

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI. B.

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

Action

Date: December 16, 2014

Discussion

Information

Subject: Public Hearing – Vacation of Public Right-of-Way Countryside Elementary School,
5701 Benton Avenue, Resolution No. 2014-161

Action Requested:

Approve attached Resolution No. 2014-161.

Information / Background:

This request comes from Countryside Elementary and Edina Public Schools. The existing utility easement is 5-ft wide. The applicant is requesting vacating the easement so an additional can be completed on the building.

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.

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

Staff recommends City Council approve Resolution No. 2014-161.

Attachments:

Resolution No. 2014-161
Public Right Of Way Vacation Application with sketches
Notice of Public Hearing
Graphic of City Utilities

G:\PW\CENTRAL SVCS\ENG DIV\ROW VACATION\5701 Benton Ave (Countryside Elem)\Item xx. x Consider Vacation of Public ROW.docx



**RESOLUTION NO. 2014-161
VACATING A 5 FT. UTILITY EASEMENT**

WHEREAS, a petition was received on October 29, 2014, from Wold Architects on behalf of Countryside Elementary School, 5701 Benton Avenue, requesting vacation of a 5 foot 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:

The utility easement along the southerly 5.00 feet of Lots 1, 2, 3, 4 and 5, Block 2, BROADMORE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, dedicated in said plat of BROADMORE ADDITION.

This vacation does not intend to vacate any portion of the Easement for Roadway/Utility Purposes recorded as Doc. No. 3211764 lying within the easterly 10.00 feet of said Lot 1.

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



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 COUNTRYSIDE ELEM, EDINA PUBLIC SCHOOLS
Print Name
Address 5701 BENTON AVE. SOUTH, EDINA, MN 55436
Street City/State Zip
Telephone No. 612.247.5683 Fax No. ERIC HAMILTON DIR. OF BUILDING

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*):

SEE ATTACHED

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

10/29/14

Signature

Nick Moracci

04/21/2014

Account No. 1001.4391

World Arch. & Eng.

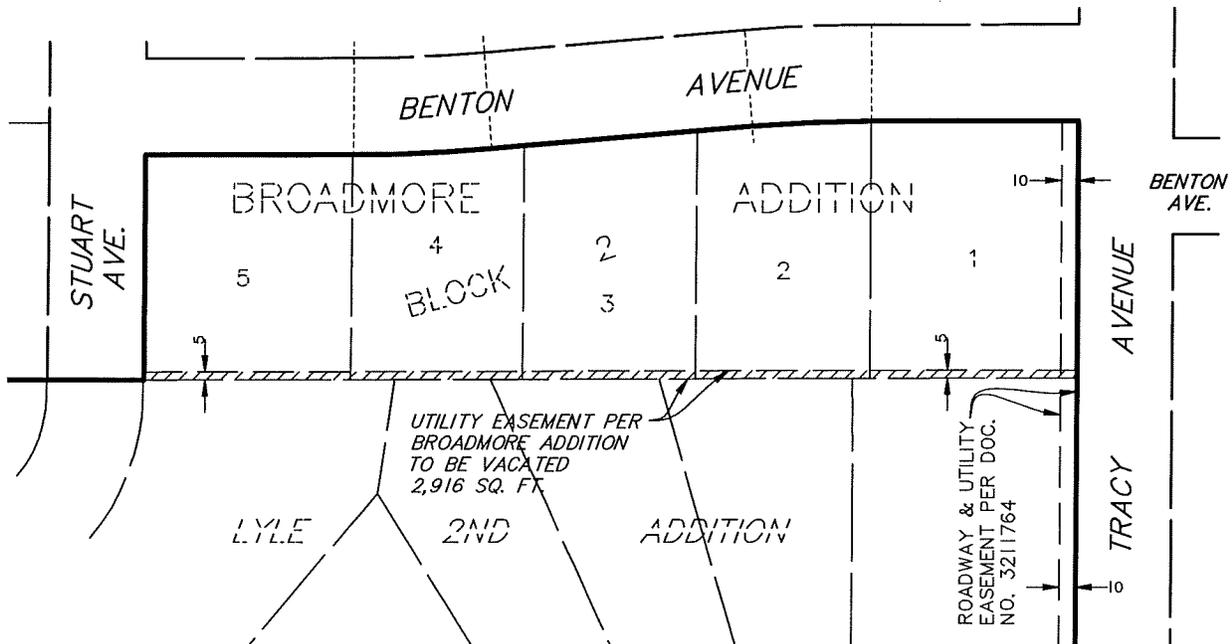
651.227.7773

*Easement Vacation Sketch For:
WOLD ARCHITECTS
Countryside Elementary School*

PROPOSED EASEMENT VACATION DESCRIPTION

The utility easement along the southerly 5.00 feet of Lots 1, 2, 3, 4 and 5, Block 2, BROADMORE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, dedicated in said plat of BROADMORE ADDITION.

This vacation does not intend to vacate any portion of the Easement For Roadway / Utility Purposes recorded as Doc. No. 3211764 lying within the easterly 10.00 feet of said Lot 1.



SCALE: 1 inch = 100 Feet

I hereby certify that this sketch, 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.

Dated this 27th day of October, 2014

SUNDE LAND SURVEYING, LLC.

By: *Leonard F. Carlson*
Leonard F. Carlson, P.L.S. Minn. Lic. No. 44890

2008-228-B 729/24 T.117 R.21 S.32
SMT 2008228B001.dwg

SUNDE
LAND SURVEYING
www.sunde.com

Main Office:
9001 East Bloomington Freeway (35W) • Suite 118
Bloomington, Minnesota 55420-3435
952-881-2455 (Fax: 952-888-9526)
North Office:
Brooklyn Park, Minn. 763-784-9346

PROPOSED EASEMENT VACATION DESCRIPTION

The utility easement along the southerly 5.00 feet of Lots 1, 2, 3, 4 and 5, Block 2, BROADMORE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, dedicated in said plat of BROADMORE ADDITION.

This vacation does not intend to vacate any portion of the Easement For Roadway / Utility Purposes recorded as Doc. No. 3211764 lying within the easterly 10.00 feet of said Lot 1.



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

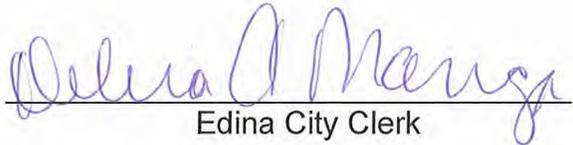
CERTIFICATE OF MAILING NOTICE

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 (Countryside Elementary School, 5701 Benton Ave)** (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, 2014.


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

The utility easement along the southerly 5.00 feet of Lots 1, 2, 3, 4 and 5, Block 2, BROADMORE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, dedicated in said plat of BROADMORE ADDITION.

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

Easy Peel® Labels
Use Avery® Template 5160®

▲
Feed Paper

Bend along line to
expose Pop-up Edge™



AVERY® 5960™

Siavash Shafizadeh & Mitra Sabetmeghaddan
5712 Benton Ave
Edina, MN 55436

Xinying Yu & Xuemin Yang
1037 Cassia Way
Sun Vale, CA 94086

Robert C Bredt & Mary H Bredt
5704 Benton Ave
Edina, MN 55436

Steven J Enck
5700 Benton Ave
Edina, MN 55436

Leffert G Tigelaar & Barbara A Kyle
5816 Stuart Ave
Edina, MN 55436

Junius Ho
5716 Benton Ave
Edina, MN 55436

R Daniel Rasmus & Kari Fedji-Rasmus
5812 Stuart Ave
Edina, MN 55436

Wendy Glenna & Lester Glenna
5714 Benton Ave
Edina, MN 55436

Étiquettes faciles à peler
Utilisez le gabarit AVERY® 5160®

▲
Sens de
chargement

Repliez à la hachure afin de
révéler le rebord Pop-up™

www.avery.com
1-800-GO-AVERY

City Utilities

