



## Request for City Council Committee Action from the Department of Public Works

**Date:** April 18, 2013

**To:** Gary Schiff, Chairman, Zoning & Planning Committee

**Subject:** Corrective Alley Vacation Resolution re: Vacation 1540 (2008R-267)

**Recommendation:** Approve a resolution correcting the legal description vacating a part of the alley on the block bound by Lyndale Avenue South, 29<sup>th</sup> Street West, Lake Street West and Aldrich Avenue South (2008R-267). Direct Public Works staff to record corrected documents.

**Previous Directives:** The alley vacation was originally approved by the City Council on June 20, 2008.

### Department Information

Prepared by: Robert Boblett, Real Estate Investigator I, 673-2428 Approved by: Dennis Morris, Right of Way Supervisor, 673-3607 Presenters in Committee: Robert Boblett
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### Reviews

- None

### Financial Impact *(delete all lines not applicable to your request)*

- 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**

Lynlake Development Partners, LLC (now Lyndale Development Partners, LLC) originally applied for the vacation of a part of the alley on the block bound by Lyndale Avenue South, 29<sup>th</sup> Street West, Lake Street West and Aldrich Avenue South (Vacation File No. 1540). Resolution 2008R-267 vacating a part of that alley was adopted on June 20, 2008, and recorded on September 17, 2008, as Document No. 9184065 ("the Resolution"). The legal description contained in the Resolution was vague and created confusion as to the southern boundary of the vacated portion of the alley. The problem with the vacation legal description was identified by the Hennepin County Examiner of Titles Office when Lyndale Development Partners, LLC sought to have its property surrounding the vacated alley registered as Torrens property. The new legal description clarifies the location of the southern boundary of the vacated portion of the alley and meets with the approval of the Hennepin County Examiner of Titles Office. Staff recommends that the following resolution correcting the legal description be approved.

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

That the legal description in paragraph three on page one of Resolution 2008R-267 which reads:

"All that part of the north-south alley lying south of 29<sup>th</sup> Street West and running parallel to and between Lyndale Avenue South and Aldrich Avenue South, and lying north of a line extended west from the south line of Lot 3, Auditor' Subdivision no. 187 to the south line of Lot 10, Block 17, Windom's Addition to Minneapolis, and below the elevation of 874.33 feet and above the elevation of 894.5 feet all based on Vertical Data Information Datum: NGVD29." All according to the plats of record at the Hennepin County Recorders office (Minneapolis, MN) and, plans submitted by Lynlake Development Partners, LLC.

Shall be corrected to read as follows:

"That part of the east half of the alley in Block 17, Windom's Addition to Minneapolis, lying north of the westerly extension of the south line of Lot 3, Auditor's Subdivision No. 187, below the elevation of 874.33 feet and above the elevation of 894.5 feet, all based on NGVD29; and

That part of the west half of the alley in Block 17, Windom's Addition to Minneapolis, lying north of the easterly extension of the south line of Lot 10, said Block, below the elevation of 874.33 feet and above the elevation of 894.5 feet, all based on NGVD29.

All according to the plats of record at the Hennepin County Recorder's office (Minneapolis, MN), and plans submitted by Lynlake Development Partners, LLC."