

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI. A.

From: Chad A. Millner, PE, Director of Engineering

Action

Discussion

Information

Date: December 16, 2014

Subject: Public Hearing – Vacation of Public Right-of-Way Easement 5320 Kelsey Terrace,
Resolution No. 2014-160

Action Requested:

Approve attached Resolution No. 2014-160.

Information / Background:

This request comes from property owner at 5320 Kelsey Terrace. The existing drainage and utility easement is 5-ft wide along the northeast property line. The applicant is requesting vacating the entire 5-ft easement to construct elements of a home addition.

The City has storm sewer, sanitary sewer, and watermain facilities in the area but not within the utility easement. Attached is a graphic showing the location of public utilities in the area. This vacation will not impact public utilities. This area is adjacent to an outlot that does have City utilities.

Staff contacted the private utilities requesting feedback. No objections to this drainage and utility easement vacation were documented.

Staff recommends City Council approve Resolution No. 2014-160.

Attachments:

Resolution No. 2014-160
Public Right Of Way Vacation Application with sketches
Notice of Public Hearing
Graphic of City Utilities

G:\PW\CENTRAL SVCS\ENGR DIV\ROW VACATION\5320 Kelsey Terr\Item VI.A. Consider Vacation of Public ROW.docx



**RESOLUTION NO. 2014-160
VACATING A 5 FT. DRAINAGE AND UTILITY EASEMENT**

WHEREAS, a petition was received on November 7, 2014, from the property owners of 5320 Kelsey Terrace requesting vacation of a 5 foot drainage and utility easement; and

WHEREAS, two weeks published and posted notice was given and the hearing was held on December 16, 2014, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the City Council has determined that the easement is not needed for public purposes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota:

1. That the following described right-of-ways are hereby vacated:

That 5 foot easement for drainage and utility purposes, over and across Lot 1, Block 2, PARKWOOD KNOLLS 14TH ADDITION, as dedicated on said plat of PARKWOOD KNOLLS 14TH ADDITION.

2. That the Mayor and the City Manager are authorized to execute all documents necessary, in the opinion of the City Attorney, to effect the transfer of this property.

Dated: December 16, 2014

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 December 16, 2014, and as recorded in the Minutes of said Regular Meeting.

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

City Clerk

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392



City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

4801 West 50th Street, Edina, Minnesota 55424-1394

Phone (952) 927-8861 TDD (952) 826-0379 Fax (952) 826-0390

PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant Paul & Jean Mooty Print Name

Address 5320 Kelsey Terrace, Edina, MN 55436 Street City/State Zip

Telephone No. 952-931-9998 Fax No. N/A

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 24-191:

- Street Alley Utility Easement Drainage Easement Other

Legal description of the area proposed to be vacated (Please note all legal descriptions shall be transmitted electronically in a Word documents to the City of Edina City Clerk: Dmangen@edinamn.gov):

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water?

- Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

- Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated. Include the vacation fee of \$450.00 with your application.

THE MINNESOTA DATA PRACTICES ACT requires that we inform you of your rights about the private data we are requesting on this form. Private data is available to you, but not to the public. We are requesting this data to determine your eligibility for a license from the City of Edina. Providing the data may disclose information that could cause your application to be denied. You are not legally required to provide the data, however, refusing to supply the data may cause your license to not be processed. Under MS 270.72, the City of Edina is required to provide the Minnesota Department of Revenue your MN Tax ID Number and Social Security Number. The Department of Revenue may supply information to the Internal Revenue Service. In addition, this data can be shared by Edina City Staff, Department of Public Safety, Hennepin County Auditor, Bureau of Criminal Apprehension, Hennepin County Warrant Office, Ramsey County Warrant Office and other persons or entities deemed necessary for verification of information submitted in the application. Your signature on this application indicates you understand these rights.

I request that my residence address and telephone number be considered private data. My alternative address and telephone number are as follows:

Address Telephone Number

Date Initiated 11/7/14 Signature [Signature]

04/21/2014

Account No. 1001.4391

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

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date **Dec. 1, 2014**, acting on behalf of said City, I deposited in the United States mail copies of the attached **Notice of Public Hearing on Vacation of Public Right-of-Way Easement (5320 Kelsey Terr)** (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B), attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date **15 days** prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

NAME

ADDRESS

WITNESS my hand and the seal of said City this 1st day of Dec, 20 14.

Debra O'May
Edina City Clerk



**NOTICE OF PUBLIC HEARING ON
VACATION OF PUBLIC RIGHT-OF-WAY EASEMENT
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will hold a public hearing on Tuesday, December 16, 2014 at 7:00 p.m. in the Council Chambers at 4801 West 50th Street to consider the requested vacation of the following public right-of-way easement:

PROPOSED DESCRIPTION

That easement for drainage and utility purposes, over and across Lot 1, Block 2, PARKWOOD KNOLLS 14TH ADDITION, as dedicated on said plat of PARKWOOD KNOLLS 14TH ADDITION. (Open space next to 5320 Kelsey Terrace.)

All persons who desire to be heard with respect to the question of whether or not the above proposed 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 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: December 1, 2014

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392

Arthur V Basham & Teresa Basham
6653 Parkwood Rd
Edina, MN 55436

Robert H Strand & Mary L Strand
6649 Parkwood Rd
Edina, MN 55436

Richard L Marcantonio & Carol J Marcantonio
6517 Willow Wood Rd
Edina, MN 55436

Debra E Kavanaugh & John D Kavanaugh
6658 Parkwood Rd
Edina, MN 55436

Scott D Mcleod & Judith E Mcleod
6512 Willow Wood Rd
Edina, MN 55436

Yogendra Dandker
5305 Kelsey Ter
Edina, MN 55436

Clifford I Anderson & Nancy C Anderson
5300 Kelsey Ter
Edina, MN 55424

Clifford I Anderson & Nancy C Anderson
5300 Kelsey Ter
Edina, MN 55436

City Utilities

