

# Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: 8/9/2012

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

**Subject:** Correction of underlying alley vacation resolution 2012R-207 (Vac-1582)

**Recommendation:** The legal description prepared for the vacation of part of Lagoon Avenue (Vacation 1582) did not include the underlying portion of the alley remnant created from the opening of Lagoon Avenue in 1975. The underlying 12-foot alley easement was dedicated in Blocks 23 and 26 of Windom's Addition in 1881. Those two blocks are contiguous and are bounded by 29<sup>th</sup> St. W., Lake St. W., Fremont Ave. S. and Girard Ave. S.

Parts of the dedicated alley have been vacated in past Council Actions. The portion of the dedicated alley from Lake St. W. to Lagoon Ave. was vacated in Resolution 88R-106 (Vacation 1003). The portion of the dedication alley from Lagoon Ave. to 29<sup>th</sup> St. W. was vacated in Resolution 84R-125 (Vacation 854).

A proposed development at the southeast corner of the intersection of Lagoon Ave. and Girard Ave. includes the creation of a Registered Land Survey (RLS). The review of the RLS points out that the underlying fee ownership of a portion of the property belongs to the abutting land owner, and the interest belonging to the City of Minneapolis consists of a street easement for Lagoon Ave. and the alley easement dedicated in the plat of Windom's Addition. A portion of the street easement was vacated in Resolution 2012R-207 (Vacation 1582), and the alley easement should have been vacated at the same time, but was not. The currently requested Council Action is to address that issue.

**Previous Directives:** The street vacation was originally approved by Council on April 13, 2012.

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Approved by: Hilary Dvorak, Interim Planning Manager

Presenter in Committee: Robert Boblett, Real Estate Investigator I, Right of Way Section, Transportation Planning and Engineering Division, Public Works Department

## Financial Impact

- No financial impact

## Community Impact

- City Goals: The vacation is in conformance with City Goals.
- Comprehensive Plan: The vacation is in conformance with the Comprehensive Plan.
- Zoning Code: The vacation is in conformance with the Zoning Code.

**Supporting Information:**

Schiff

**Correcting the legal description for Resolution 2012R-207:** Vacating 22 feet of the south side of Lagoon Avenue located between Fremont Avenue South and Girard Avenue South (Vacation File No. 1582).

**Resolved by The City Council of The City of Minneapolis:**

That the above referenced Resolution 2012R-207 be corrected to add the following:

That part of the alley dedicated in Windom's Addition to Minneapolis, according to the recorded plat thereof on file, Hennepin County, Minnesota, lying south of a line from the southeast corner of Lot 8, Block 23, to the southwest corner of Lot 5, Block 23, and north of a line from the northeast corner of Lot 11, Block 26, to the northeast corner of Lot 2, Block 26, all in Windom's Addition to Minneapolis

is hereby vacated.