

LAND USE APPLICATION SUMMARY

Property Location: Main Street Northeast from 29th Avenue Northeast to 31st Avenue Northeast and 30th Avenue Northeast from Main Street Northeast, westerly for approximately 128 feet

Project Name: Right-of-Way Vacation

Prepared By: Hilary Dvorak, Principal Planner, (612) 673-2639

Applicant: BNSF Railway Company

Project Contact: Charlie Keltner

Request: To vacate the right-of-way of Main Street Northeast from 29th Avenue Northeast to 31st Avenue Northeast and the right-of-way of 30th Avenue Northeast from Main Street Northeast, westerly for approximately 128 feet

Required Applications:

Vacation	Of the right-of-way of Main Street Northeast from 29 th Avenue Northeast to 31 st Avenue Northeast and the right-of-way of 30 th Avenue Northeast from Main Street Northeast, westerly for approximately 128 feet
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SITE DATA

Legal Description	Commencing at the SE corner of Section 3, Township 29 North, Range 24 West, thence run north along the east line of said Section 3, for a distance of 30 feet to the Point of Beginning of the property to be described: thence run northerly along said east line to a point distant 40 feet south of the NE corner of the SE 1/4 of the SE 1/4 of said Section 3; thence run west to the NE corner of Lot 1, Block 1, NORTHTOWN ADDITION TO MINNEAPOLIS, HENNEPIN COUNTY, MINNESOTA; thence run south to the SE corner of Lot 14, said Block 1; thence run west along the southerly line of said Block 1 to a point distant 25 feet east of the SW corner of said Block 1; thence run south to a point on the northerly line of Lot 1, Block 8, said NORTHTOWN ADDITION distant 25 feet east of the NW corner of Lot 1, said Block 8; thence run east to the NE corner of said Lot 1; thence run south to the SE corner of Lot 14, Block 8; thence run east to the Point of Beginning.
Existing Zoning	II Light Industrial District
Lot Area	Not applicable
Ward(s)	I
Neighborhood(s)	Marshall Terrace
Designated Future Land Use	Industrial
Land Use Features	Shoreham Yards Industrial Employment District
Small Area Plan(s)	<i>Industrial Land Use and Employment Policy Plan</i> (2006)

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

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The right-of-way that the applicant is proposing to vacate is located in northeast Minneapolis. The proposed right-of-way to be vacated is Main Street Northeast from 29th Avenue Northeast to 31st Avenue Northeast and the right-of-way of 30th Avenue Northeast from Main Street Northeast, westerly for approximately 128 feet. The area is located on the western edge of Shoreham Yards. Shoreham Yards, owned by Canadian Pacific Railway, is a 230-acre train, trucking and bulk-distribution site extending from Central Avenue North east to University Avenues Northeast and 27th Avenue Northeast up to St. Anthony Parkway in Northeast Minneapolis.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by single-family homes and railyards. The site is located in the Marshall Terrace neighborhood.

PROJECT DESCRIPTION. The applicant is proposing to vacate the right-of-way for additional storage and to improve access to their facilities. The right-of-way that is proposed to be vacated only exists on paper; meaning it was platted but it was never constructed.

There is an alley that provides access to the homes on the east side of California Street Northeast that is located on land owned by the applicant. The alley runs between 29th Avenue Northeast and 31st Avenue Northeast. The alley was never platted as public right-of-way. In order to continue to provide access to these properties, the City of Minneapolis has entered into a street vacation and alley easement agreement which will retain an easement over the alley. Please note that the City of Minneapolis is not requesting an easement through this vacation application as the area that we are seeking an easement over is not the same area that is being petitioned to be vacated hence the agreement.

DEVELOPMENT PLAN. The applicant intends to use the vacated land for additional outdoor storage. The applicant will be installing an eight-foot tall black vinyl coated chain-link fence around the perimeter of the storage area. In addition, landscaping will be planted adjacent to the fence. The street vacation and alley easement agreement specifies the planting details.

RELATED APPROVALS. Not applicable.

PUBLIC COMMENTS. No comment letters have been received in regards to this application. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

VACATION

The applicant is proposing to vacate the right-of-way of Main Street Northeast from 29th Avenue Northeast to 31st Avenue Northeast and the right-of-way of 30th Avenue Northeast from Main Street Northeast, westerly for approximately 128 feet.

The area to be vacated is legally described as follows:

- Commencing at the SE corner of Section 3, Township 29 North, Range 24 West, thence run north along the east line of said Section 3, for a distance of 30 feet to the Point of Beginning of the property to be described; thence run northerly along said east line to a point distant 40 feet south of the NE corner of the SE ¼ of the SE ¼ of said Section 3; thence run west to the NE corner of Lot 1, Block 1, NORTHTOWN ADDITION TO MINNEAPOLIS, HENNEPIN

COUNTY, MINNESOTA; thence run south to the SE corner of Lot 14, said Block 1; thence run west along the southerly line of said Block 1 to a point distant 25 feet east of the SW corner of said Block 1; thence run south to a point on the northerly line of Lot 1, Block 8, said NORTHTOWN ADDITION distant 25 feet east of the NW corner of Lot 1, said Block 8; thence run east to the NE corner of said Lot 1; thence run south to the SE corner of Lot 14, Block 8; thence run east to the Point of Beginning.

RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS. The Department of Public Works has reviewed the vacation petition and recommends approval. The Minneapolis Fire Department has requested that the vacation be denied due to the fact that if approved there would no longer be access to the homes on the east side of California Street Northeast from the alley. This concern is mitigated by the street vacation and alley easement agreement.

Of the utilities and/or affected property owners that have responded no one has requested an easement over the area to be vacated.

FINDINGS. 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.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings for the applications by BNSF Railway Company:

A. Vacation of Main Street Northeast from 29th Avenue Northeast to 31st Avenue Northeast and 30th Avenue Northeast from Main Street Northeast, westerly for approximately 128 feet.

Recommended motion: **Approve** the vacation of the right-of-way of Main Street Northeast from 29th Avenue Northeast to 31st Avenue Northeast and the right-of-way of 30th Avenue Northeast from Main Street Northeast, westerly for approximately 128 feet.

ATTACHMENTS

1. Description and map of area to be vacated
2. Public Works letter
3. Letter from utilities
4. Copy of the street vacation and alley easement agreement
5. Correspondence