



## MEMORANDUM

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**TO:** City Planning Commission  
**FROM:** [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
**DATE:** April 23, 2014  
**SUBJECT:** Vac-1630 La Rive Condominium (agenda item #1)

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Since the writing of the staff report, Xcel Energy has provided clarification that they do not have any facilities located within the area of the utility easement to be vacated. Therefore, the CPED recommendation and draft resolution are amended as follows:

**Recommendation of the Department of Community Planning and Economic Development for the Vacation:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the vacation of part of the utility easement located at 110 Bank Street.

Bender

**Vacating part of a utility easement for the property located at 110 Bank St  
(Vacation File No. 1630).**

Resolved by The City Council of The City of Minneapolis:

That part of the UTILITY EASEMENT located upon Lot 1, Block 1, EXPOSITION HALL ADDITION, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying Southeasterly of the following described Line "A":

Commencing at the most Easterly corner of said Lot 1; thence North 13 degrees 23 minutes 57 seconds West, assumed bearing, along the dividing line between said Lot 1 and Lot 2, said Block 1, a distance of 68.57 feet; thence North 42 degrees 12 minutes 04 seconds West, along the dividing line between said Lot 1 and Lot 3, said Block 1, a distance of 12.00 feet to the Point of Beginning of said Line "A"; thence at right angles Southwesterly a distance of 13.10 feet, and there terminating.

is hereby vacated.



# CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #1  
 April 23, 2014  
 Vac-1630

## LAND USE APPLICATION SUMMARY

**Property Location:** 110 Bank Street  
**Project Name:** La Rive Condominium—Ground Level Mechanical Equipment Addition  
**Prepared By:** [Janelle Widmeier](#), Senior City Planner, (612) 673-3156  
**Applicant:** La Rive Condominium Association  
**Project Contact:** Carol Lansing, Faegre Baker Daniels LLP  
**Request:** To vacate part of a utility easement at the property of 110 Bank Street to allow ground level mechanical equipment additions.

**Required Applications:**

<b>Vacation</b>	Of part of a utility easement.
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## SITE DATA

<b>Legal Description</b>	That part of the UTILITY EASEMENT located upon Lot 1, Block 1, EXPOSITION HALL ADDITION, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying Southeasterly of the following described Line "A":  Commencing at the most Easterly corner of said Lot 1; thence North 13 degrees 23 minutes 57 seconds West, assumed bearing, along the dividing line between said Lot 1 and Lot 2, said Block 1, a distance of 68.57 feet; thence North 42 degrees 12 minutes 04 seconds West, along the dividing line between said Lot 1 and Lot 3, said Block 1, a distance of 12.00 feet to the Point of Beginning of said Line "A"; thence at right angles Southwesterly a distance of 13.10 feet, and there terminating.
<b>Existing Zoning</b>	C3A Community Activity Center District PO Pedestrian Oriented Overlay District SH Shoreland Overlay District MR Mississippi River Critical Area Overlay District
<b>Lot Area</b>	Not applicable
<b>Ward(s)</b>	3
<b>Neighborhood(s)</b>	Nicollet Island—East Bank Neighborhood Association
<b>Designated Future Land Use</b>	Mixed Use
<b>Land Use Features</b>	Activity Center (East Hennepin)
<b>Small Area Plan(s)</b>	Not applicable

<b>Date Application Deemed Complete</b>	Not applicable	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	Not applicable	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**PROJECT DESCRIPTION.** The La Rive Condominium building is a 26-story residential tower that was constructed in the 1980's. It was part of the larger Riverside development, which includes the Pinnacle condominium building located at the property of 20 2<sup>nd</sup> Street Northeast. The heating and cooling operations of these two buildings are currently combined and located on the Pinnacle property. The agreement for the shared heating and cooling generation expires at the end of 2014. La Rive has received no indication that the agreement will be extended and is therefore planning to install its own heating and cooling equipment. The cooling equipment (a cooling tower and noise attenuator) are proposed to be located on the ground level at the north side of the building. The proposed location partly overlaps a utility easement. The easement needs to be vacated and utilities relocated in order to allow the proposed location. The part of the easement that is requested to be vacated is only within the property of 110 Bank Street.

**RELATED APPROVALS.** The property is located in the Saint Anthony Falls Historic District. On January 7, 2014, the Heritage Preservation Commission approved a certificate of appropriateness application to allow the proposed cooling equipment additions (BZH-28023).

## ANALYSIS

### VACATION

**RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS.** A water line that serves a fire hydrant and an underground electric cable are located within the area to be vacated. At the time this report was written, these facilities had not been relocated. An easement was requested by Xcel Energy for their facilities. The Department of Public Works Water Division is waiting for realignment plans from the applicant and an agreement to pay for the relocation, but the Department of Public Works has reviewed the vacation petition and recommends approval of the vacation provided these requirements are met.

**FINDINGS.** The proposed equipment will encroach on the requested easement. The applicant will need to work with Xcel Energy to have the easement released before permits are issued and the equipment is installed. Provided the applicant provides a plan to relocate the water line and agrees to pay for its relocation, the Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that they can be vacated if any easements requested above are granted by the petitioner. Although the application has been scheduled for a public hearing, the vacation will not proceed to the City Council until the necessary details have been addressed.

## RECOMMENDATIONS

### **Recommendation of the Department of Community Planning and Economic Development for the Vacation:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the vacation of part of the utility easement located at 110 Bank Street, subject to the retention of easements by Xcel Energy.

## ATTACHMENTS

1. Draft resolution
2. Department of Public Works letter
3. Maps of the area to be vacated
4. Site plans
5. Photos

Bender

**Vacating part of a utility easement for the property located at 110 Bank St (Vacation File No. 1630).**

Resolved by The City Council of The City of Minneapolis:

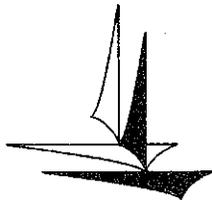
That part of the UTILITY EASEMENT located upon Lot 1, Block 1, EXPOSITION HALL ADDITION, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying Southeasterly of the following described Line "A":

Commencing at the most Easterly corner of said Lot 1; thence North 13 degrees 23 minutes 57 seconds West, assumed bearing, along the dividing line between said Lot 1 and Lot 2, said Block 1, a distance of 68.57 feet; thence North 42 degrees 12 minutes 04 seconds West, along the dividing line between said Lot 1 and Lot 3, said Block 1, a distance of 12.00 feet to the Point of Beginning of said Line "A"; thence at right angles Southwesterly a distance of 13.10 feet, and there terminating.

is hereby vacated except that such vacation shall not affect the existing easement rights and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed utility easement which is described in regard to each of said corporation(s) as follows, to wit:

**As to Xcel Energy:** An easement over all of the areas 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 easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.



**Minneapolis**  
City of Lakes

**Department of  
Public Works**

Steven A Kotke, P.E.  
City Engineer  
Director

350 South 5th Street – Room 203  
Minneapolis MN 55415

Office 612 673-3000  
Fax 612 673-3565  
TTY 612 673-2157

March 20, 2014

Janelle Widmeier  
CPED-Planning  
250 4<sup>th</sup> St. So., Room 100  
Minneapolis, MN 55415

**RE: Vacating part of a utility easement in Lot 1, Block 1, Exposition Hall  
Addition to Minneapolis, (Vacation 1630)**

Dear Ms. Widmeier:

Public Works staff has reviewed this vacation petition and recommends Approval of said petition.

The area to be vacated is legally described as follows:

*That part of the UTILITY EASEMENT located upon Lot 1, Block 1, EXPOSITION HALL ADDITION, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying Southeasterly of the following described Line "A":*

*Commencing at the most Easterly corner of said Lot 1; thence North 13 degrees 23 minutes 57 seconds West, assumed bearing, along the dividing line between said Lot 1 and Lot 2, said Block 1, a distance of 68.57 feet; thence North 42 degrees 12 minutes 04 seconds West, along the dividing line between said Lot 1 and Lot 3, said Block 1, a distance of 12.00 feet to the Point of Beginning of said Line "A"; thence at right angles Southwesterly a distance of 13.10 feet, and there terminating.*

Sincerely,

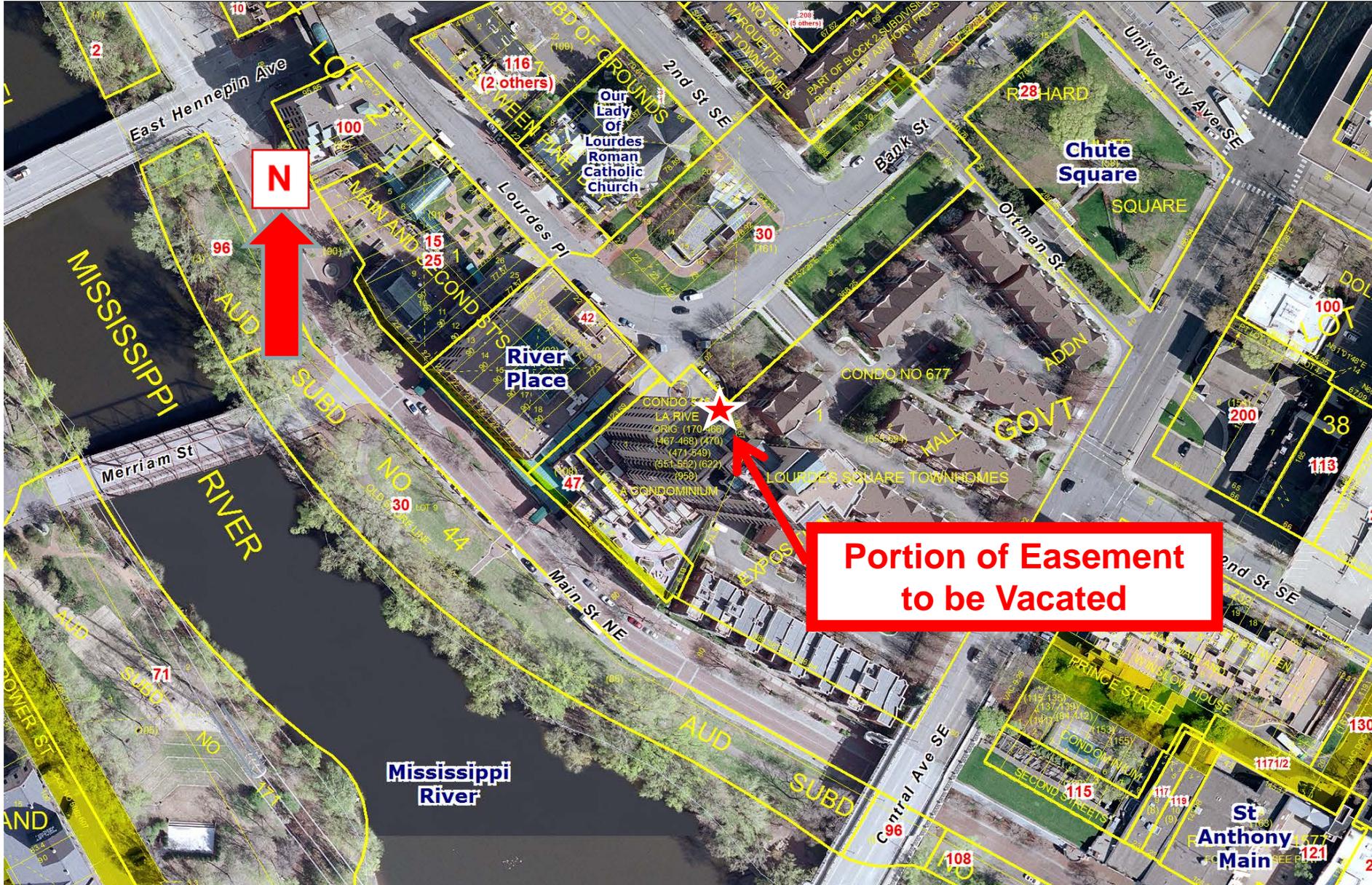
Don Elwood, P.E.  
Director, Transportation Planning & Engineering

Cc: Dennis Morris

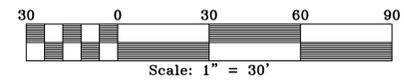
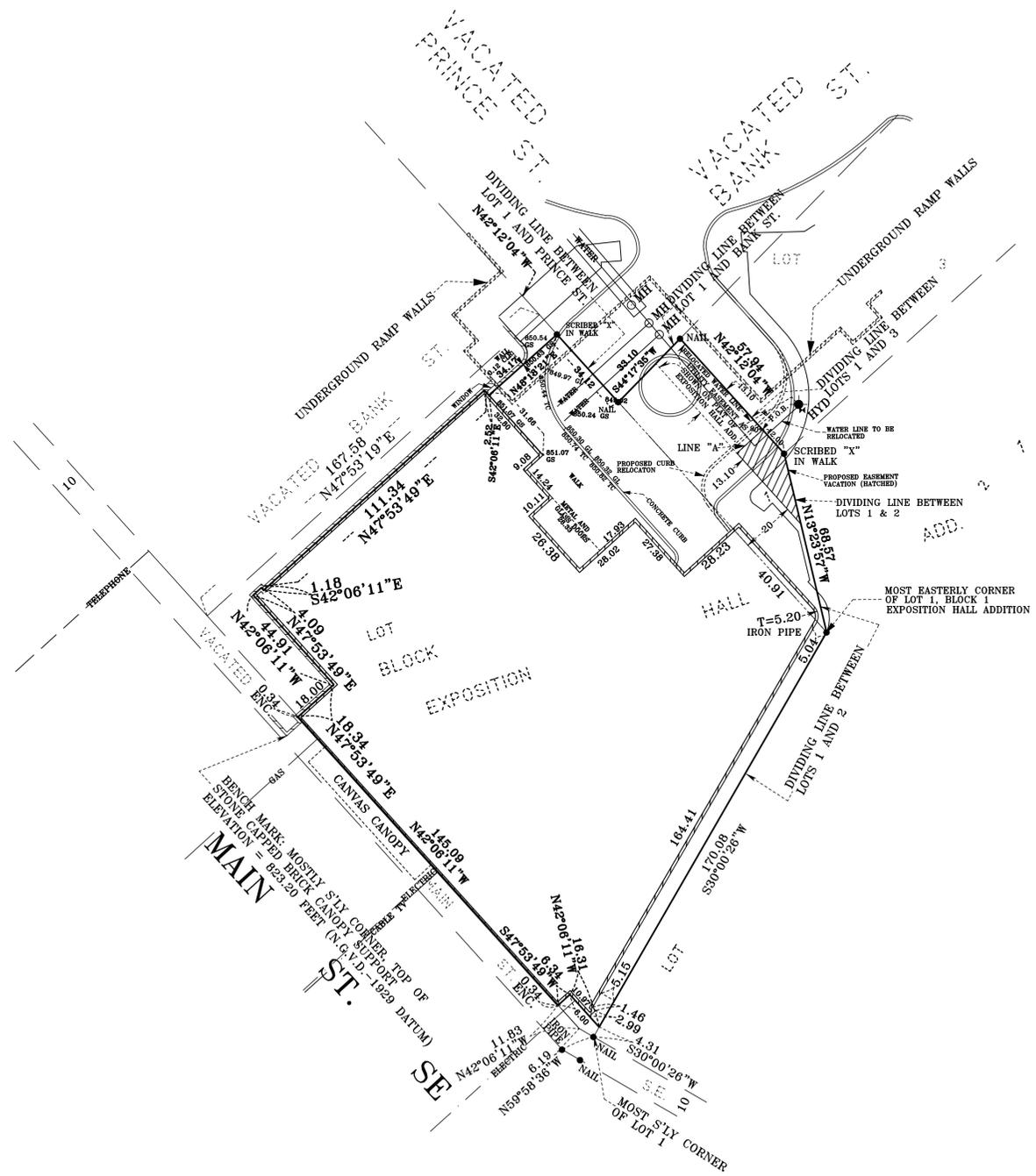


# Location Map

Vacation File No.  
1630  
Pg. 2 of 3



# SKETCH SURVEY CONDOMINIUM NUMBER 545, LA RIVE CONDOMINIUM UTILITY EASEMENT VACATION



THE EXCEPTION TO PARCEL G (LOBBY LEVEL AND ABOVE) LIES ABOVE AN ELEVATION OF 849.03 FEET.

- NOTES:
- 1) ALL BEARINGS SHOWN ARE ASSUMED DATUM.
  - 2) ENC. DENOTES ENCROACHMENT OVER PROPERTY LINE.
  - 3) ELEVATIONS SHOWN ARE BASED UPON N.G.V.D.-1929 SEA LEVEL DATUM.

- LEGEND:
- DENOTES PROPERTY CORNER.
  - GS DENOTES GROUND SHOT ELEVATION
  - TC DENOTES TOP OF CURB ELEVATION
  - GL DENOTES GUTTER LINE ELEVATION
  - DENOTES PROPOSED UTILITY EASEMENT VACATION

- LOBBY LEVEL ELEVATION NOTES:
- 1) Elevation of floor at main entrance to building is 851.24 feet.
  - 2) Elevation of sunken area in Lobby is 849.13 feet.

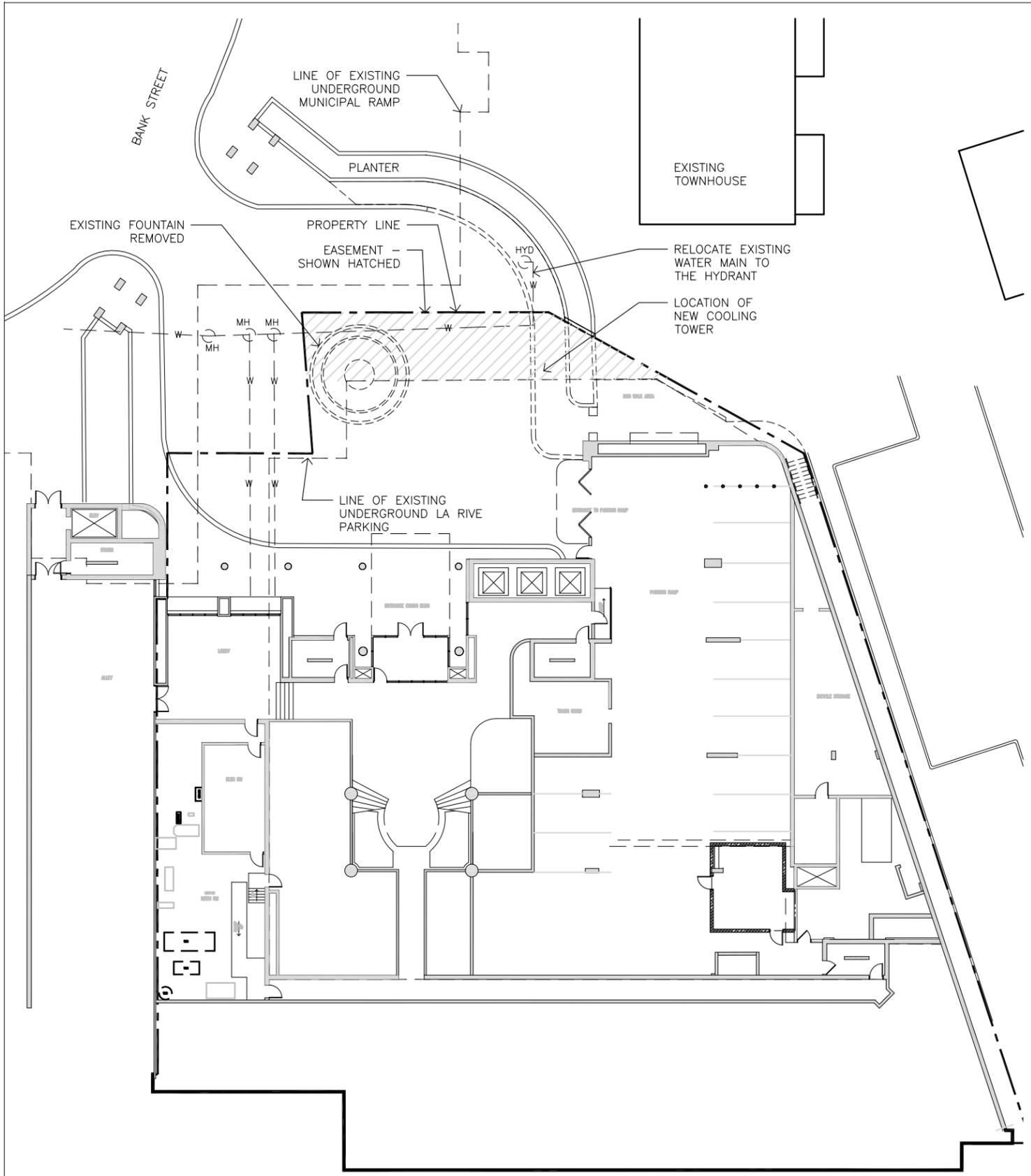
NOTE: THIS SURVEY CERTIFICATE IS NOT VALID WITHOUT A RAISED SEAL.

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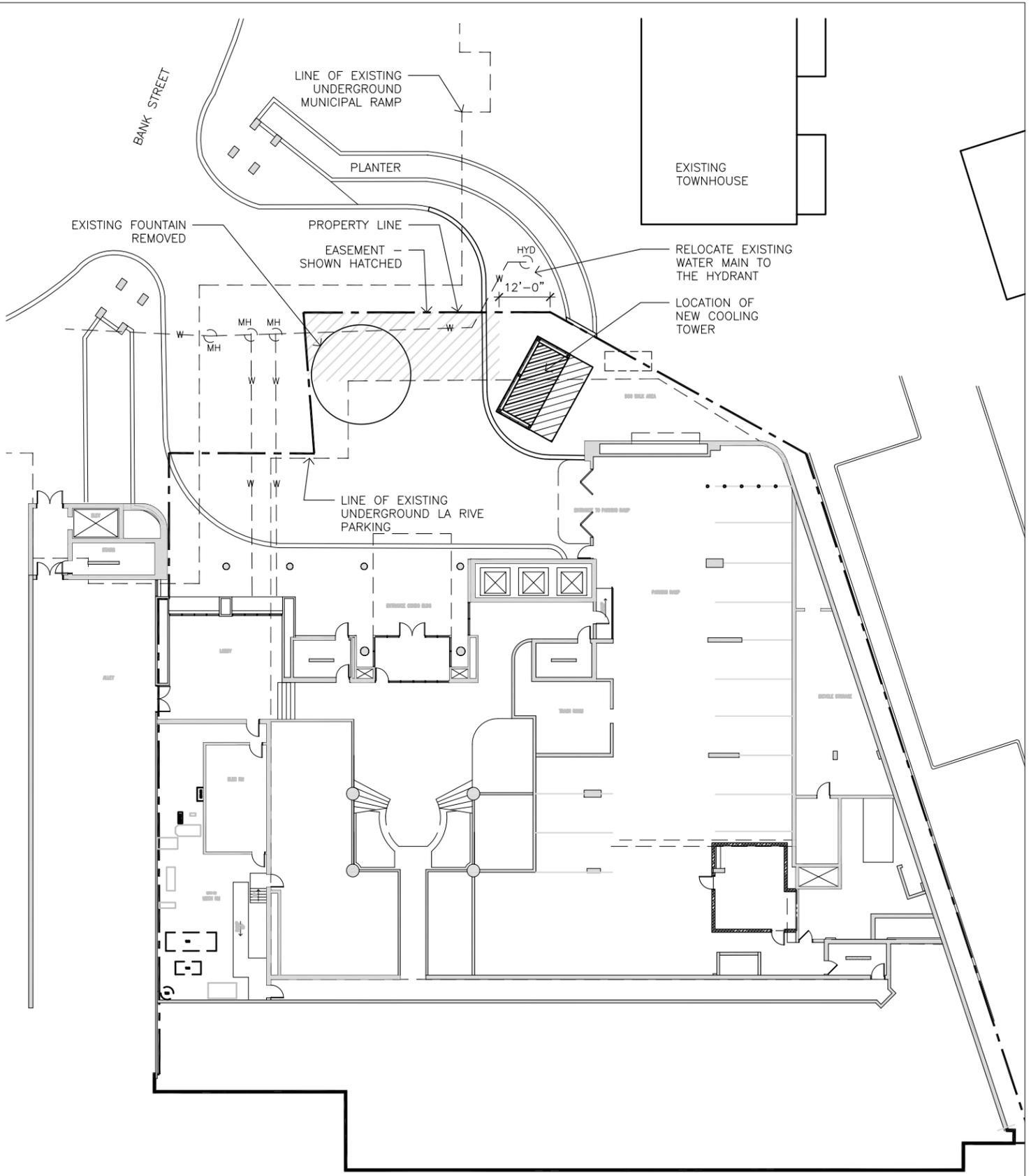
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date 2/07/14 Lic.No. \_\_\_\_\_

DATE: 2/07/14	<b>C. E. COULTER &amp; ASSOCIATES, INC.</b> LICENSED LAND SURVEYORS IN MINNESOTA, WISCONSIN & FLORIDA	SCALE: 1"=30'
REVISIONS		JOB NO. 123548
	1000 East 146th St., Suite 240 Burnsville, Minnesota 55337-4656 Phone: 952-808-9500 Fax: 952-432-3723 E-mail: coulter@cecoulter.com	BK./PG. 676/132+
		FILE NO. 6-17
		SHEET 1 OF 1



EXISTING EASEMENT  
SCALE: 1"=30'-0"



PROPOSED EASEMENT  
SCALE: 1"=30'-0"

**LA RIVE CONDOMINIUMS  
COOLING TOWER**

SITE PLAN  
01.16.2014



**miller dunwiddie**  
ARCHITECTURE

# City of Minneapolis HPC Certificate of Appropriateness

*La Rive Condominiums, 110 Bank Street, Minneapolis, MN*

## PHOTOS OF THE PROPERTY AND EXISTING STRUCTURES



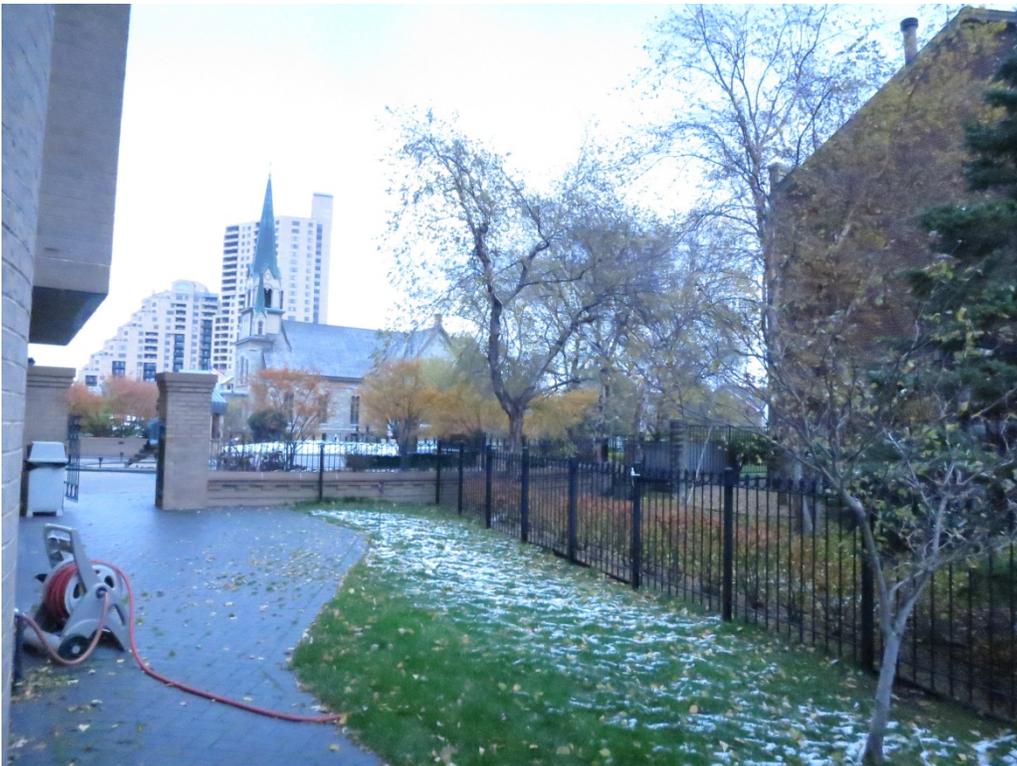
View of the main building entrance from the street.



View toward the proposed cooling tower location from the sidewalk near the street entrance.



View of the cooling tower location.



View inside the cooling tower location toward the street.