



To: MAYOR & COUNCIL

Agenda Item #: IV. M.

From: Debra Mangen
City Clerk

Action

Discussion

Date: November 20, 2012

Information

Subject: Resolution No. 2012-157 Setting December 18, 2012 Hearing Date For
Consideration of Utility Easement for 6500 France Avenue and 4005 West 65th
Street

Action Requested:

Adopt Resolution No. 2012-157 calling the public hearing.

Information / Background:

Aurora Investments, LLC submitted an application requesting the vacation of public utility easements for the Edina Medical Plaza development to be built on the property at 6500 France Avenue and 4005 West 65th Street. The vacation of the easements will allow the developers to move the utilities to accommodate the new development. The Council can hold the public hearing for the vacation December 18, 2012.

Attachments:

Resolution No. 2012-157



RESOLUTION NO. 2012-157
CALLING FOR PUBLIC HEARING ON
VACATION OF EASEMENT FOR PUBLIC UTILITY PURPOSES

BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota as follows:

1. It is hereby found and determined after receipt of the petition of the owner of the land affected thereby that the following described easement for public right-of-way purposes should be considered for vacation, in accordance with the provision of Minnesota Statutes, Sections 412.851;

PROPOSED LEGAL DESCRIPTION OF public utility easement TO BE VACATED:

That part of the easement for sanitary sewer and water main purposes in favor of the City of Edina, as dedicated on the recorded plat of SOUTHDALE OFFICE PARK SECOND ADDITION, filed Nov. 24, 1959 per Document No. **612617** and SOUTHDALE OFFICE PARK, filed July 30, 1958 per Document No. **564707** lying within the following described property:

All of Lot 4 and the Easterly 56.44 feet of Lot 3, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

And,

Lot 3, Block 2, except the Easterly 56.44 feet thereof, SOUTHDALE OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

Being Torrens Property

All of that part of the easement for water main purposes in favor of the City of Edina, as created and filed per Document No. **514203** filed Oct. 30, 1956, and as shown on the recorded plat of SOUTHDALE OFFICE PARK SECOND ADDITION, filed Nov. 24, 1959 per Document No. **612617** and SOUTHDALE OFFICE PARK, filed July 30, 1958 per Document No. **564707** lying within the following described property:

All of Lot 4 and the Easterly 56.44 feet of Lot 3, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

And,

Lot 3, Block 2, except the Easterly 56.44 feet thereof, SOUTHDALE OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

Being Torrens Property

Said easement being described as a strip of land 18 feet in width running through the South One Half of the Northeast Quarter of Section 30, Township 28 North, Range 24 West, the centerline being described as follows:

Beginning at the southeast corner of said South One-Half of the Northeast Quarter; thence running North 00 degrees 25 minutes 30 seconds West, along the East line of the said South Half of the Northeast Quarter, 563.69 feet; thence running South 89 degrees 50 minutes West, 605.95 feet; thence running North 50 degrees 10 minutes West, 191.55 feet: thence running South 88 degrees 13 minutes 30 seconds West, 336.81 feet to the centerline of Valley View Road.

All of the water main easement as created and filed per Document No. **702413** filed Sep. 7, 1962, lying within Lot 3, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota, and said easement being described as follows:

An easement 18 feet in width over and across part of Lot 3, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION, the centerline of said easement being described as follows:

CITY OF EDINA

Beginning at a point in the West line of said Lot 3 distant 30 feet South from the centerline of the existing 18 foot Water Main Easement as recorded by Document No. 514203 and as shown on the recorded plat of said SOUTHDAL E OFFICE PARK SECOND ADDITION, thence running East parallel with said existing Water Main Easement a distance of 104 feet and there terminating.

All of the easement for sanitary sewer system purposes in favor of the City of Edina as created and filed June 26, 1974 per Document No. **1112031**, lying within Lot 4 and the Easterly 56.44 feet of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota, being described as follows:

That part of Lot 4 and the East 56.44 feet of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION lying South of the South line of the sanitary sewer easement as shown on the recorded plat of SOUTHDAL E OFFICE PARK SECOND ADDITION.

All of the easement for sanitary sewer purposes in favor of the City of Edina as created and filed per Document No. **1112375** filed July 1, 1974, lying within Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota, being described as follows:

The East 15 feet of that part of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, lying West of the East 56.44 feet thereof and lying South of the South line of the sanitary sewer easement as shown on the recorded plat of SOUTHDAL E OFFICE PARK SECOND ADDITION.

all according to the recorded plats thereof, Hennepin County, Minnesota.

2. This Council shall meet at the time and place specified in the form of notice included in paragraph 3 hereof for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.

3. The Clerk is authorized and directed to cause notice of the time, place and purpose of a said hearing to be published once a week for two weeks, in the Edina Sun-Current, being the official newspaper of the City, the first publication at least 14 days prior to the date of such hearing and to post such notice, at least 14 days prior to the date of such hearing, in at least three (3) public and conspicuous places within the City, as provided in Minnesota Statutes, Section 412.851. Such notice shall be in substantially the following form:

CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF UTILITY EASEMENTS
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on December 18, 2012 at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a scenic and open space easement to be vacated:

PROPOSED LEGAL DESCRIPTION OF utility easements TO BE VACATED:

That part of the easement for sanitary sewer and water main purposes in favor of the City of Edina, as dedicated on the recorded plat of SOUTHDAL E OFFICE PARK SECOND ADDITION, filed Nov. 24, 1959 per

Document No. **612617** and SOUTHDAL E OFFICE PARK, filed July 30, 1958 per Document No. **564707** lying within the following described property:

All of Lot 4 and the Easterly 56.44 feet of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

And,

Lot 3, Block 2, except the Easterly 56.44 feet thereof, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

Being Torrens Property

All of that part of the easement for water main purposes in favor of the City of Edina, as created and filed per Document No. **514203** filed Oct. 30, 1956, and as shown on the recorded plat of SOUTHDAL E OFFICE PARK SECOND ADDITION, filed Nov. 24, 1959 per Document No. **612617** and SOUTHDAL E OFFICE PARK, filed July 30, 1958 per Document No. **564707** lying within the following described property:

All of Lot 4 and the Easterly 56.44 feet of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

And,

Lot 3, Block 2, except the Easterly 56.44 feet thereof, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota.

Being Torrens Property

Said easement being described as a strip of land 18 feet in width running through the South One Half of the Northeast Quarter of Section 30, Township 28 North, Range 24 West, the centerline being described as follows:

Beginning at the southeast corner of said South One-Half of the Northeast Quarter; thence running North 00 degrees 25 minutes 30 seconds West, along the East line of the said South Half of the Northeast Quarter, 563.69 feet; thence running South 89 degrees 50 minutes West, 605.95 feet; thence running North 50 degrees 10 minutes West, 191.55 feet: thence running South 88 degrees 13 minutes 30 seconds West, 336.81 feet to the centerline of Valley View Road.

All of the water main easement as created and filed per Document No. **702413** filed Sep. 7, 1962, lying within Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota, and said easement being described as follows:

An easement 18 feet in width over and across part of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, the centerline of said easement being described as follows:

Beginning at a point in the West line of said Lot 3 distant 30 feet South from the centerline of the existing 18 foot Water Main Easement as recorded by Document No. 514203 and as shown on the recorded plat of said SOUTHDAL E OFFICE PARK SECOND ADDITION, thence running East parallel with said existing Water Main Easement a distance of 104 feet and there terminating.

All of the easement for sanitary sewer system purposes in favor of the City of Edina as created and filed June 26, 1974 per Document No. **1112031**, lying within Lot 4 and the Easterly 56.44 feet of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota, being described as follows:

That part of Lot 4 and the East 56.44 feet of Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION lying South of the South line of the sanitary sewereasement as shown on the recorded plat of SOUTHDAL E OFFICE PARK SECOND ADDITION.

All of the easement for sanitary sewer purposes in favor of the City of Edina as created and filed per Document No. **1112375** filed July 1, 1974, lying within Lot 3, Block 2, SOUTHDAL E OFFICE PARK SECOND ADDITION, Hennepin County, Minnesota, being described as follows:

The East 15 feet of that part of Lot 3, Block 2, SOUTHDALE OFFICE PARK SECOND ADDITION, lying West of the East 56.44 feet thereof and lying South of the South line of the sanitary sewer easement as shown on the recorded plat of SOUTHDALE OFFICE PARK SECOND ADDITION.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL
Debra Mangen, City Clerk

Dated: November 20 2012

Attest: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of November 20, 2012 and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 20__.

City Clerk