

LAND USE APPLICATION SUMMARY

Property Location: A portion of 4th Street Southeast, lying northwesterly of 25th Avenue 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 4th Street Southeast, lying northwesterly of 25th Avenue Southeast

Required Applications:

Vacation	Of the right-of-way of a portion of 4 th Street Southeast, lying northwesterly of 25 th Avenue Southeast.
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SITE DATA

Legal Description	That part of 4 th Street SE, as dedicated in Regents Addition, lying southeasterly of the northwesterly line of Lot 4, Block 10, extended, and northwesterly of 25 th Avenue SE.
Existing Zoning	OR2 High Density Office Residence District, C3A Commercial Activity Center District and I1 Light Industrial 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 a portion of 4th Street Southeast, lying northwesterly of 25th Avenue Southeast.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by the METRO Green Line, surface parking lots and a hotel. 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 and a hotel. The applicant has indicated that they intend to grant a permanent access easement to the owner of the hotel from 25th Avenue Southeast across 4th Street Southeast to the current curb cut and driveway off 4th Street Southeast to their parking lot.

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 4th Street Southeast, lying northwesterly of 25th Avenue Southeast.

The area to be vacated is legally described as follows:

- That part of 4th Street SE, as dedicated in Regents Addition, lying southeasterly of the northwesterly line of Lot 4, Block 10, extended, and northwesterly of 25th Avenue SE.

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 CenterPoint Energy and Xcel Energy have 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:

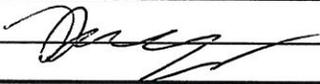
A. Vacation of a portion of 4th Street Southeast, lying northwesterly of 25th Avenue Southeast.

Recommended motion: **Deny** the vacation of the right-of-way of a portion of 4th Street Southeast, lying northwesterly of 25th Avenue 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, 319-15 th 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 public 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: 319 – 15th Av. SE., Mpls., MN 55455
Contact Person: Tom Yang (612) 626-0565

Vacation File No.
1494
Page 1 of 3

Description of Easement to be vacated: All that portion of 4th Street SE, located west of 25th Avenue SE., being 673 (+/-) feet in length.

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.

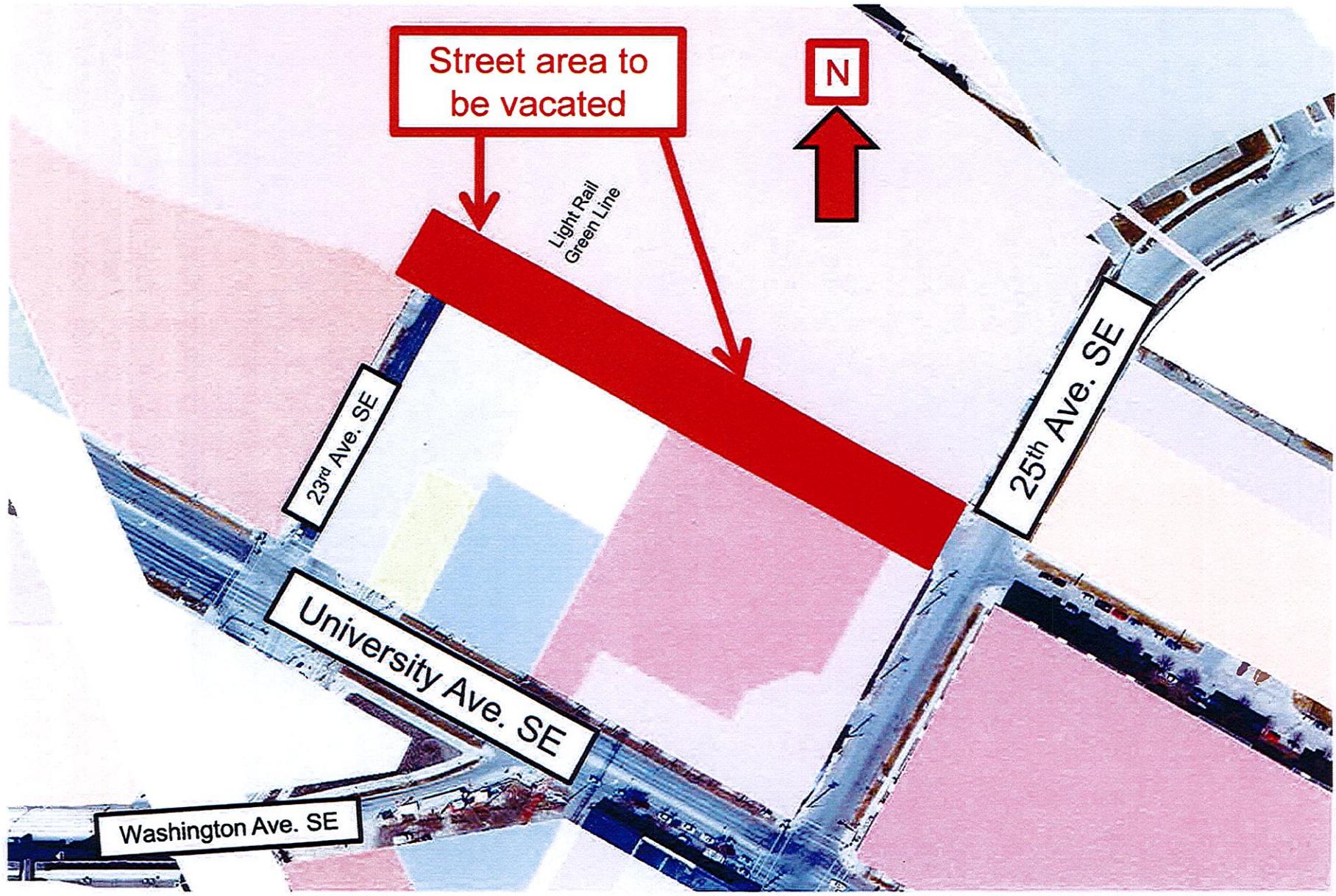
Name of Reviewing Agency _____

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

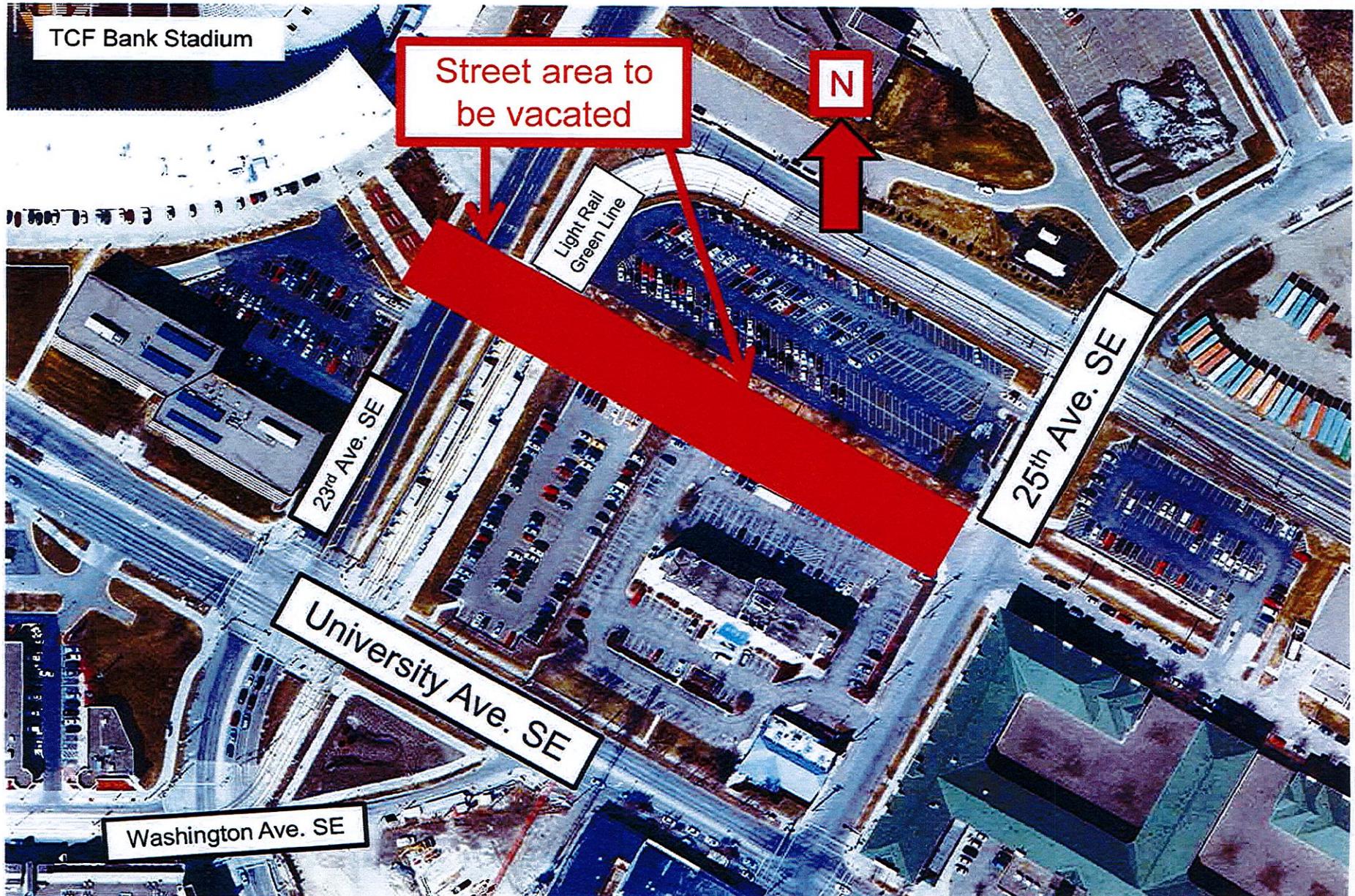
By: _____ Date _____

Comments: _____

Vacating a portion of 4th St. SE



Vacating a portion of 4th St. SE



April 19, 2016



**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

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

RE: Vacating 4th St. SE, lying northwesterly of 25th Ave. SE
(Vacation 1494)

Dear Ms. Dvorak:

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

This portion of 4th St. SE is legally described as follows:

That part of 4th Street SE, as dedicated in Regents Addition, lying southeasterly of the northwesterly line of Lot 4, Block 10, extended, and northwesterly of 25th Avenue SE.

Sincerely,

Don Elwood, Director
Transportation Engineering & Design

Cc: Dennis Morris



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: 319 – 15th Av. SE., Mpls., MN 55455
Contact Person: Tom Yang (612) 626-0565

Vacation File No.
1494
Page 1 of 3

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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

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

By: Chuck Mayer Date 2/9/16

Comments: please see attached letter



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

February 9, 2016

Hilary Dvorak
City Planning Department
350 South 5th Street, Room 210
Minneapolis, Minnesota 55415-1385

RE: Street Vacation number 1494

Dear Ms. Dvorak:

With reference to the proposed street vacation mentioned above, CenterPoint Energy does have an existing gas main in that portion of 4th Street South East proposed to be vacated.

Since this gas main is an important part of our distribution system in this area, we must object to this proposed vacation unless suitable easement rights are reserved to CenterPoint Energy, pursuant to MnSta 160.29 & MnRule 7819.3200.

Please reserve an easement to CenterPoint Energy, created by and within the document establishing the street vacation and filed with the Hennepin County Recorders office, over the following area of the proposed street vacation:

All that portion of 4th Street Southeast, located west of 25th Avenue SE being 673 feet in length.

Should construction require relocation of the gas main we may consider removing our objection should the petitioner wish to reimburse CenterPoint Energy the cost of relocating the existing gas main. Additionally, the petitioner must create any easements necessary for such relocation. Please inform the petitioner to contact Andrew Balgobin, Administrative Engineer at 612.321.5426 to discuss this and any other options that may be available.

Thank you for the advance notice and as always, please send me a copy of the "final action" map.

Respectfully,
CENTERPOINT ENERGY

A handwritten signature in blue ink that reads "Chuck Mayers".

Chuck Mayers SR/WA
Right-of-Specialist

pc: Andrew Balgobin, Administrative Engineer
Roger Schmitz, Supervisor
Kevin Fair, Foreperson advanced
Alla Denisova, Engineer

Reply to Vacation Inquiry FILE # 1494 All that portion of 4 th Street SE, located west of 25 th Avenue SE, being 673 (+/-) feet in length.	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
- 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

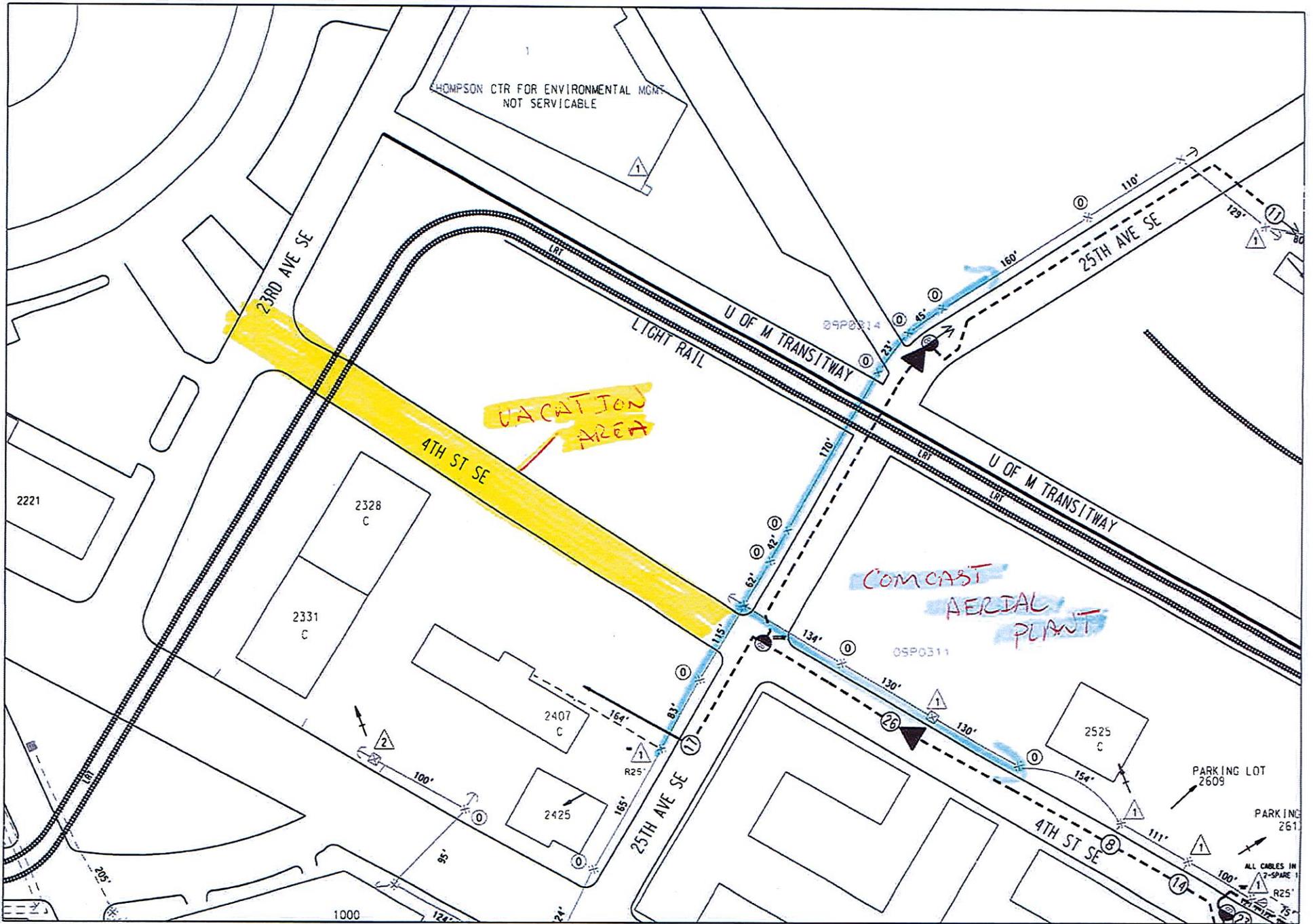
Duane Carlson
Signature

Comcast

Company Name

2-10-16

Date



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

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

Vacation File No.

1494

Page 1 of 3

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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

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 DESCRIPTION.

XCEL MAINTAINS A DUCTLINE & STREET LIGHT CIRCUIT IN THE VACATION AREA.

PLEASE PROVIDE RECORDED RESOLUTION WHEREIN EASEMENT RIGHTS ARE RESERVED.



NORTHERN STATES POWER
MINNESOTA

EXHIBIT A SHEET 1 OF 3 SHEETS



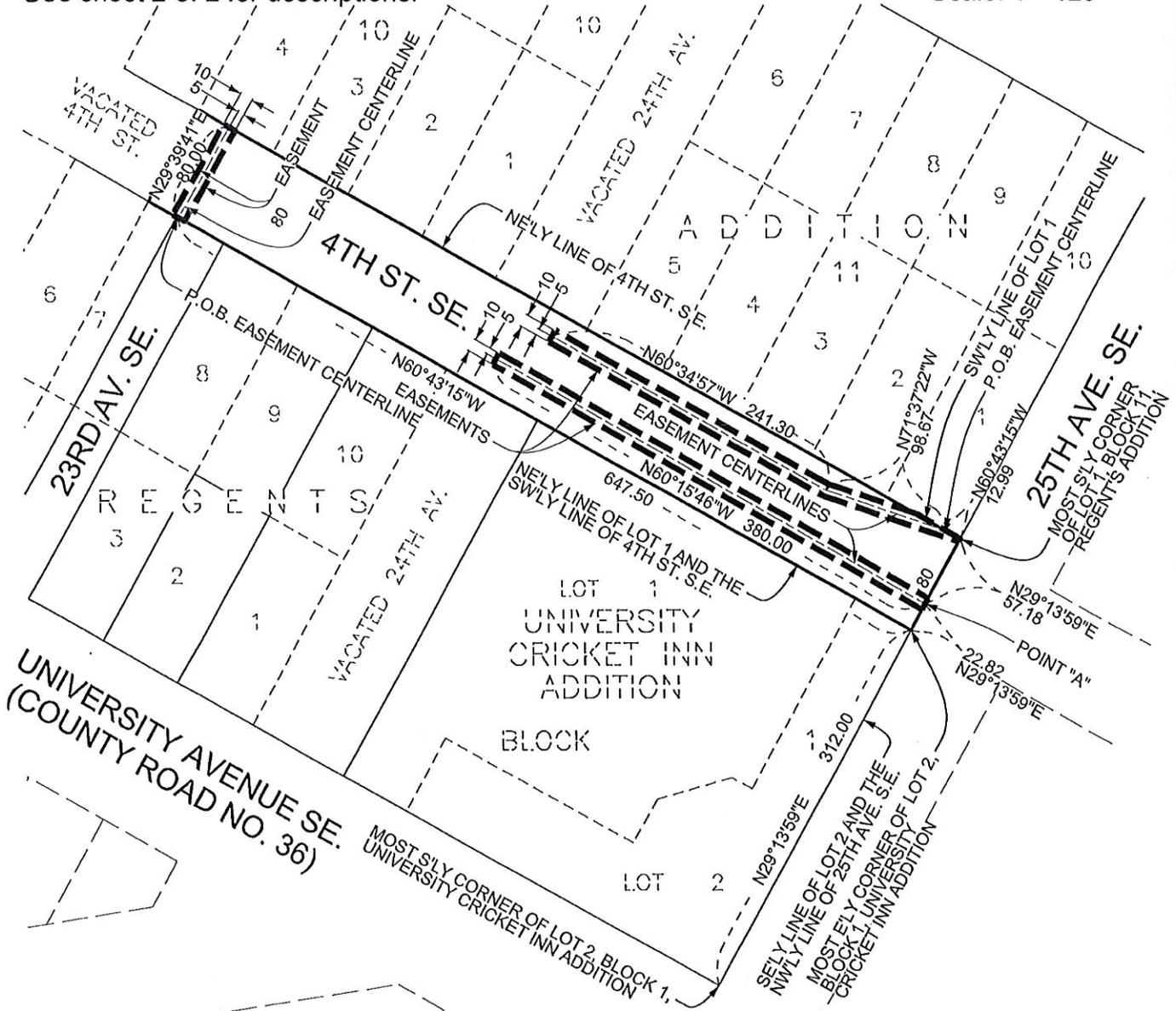
Scale: 1"=120'

Certificate of Survey

Location: City of Minneapolis, Hennepin County, Minnesota

Grantor: City of Minneapolis

See sheet 2 of 2 for descriptions.



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
MICHAEL E. CANNON

LIC. NO. 40035

DIST: CHESTNUT
MPLS VACATION FILE: 1494
SEC. 30, T.29N., R.23W., 4TH P.M.
CO.: HENNEPIN

DATE 2-25-16



NORTHERN STATES POWER
MINNESOTA

EXHIBIT A SHEET 2 OF 3 SHEETS

Certificate of Survey

Location: City of Minneapolis, Hennepin County, Minnesota

Grantor: City of Minneapolis

"Premises":

All that portion of 4th Street SE, located west of 25th Avenue SE, being 673(+/-) feet in length.

"Easement Area":

Three 10.00 foot wide easements over, under and across that part of the herein before described "Premises" which lies within 5.00 feet on each side of the following described centerlines:

Commencing at the most southerly corner of Lot 2, Block 1, UNIVERSITY CRICKET INN ADDITION; thence North 29 degrees 13 minutes 59 seconds East 312.00 feet along the southeasterly line of said Lot 2 to the most easterly corner of said Lot 2; thence continuing North 29 degrees 13 minutes 59 seconds East along the extension of the southeasterly line of said Lot 2 also being the northwesterly line of 25th Avenue S. E. 22.82 feet to a point herein after referred to as Point "A"; thence continuing North 29 degrees 13 minutes 59 seconds East along the extension of the southeasterly line of said Lot 2 57.18 feet to the most southerly corner of Lot 1, Block 11, REGENT'S ADDITION; thence North 60 degrees 43 minutes 15 seconds West 12.99 along the southeasterly line of said Lot 1 to the point of beginning of the centerline to be described; thence North 71 degrees 37 minutes 22 seconds West 98.67 feet; thence North 60 degrees 34 minutes 57 seconds West 241.30 feet and said centerline there terminating.

The side lines of said easement are intended to be prolonged or shortened to terminate on the northwesterly line of 25th Avenue S. E. and the southwesterly line of said Lot 1, Block 11.

Containing 0.08 acres, more or less.

Also:

Beginning at herein before described Point "A"; thence North 60 degrees 15 minutes 46 seconds West 380.00 feet and said centerline there terminating.

The side lines of said easement are intended to be prolonged or shortened to terminate on the northwesterly line of 25th Avenue S. E..

Containing 0.09 acres, more or less.

Continued on Sheet 3 of 3 Sheets

DIST:CHESTNUT
MPLS VACATION FILE:1494
SEC. 30, T.29N., R.23W., 4TH P.M.
CO.:HENNEPIN



NORTHERN STATES POWER
MINNESOTA

EXHIBIT A SHEET 3 OF 3 SHEETS

Certificate of Survey

Location: City of Minneapolis, Hennepin County, Minnesota

Grantor: City of Minneapolis

"Easement Area" continued from Sheet 2:

Also:

Commencing at the most easterly corner of Lot 2, Block 1, UNIVERSITY CRICKET INN ADDITION: thence North 60 degrees 43 minutes 15 seconds West 647.50 feet along the northeasterly line of said Lot 2 and it's extension, also being the southwesterly line of 4th Street S.E. to the point of beginning of the centerline to be described; thence North 29 degrees 39 minutes 41 seconds East 80.00 feet to the northeasterly line of 4th Street S. E. and said centerline there terminating.

The side lines of said easement are intended to be prolonged or shortened to terminate on the northwesterly and northeasterly lines of 4th Street S. E..

Containing 0.02 acres, more or less.

DIST:CHESTNUT
MPLS VACATION FILE:1494
SEC. 30, T.29N., R.23W., 4TH P.M.
CO.:HENNEPIN