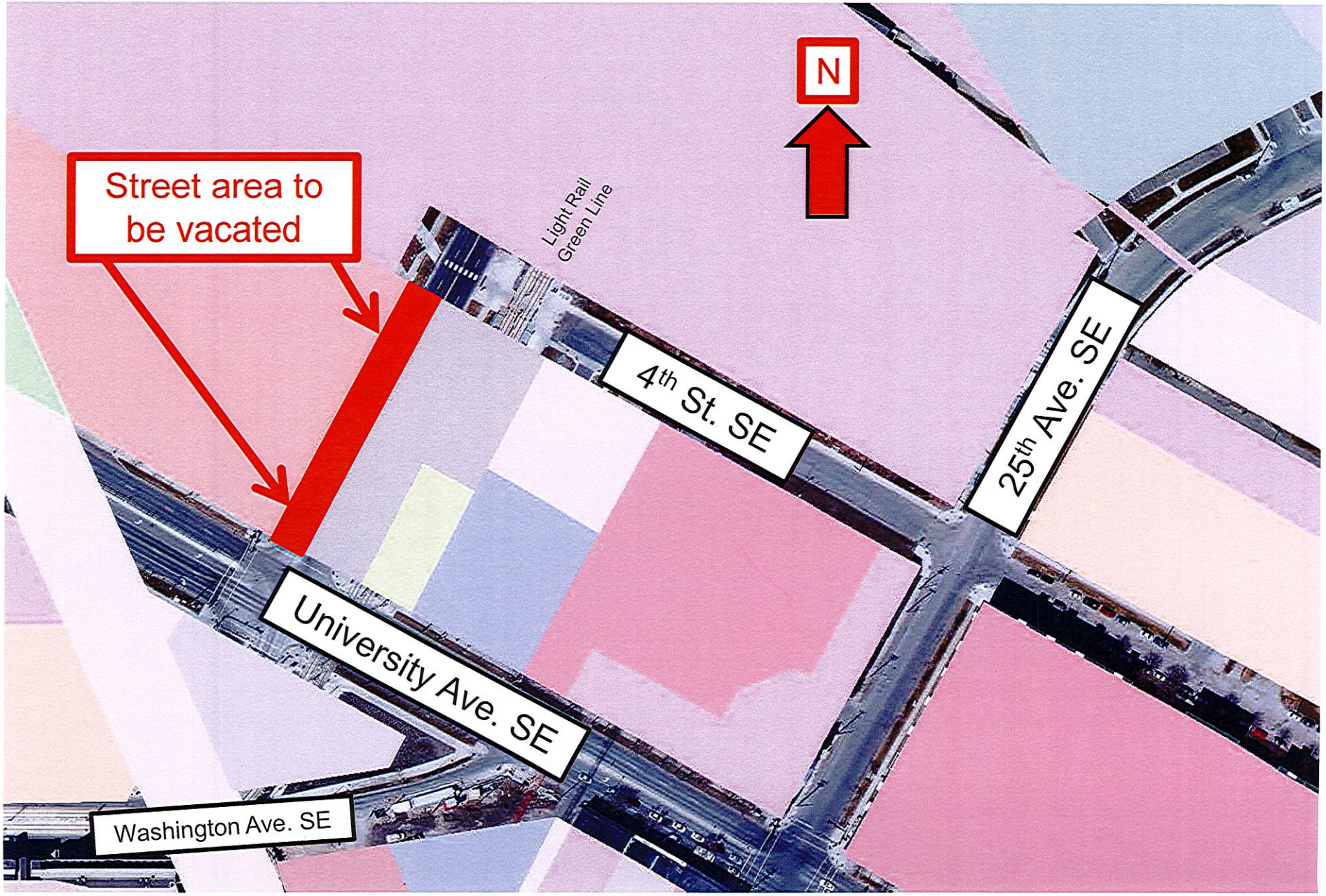
Name of Reviewing Agency_____

Approve petition ☐ Deny petition (provide explanation) ☐ Reserve Easements (provide description) ☐

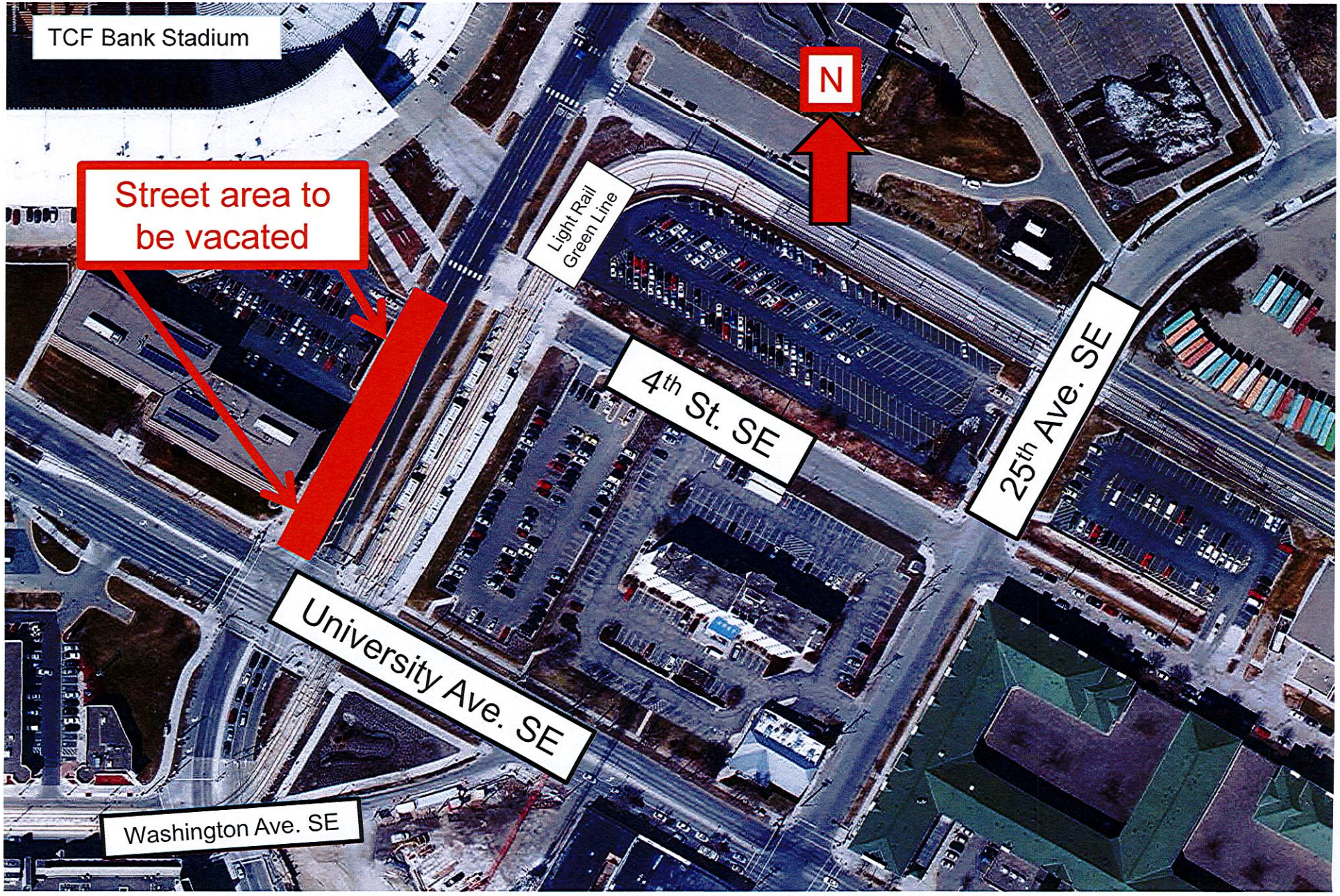
By:_____ Date_____

Comments:_____

Vacating a portion of 23rd Ave. SE



Vacating a portion of 23rd Ave. SE



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

April 19, 2016

Hilary Dvorak
CPED-Planning
250 4th St. So., Room 300
Minneapolis, MN 55415

RE: Vacating 23rd Ave. SE, lying between University Ave. SE and 4th St. SE (Vacation 1493)

Dear Ms. Dvorak:

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

This portion of 23rd Ave. SE is legally described as follows:

> *The southeasterly 41 feet of Lots 4 and 7, Block 16, Regents' Addition to Minneapolis, according to the plat and Deed Doc. No.2229567, thereof on file and of record, at the Register of Deeds Office, Hennepin County, Minnesota.*

Sincerely,

Don Elwood, Director
Transportation Engineering & Design

Cc: Dennis Morris

Call 311
Minneapolis
City Information
and Services

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

Dvorak, Hilary A.

From: Kusz, Lisa M.
Sent: Friday, February 05, 2016 1:37 PM
To: Dvorak, Hilary A.
Subject: FW: Vacation files for your review

FYI for your two most recent vacations.

From: Bachelder, John [mailto:john.bachelder@verizon.com]
Sent: Friday, February 05, 2016 1:22 PM
To: Kusz, Lisa M.
Subject: RE: Vacation files for your review

Lisa,
Verizon Business (MCI) has NO facilities at the project locations.

PLEASE DO NOT REPLY TO THIS MESSAGE. THIS E-MAIL DOES NOT ACCEPT MESSAGES.
PLEASE SEND INQUIRIES TO Investigations@verizon.com

Thanks,
John Bachelder

From: Boyers, Dean
Sent: Friday, February 05, 2016 1:15 PM
To: Bachelder, John
Subject: FW: Vacation files for your review

Dean Boyers
Global Transport Engineering & Implementation | **Verizon Enterprise Solutions**
Engr III Spec, Documentation
Tel: +1 972 729 6322
2400 N. Glenville, Richardson, TX, 75082, USA

From: Kusz, Lisa M. [mailto:Lisa.Kusz@minneapolismn.gov]
Sent: Friday, February 05, 2016 11:11 AM
Subject: Vacation files for your review

Hello!

I have attached two vacation files for your review and response.

Lisa

Lisa Kusz
Land Use, Preservation and Design
Development Services Division
Committee Clerk

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

Petitioner: University of Minnesota
Address: 424 Donhowe, 319 – 15th Av. SE, Mpls., MN 55455
Contact Person: Tom Yang, Assistant - Director of Real Estate
(612) 626-0565

Vacation File No.
1493
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Review and Comment

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Name of Reviewing Agency Center Point Energy

Approve petition ☐ Deny petition (provide explanation) ☑ Reserve Easements (provide description) ☐

By: Chuck Mayes Date 2/9/16

Comments: please see attached letter

CenterPoint. Energy

700 West Linden Avenue
PO Box 1165
Minneapolis, MN 55440-1165

February 9, 2016

Hilary Dvorak
Senior Planner
Minneapolis Department of Community Planning & Economic
250 S 4th St, Room 300
Minneapolis, MN 55415

RE: Vacation File No. 1493

Dear Ms. Dvorak

With reference to your above request, CenterPoint Energy has no natural gas mains within the Vacated area; CNP is crossing 23rd Avenue S.E. with a gas service line and knowing that has no objection to this proposal.

If you have any questions, please contact me at 612-321-5381.

Respectfully,
CENTERPOINT ENERGY

Chuck Mayers

Chuck Mayers
Right-of-Way Specialist
Engineering Services
charles.mayers@centerpointenergy.com
612-321-5381

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Review and Comment

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Name of Reviewing Agency COMCAST TOM NIEDZIELSKI

Approve petition ☐ Deny petition (provide explanation) ☐ Reserve Easements (provide description) ☐

By: [signature] Date 2-10-16

Comments:

Reply to Vacation Inquiry **FILE # 1493** The southeasterly 41 feet of Lots 4 and 7, Block 16, Regents Addition to Minneapolis	To: **Lisa Baldwin**	From: **Tom Niedzielski**
	City of Minneapolis Planning Commission	**Comcast**
	Phone # 612-673-5342	Phone # (651) 493-5407
	Fax # 612-673-2526	Fax # (651) 493- 5116

Description of public right-of way proposed to be vacated:
Please see attached Exhibit A - Map and Legal.

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 the 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 ☒ X
- 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: 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..

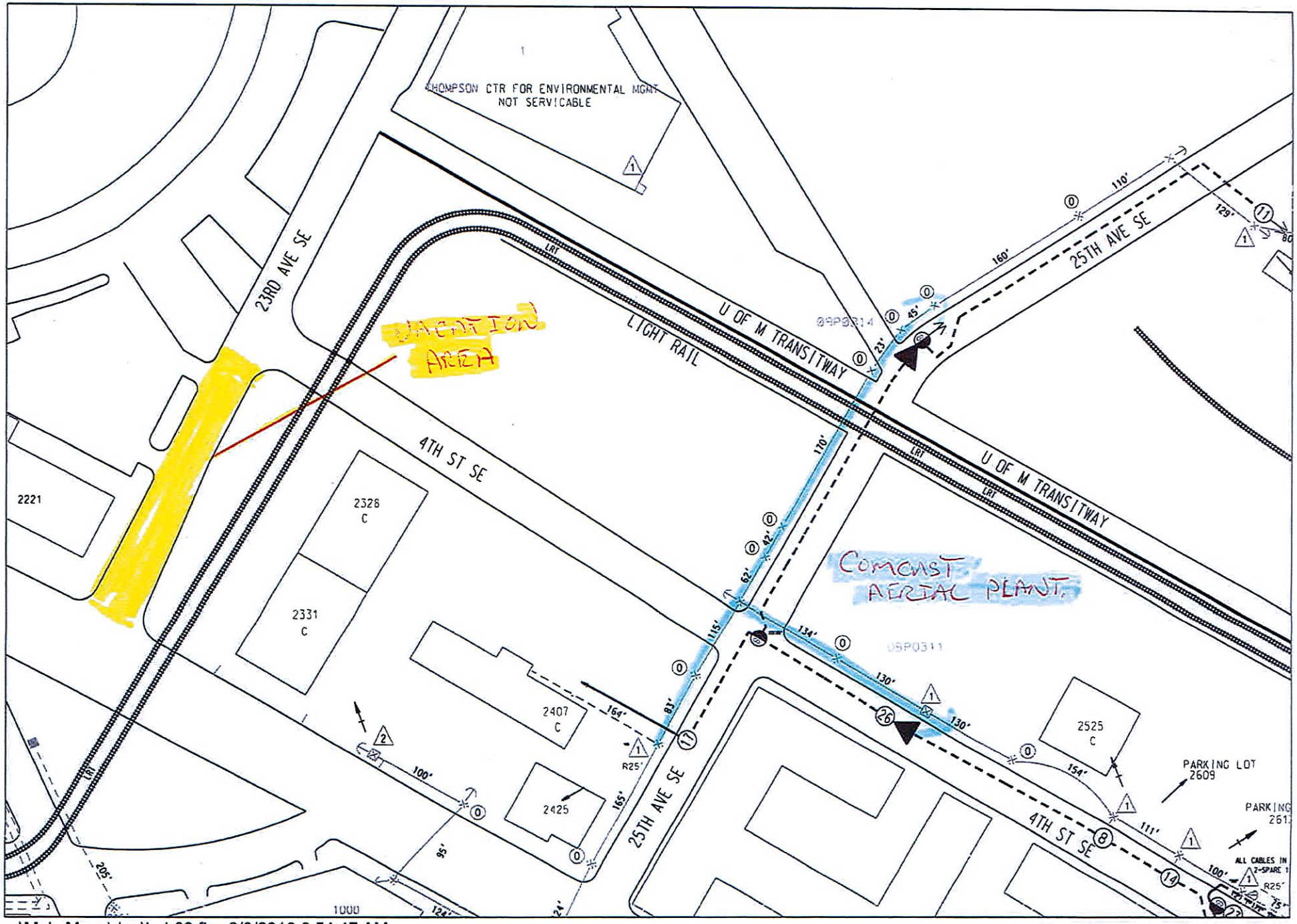
Duly authorized representative:

Duane Carlson / Construction Manager
Print Name / Title

Duane Carlson
Signature

Comcast
Company Name

2/9/16
Date



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Name of Reviewing Agency XCEL ENERGY

Approve petition ☐ Deny petition (provide explanation) ☐ Reserve Easements (provide description) ☒

By: SEAN LAWLER (612-330-1956) Date 2/26/16

Comments:

SEE ATTACHED SURVEY + LEGAL DISCRIPTION.

XCEL MAINTAINS UNDERGROUND ELECTRIC PRIMARY IN A OF THE VACATION AREA.

PLEASE PROVIDE RECORDED RESOLUTION WHEREIN EASEMENT RIGHTS ARE RESERVED.

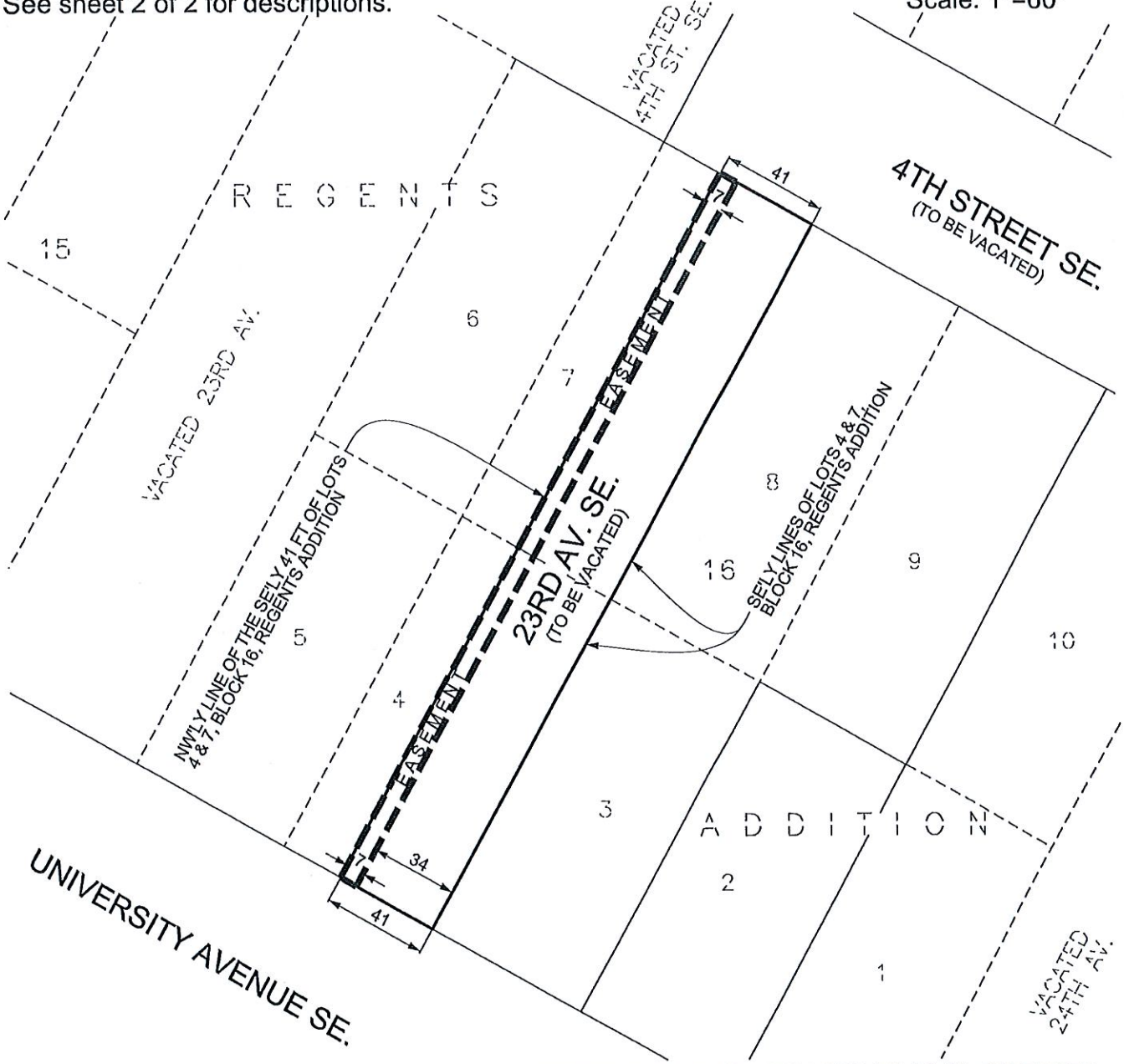
NORTHERN STATES POWER
MINNESOTA

EXHIBIT A SHEET 1 OF 2 SHEETS

Certificate of Survey
Location: City of Minneapolis, Hennepin County, Minnesota
Grantor: City of Minneapolis
See sheet 2 of 2 for descriptions.

N

Scale: 1"=60'



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MICHAEL E. CANNON LIC. NO. 40035

DATE 2-25-16

DIST:CHESTNUT
MPLS VACATION FILE:1493
SEC. 30, T.29N., R.23W., 4TH P.M.
CO.:HENNEPIN

NORTHERN STATES POWER
MINNESOTA

EXHIBIT A SHEET 2 OF 2 SHEETS

Certificate of Survey
Location: City of Minneapolis, Hennepin County, Minnesota
Grantor: City of Minneapolis

"Premises":

23rd Avenue S.E., as deeded to the City of Minneapolis, being the southeasterly 41 feet of Lots 4 and 7, Block 16, Regents Addition to Minneapolis, according to the plat and Deed Doc. No.2229567, thereof on file and of record, at the Register of Deeds Office, Hennepin County, Minnesota.

"Easement Area":

An easement over under and across the northwesterly 7.00 feet of the southeasterly 41.00 feet of Lots 4 and 7, Block 16, REGENT'S ADDITION which lies northeasterly of University Avenue.

Containing 0.05 acres, more or less.

DIST:CHESTNUT
MPLS VACATION FILE:1493
SEC. 30, T.29N., R.23W., 4TH P.M.
CO.:HENNEPIN