



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

**Date:** March 20, 2014

**To:** Council Member Lisa Bender, Chair of Zoning & Planning Committee

**Referral to:** Zoning & Planning Committee

**Subject:** Correction of a vacation resolution pertaining to sidewalk easements, 2013R-128 (Vac-1608)

**Recommendation:** The legal description prepared by CPED for Vac-1608 (vacating two sidewalk easements) included easement language for Centurylink in the resolution passed by the City Council on March 29, 2013. This easement language was applicable to a third sidewalk easement area that was originally requested but not approved. Staff recommends that the attached corrected resolution be approved to remove the easement language for Centurylink.

**Previous Directives:** The vacation for sidewalk easements was originally approved by Council on March 29, 2013.

Prepared by: Becca Farrar-Hughes, Senior Planner, 612.673.3594 Approved by: Jason Wittenberg, Planning Manager, 612.673.2297 Presenters in Committee: Becca Farrar-Hughes, Senior Planner, 612.673.3594
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### Financial Impact

- No financial impact

### Community Impact

- Neighborhood Notification: The City of Minneapolis notified the West Bank Community Coalition as required on February 1, 2013.
- 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

**Bender**

**Correcting the legal description for Resolution 2013R-128: Vacating two sidewalk easements in the Cedar-Riverside area. Easements are as described in Easement Deed Document 4059543, 1097179, and 4063712, Exhibit A, Easements II and III (Vacation File No. 1608).**

Resolved by The City Council of The City of Minneapolis:

That all parts of the sidewalk easements as described as follows:

Easement 2 (sidewalk from 6<sup>th</sup> Street toward the SW wall of Riverside Plaza's Ramp): that part of Lot 4, Block 11, Atwater's Addition to the Town of Minneapolis, described as follows: Beginning at a point in the Southwesterly line of said Block 11, a distance 180.5 feet Southeasterly of the most Westerly corner of said Block 11; thence Southeasterly along said Southwesterly line 5 feet; thence at a right angle Northeasterly 113.5 feet; thence at a right angle Northwesterly 5 feet; thence at a right angle Southwesterly 113.5 feet to the point of beginning;

Easement 3 (sidewalk continuing from Easement 2 up to the SW wall of Riverside Plaza's Ramp): that part of Lots 4 and 9, Block 11, Atwater's Addition to the Town of Minneapolis, described as follows: Commencing at the most Westerly corner of said Block 11; thence Southeasterly along the Southwesterly line of said Block 11, a distance of 175.5 feet; thence at a right angle Northeasterly 113.5 feet to the actual point of beginning of tract of land to be described; thence continuing Northeasterly along an extension of last described course 71 feet; thence at a right angle Southeasterly 23 feet; thence at a right angle Southwesterly 71 feet; thence at a right angle Northwesterly 23 feet to the actual point of beginning, Hennepin County, Minnesota, is hereby vacated. ~~except that such vacation shall not affect the existing easement right and authority of Centurylink, their successors and assigns, to enter upon that portion of the aforescribed sidewalk easement, which is described in regard to said corporations as follows, to wit:~~

~~**As to Centurylink:** An easement of the entire described area to be vacated.~~

~~to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said utility easement upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.~~