

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

Petitioner: BNSF Railroad
Address: 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131
Contact Person: Charlie Keltner (817) 352-6464

Vacation File No.

1634

Page 1 of 3

Description of Easement to be vacated: Vacating the right of way of Main St. NE from 29th Ave. NE to 31st Ave. NE and the right of way of 30th Ave. NE from Main St. NE, westerly for approximately 103 feet.

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

Name of Reviewing Agency _____

Phone: _____ e-Mail: _____

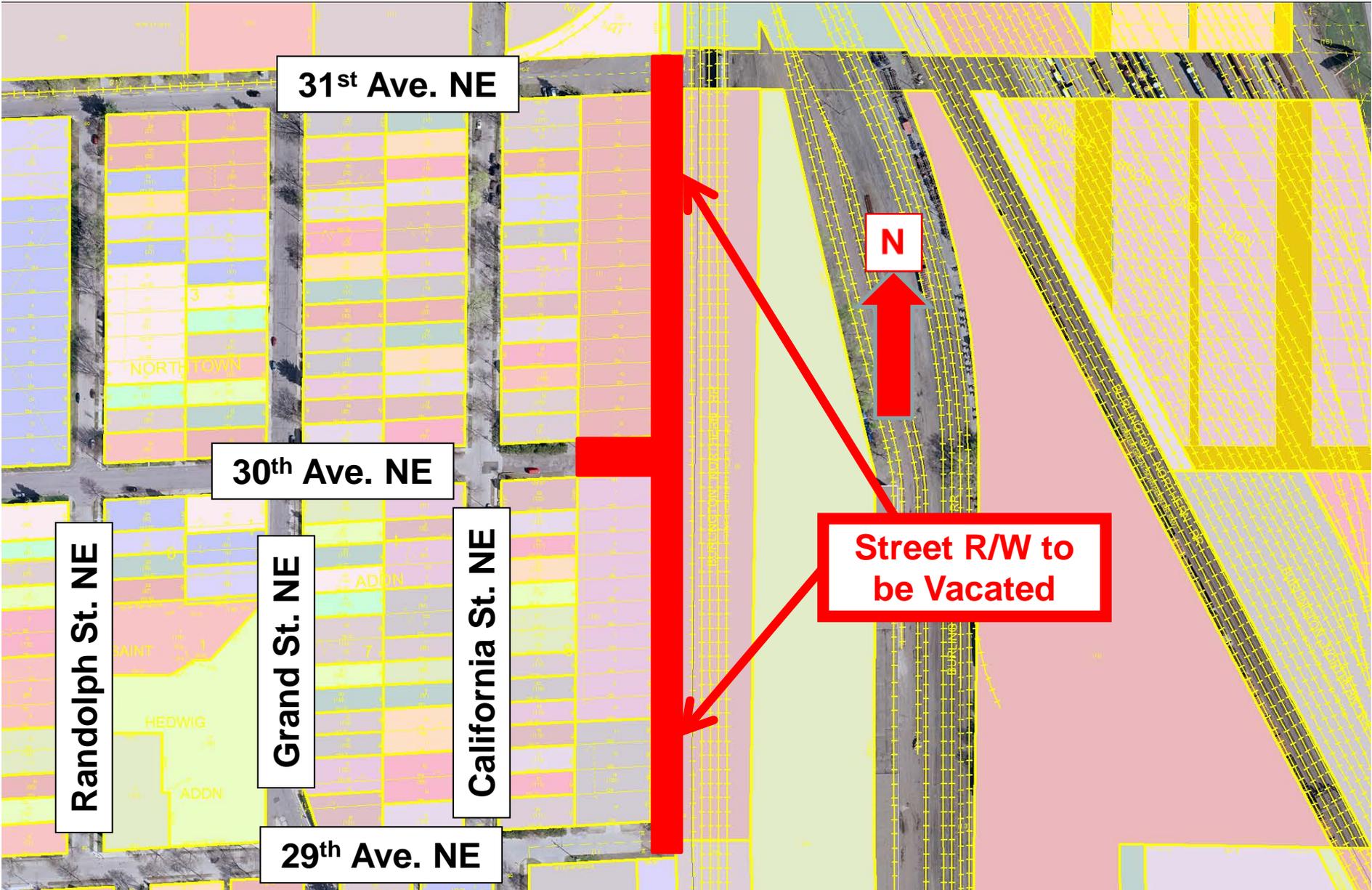
Approve petition

Deny petition (provide explanation)

Reserve Easements (provide description)

By: _____ Date _____

Comments:



31st Ave. NE

30th Ave. NE

Randolph St. NE

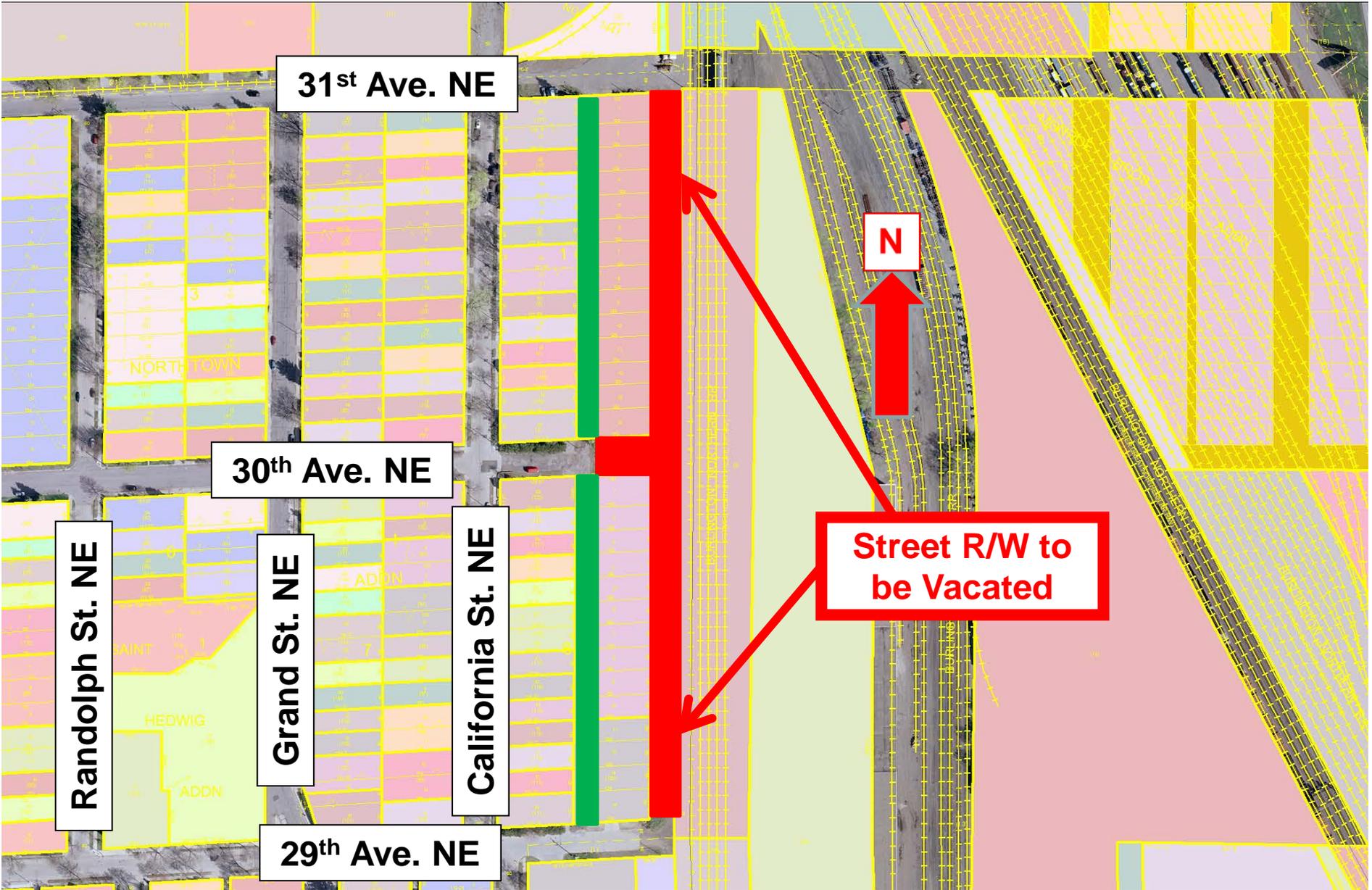
Grand St. NE

California St. NE

29th Ave. NE

N

Street R/W to be Vacated



31st Ave. NE

30th Ave. NE

Randolph St. NE

Grand St. NE

California St. NE

29th Ave. NE

N

Street R/W to be Vacated



31st Ave. NE

30th Ave. NE

Randolph St. NE

Grand St. NE

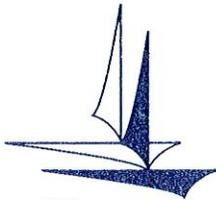
California St. NE

29th Ave. NE

N

Street R/W to be Vacated

December 9, 2014



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

Becca Farrar
CPED-Planning
250 4th St. So., Room 100
Minneapolis, MN 55415

RE: Vacating parts of Main Street NE and 30th Ave. NE, adjacent to BNSF property (Vacation 1634).

Dear Ms. Farrar:

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

The area to be vacated is legally described as follows:

Commencing at the SE corner of Section 3, Township 29 North, Range 24 East, 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.

Sincerely,

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

Cc: Dennis Morris



North East corner of
S. E. 1/4 - S. E. 1/4, Sec. 3,
T. 24 N. R. 70 E. 24 N.

vaga cara
fut. ayax
hual pite.

venue North East

15.19	1240.0	60	12719	1290.0	40
28	1	40	28	1	40
13.14	1240.0	40	12861	1280.0	40
27	2	40	27	2	40
12.12	1240.0	40	12812	1280.0	40
16.	3	40	26	3	40
13.09	1240.0	40	12807	1280.0	40
5.	4	40	20	4	40
12.6	1240.0	40	12824	1280.0	40
4.	5	40	24	5	40
2.92	1240.0	40	12812	1280.0	40
3.	6	40	20	6	40
2.99	1240.0	40	12787	1280.0	40
26	7	40	22	7	40
	1240.0	40	12784	1280.0	40
21	8	40	21	8	40
	1240.0	40	12801	1280.0	40
2	9	40	20	9	40
	1240.0	40	12787	1280.0	40
5	10	40	19	10	40
	1240.0	40	12738	1280.0	40
2	11	40	18	11	40
	1240.0	40	12762	1280.0	40
2	12	40	17	12	40
	1240.0	40	12778	1280.0	40
2	13	40	16	13	40
	1240.0	40	12774	1280.0	40
2	14	40	15	14	40
	1240.0	40	12711	1280.0	40

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Daniel
M. D. Ridge

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County of
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the street
Daniel F. Fish
M. D. Ridge

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County of
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with its
its vice

venue North East

1230.0	1	60	12869	1290.0	40
1890.0	2	40	28	1	40
1230.0	3	40	12869	1280.0	40
1230.0	4	40	27	2	40
1230.0	5	40	12862	1280.0	40
1230.0	6	40	26	3	40
1230.0	7	40	12807	1280.0	40
1230.0	8	40	25	4	40
1230.0	9	40	12830	1280.0	40
1230.0	10	40	24	5	40
1230.0	11	40	12850	1280.0	40
1230.0	12	40	23	6	40
1230.0	13	40	12847	1280.0	40
1230.0	14	40	22	7	40
1230.0	15	40	12841	1280.0	40
1230.0	16	40	21	8	40
1230.0	17	40	12842	1280.0	40
1230.0	18	40	20	9	40
1230.0	19	40	12837	1280.0	40
1230.0	20	40	19	10	40
1230.0	21	40	12833	1280.0	40
1230.0	22	40	18	11	40
1230.0	23	40	12830	1280.0	40
1230.0	24	40	17	12	40
1230.0	25	40	12826	1280.0	40
1230.0	26	40	16	13	40
1230.0	27	40	12822	1280.0	40
1230.0	28	40	15	14	40
1230.0	29	40	12818	1280.0	40

California

Main

South East corner of
Sec 3 T. 24 N. R. 70 E. 24 N.

State of
County of



OSP National Support/
Investigations
2400 North Glenville
Richardson, TX 75082

MCI Communications Services, Inc.

07/03/2014

**CITY OF MINNEAPOLIS
PLANNING AND DEVELOPMENT
BECCA FARRAR
250 S. 4TH STREET, ROOM 300
MINNEAPOLIS, MN 55415**

**RE: FILE NO. 1634 – EASEMENT VACATION REQUEST –
MAIN STREET NE FROM 29TH AVENUE NE TO 31ST AVENUE NE
AND 30TH AVENUE NE FROM MAIN STREET NE, WESTERLY 128 FEET –
CITY OF MINNEAPOLIS, HENNEPIN COUNTY, MN.**

Verizon Business ID: 5175-2014

Dear Sir or Madam:

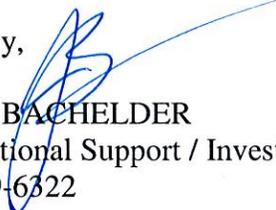
MCI has been notified by your office regarding the above referenced project.

For your records, in reviewing the area in question, it has been determined that MCI does not have facilities within your project area.

You should address correspondence concerning any future projects to the attention of **OSP National Support/Investigations** at the above address.

If you need further assistance with this project, please do not hesitate to call me.

Sincerely,


JOHN BACHELDER
OSP National Support / Investigations
972-729-6322

Farrar, Rebecca D.

From: Robert H. Miller <RHMILLER@UP.COM>
Sent: Tuesday, July 08, 2014 11:26 AM
To: Farrar, Rebecca D.
Subject: Vacation files 1634 & 1635

Becca,
The Union Pacific Railroad does not have any connection to the parcels of land that you list in the vacation notices 1634 & 1635.

My best,

Robert H. Miller
Director Operations Support
Twin Cities Service Unit
651-552-3953
612-237-8205
Fax 402-271-3573

**

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**

**Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement**

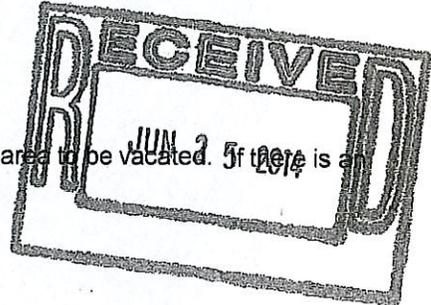
Petitioner: BNSF Railroad
Address: 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131
Contact Person: Charlie Keltner (817) 352-6464

Vacation File No.
1634
Page 1 of 3

Description of Easement to be vacated: Vacating the right of way of Main St. NE from 29th Ave. NE to 31st Ave. NE and the right of way of 30th Ave. NE from Main St. NE, westerly for approximately 128 feet.

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.



Name of Reviewing Agency Center Point Energy

Phone: 612-321-5381 e-Mail: Charles. Mayers.CenterPointEnergy.com

- Approve petition
Deny petition (provide explanation)
Reserve Easements (provide description)

By: Chuck Mayer Date 7/7/14

Comments: No Interest in Area

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

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Address: 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131
Contact Person: Charlie Keltner (817) 352-6464

Vacation File No.
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NOT APPROVED
MINNEAPOLIS FIRE
INSPECTION SERVICES
FIRE MANUAL
By: [Signature]
Date: 7-24-2014
Refer to letter dated 8-15-14

RECEIVED
JUN 25 2014

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

Name of Reviewing Agency MINNEAPOLIS FIRE

Phone: (612) 673-3270 e-Mail: PERRY.EDNER@MINNEAPOLIS.MN.GOV

- Approve petition
Deny petition (provide explanation)
Reserve Easements (provide description)

By: [Signature] Date 7-24-2014
PERRY EDNER

Comments:
NO ACCESS FOR EMERGENCY VEHICLES TO GARAGES AND REAR OF RESIDENTIAL STRUCTURES.

NOT APPROVED
MINNEAPOLIS FIRE
INSPECTION SERVICES
By: _____
Date: _____
Ref: _____

**Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement**

Petitioner: BNSF Railroad
Address: 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131
Contact Person: Charlie Keltner (817) 352-6464

Vacation File No.

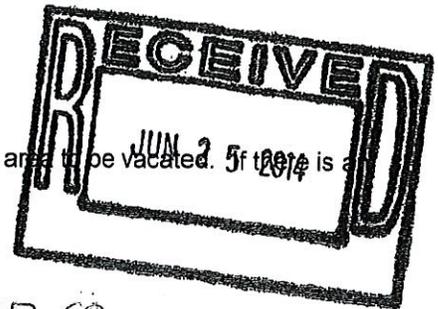
1634

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Review and Comment

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Name of Reviewing Agency NORTHERN STATES POWER CO.
d/b/a XCEL ENERGY

Phone: 612-330-5517 e-Mail: jean.m.borjen@xcelenergy.com

Approve petition

Deny petition (provide explanation)

Reserve Easements (provide description)

By: Jean Borjen
SR. LAND AGENT

Date 7/30/14

Comments:

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

Petitioner: BNSF Railroad
Address: 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131
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Vacation File No.

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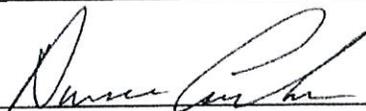
Name of Reviewing Agency COMCAST - TOM NIEDZIELSKI

Phone: 651-493-5407 e-Mail: Thomas.Niedzielski@comcast.com

Approve petition

Deny petition (provide explanation)

Reserve Easements (provide description)

By: 

Date 1-5-15

Comments:

Reply to Vacation Inquiry File # 1634 Main St NE from 29 th Ave NE to 31 st Ave NE and the right of way of 30 th Ave.	To Lisa Baldwin	From: Tom Niedzielski
	City of Minneapolis Planning Commission	Comcast
	Phone # 612-673-5342	Phone # 612-490-7750
	Fax # 612-673-2526	Fax #651-493-5116

Description of public right-of way proposed to be vacated:

See attached legal description

This section to be completed ONLY by City Depts

- We have no objections to this vacation
- We have no objections to the vacation, subject to conditions stated below
- We object to the vacation for the reasons stated below

Conditions/Reasons:

This section to be completed ONLY by Utilities

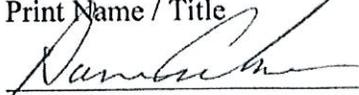
- We do NOT have facilities in the proposed vacated area, and we therefore RELEASE our utility easement rights, subject to any conditions or exceptions stated below
- We do NOT have facilities in the proposed vacated area, but we wish to RETAIN our easement rights, subject to any conditions or exceptions stated below
- We DO have facilities in the proposed vacated area, and we therefore RETAIN our easement rights, subject to any conditions or exceptions stated below

Conditions/Exceptions: *We can release these rights provided the proposed improvements do not interfere with its existing facilities or interfere with Comcast's access to the said facilities to maintain, repair, or upgrade them. Should the said improvements in anyway interfere with or prevent access to the said facilities, the petitioner or its successor shall provide new easements as required and the petitioner or its successor shall assume all costs of relocating facilities to the new easements..*

Duly authorized representative:

Duane Carlson / Construction Manager

Print Name / Title

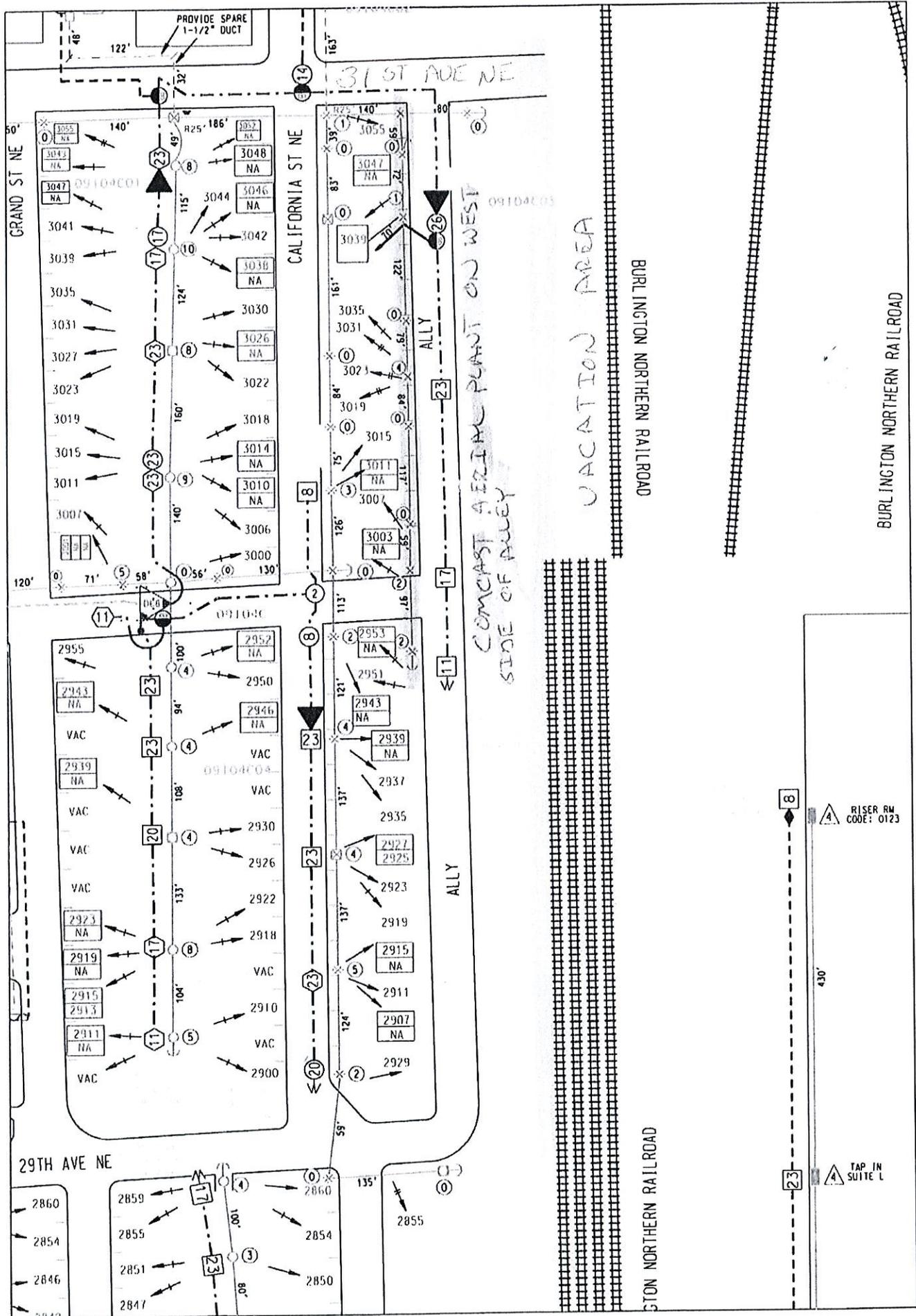

Signature

Comcast

Company Name

01/02/15

Date



STREET VACATION AND ALLEY EASEMENT AGREEMENT

THIS STREET VACATION AND ALLEY EASEMENT AGREEMENT

(“Agreement”) is made and entered into as of this _____ day of _____, 2015, by and between the CITY OF MINNEAPOLIS, a Minnesota municipal corporation (the “City”), having its principal place of business at City Hall, Room 203, 350 South Fifth Street, Minneapolis, Minnesota 55415; and BNSF Railway Company (“BNSF”), a Delaware corporation, having offices at 176 5th Street East, St. Paul, Minnesota 55101.

RECITALS

1. BNSF is seeking City approval to store railroad construction materials on three parcels owned by the BNSF that are located in the City. These parcels include 3000 Main Street Northeast, 2928 Main Street Northeast, and 175 29th Avenue Northeast (the “Parcels”).
2. In order for the BNSF to effectuate its railroad construction materials storage plan, the Parcels must be rezoned from the current I1 zoning district to the I2 zoning district. In recognition of the federal jurisdiction over railroad operations, the City has acquiesced to BNSF’s rezoning request on these certain Parcels that it owns.
3. As part of its plan, BNSF has also asked the City to vacate public street right-of-way property legally described on Exhibit A, which is attached hereto and incorporated herein. The proposed vacation (#1634) is subject to future approval by the Minneapolis City Council.
4. In order to approve the vacation request, the City must obtain an alley easement over that portion of real property owned by the BNSF located immediately adjacent to the residential properties to the west of the Parcels to ensure public safety, waste management, and homeowner access to those residential properties. The proposed alley easement is legally described on Exhibit B, which is attached hereto and incorporated herein.
5. The City has also requested and BNSF has agreed to certain measures on the Parcels designed to mitigate the impact of the railroad construction materials storage site on these neighboring residential properties.
6. Assuming agreement to the foregoing, the Public Works and Community Planning and Economic Development Departments of the City will recommend to the City Council that it approve the vacation request.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, and their mutual promises, the parties hereto hereby agree as follows:

1. Grant of Alley Easement. BNSF hereby grants to the City a perpetual alley easement over and across that part of its real property legally described on Exhibit B attached hereto.

2. Mitigation Measures. BNSF shall, at its sole cost and expense, complete the following mitigation measures:
 - (a) The perimeter of the outdoor storage area shall be enclosed with a black vinyl coated chain-link fence no taller than eight (8) feet in height. No barbed wire fencing is permitted as it is a prohibited fencing material. All existing barbed-wire fencing shall be removed.
 - (b) Alternating coniferous and deciduous trees shall be planted adjacent to the building and along the entire fence line on the west side of the site at a spacing of no greater than five (5) feet. The trees shall be trimmed and maintained. Any dead or diseased trees shall be replaced in order to maintain a vegetative buffer between the storage yard and the residential uses located directly to the west. Where possible, existing trees located within the proposed storage area shall be preserved. Vines shall also be installed along the entire fence line on the west side of the site in order to screen the outdoor storage area. A portion of the vines shall provide greenery year round. A landscape plan outlining the above-listed items shall be submitted for review and approval by the Community Planning and Economic Development Department of the City.
 - (c) BNSF shall maintain the fence and vegetation in accordance with the landscape plan indicated in Section 2 (b) of this Agreement.
 - (d) All above- noted mitigation measures shall be completed by June 1, 2015.
3. City Street Vacation and Alley Easement Recordation. In consideration for BNSF's compliance with terms herein:
 - (a) The Public Works and Community Planning and Economic Development Departments of the City will recommend approval of BNSF's vacation application to the City Council.
 - (b) The City will record this Agreement or a similar agreement incorporating the terms included herein at its sole cost and expense should the City Council for the City approve the BNSF vacation application.
 - (c) The City will at its sole cost and expense construct and maintain the alley described in this Agreement.

(Signature pages follow.)

EXHIBIT A

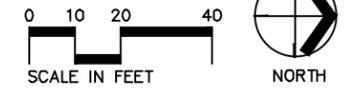
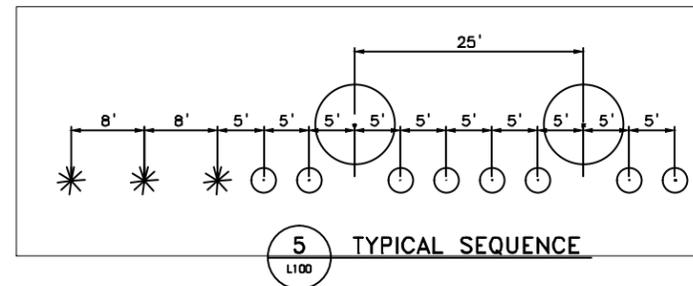
LEGAL DESCRIPTION OF STREET VACATION

Commencing at the SE corner of Section 3, Township 29 North, Range 24 East, 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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.

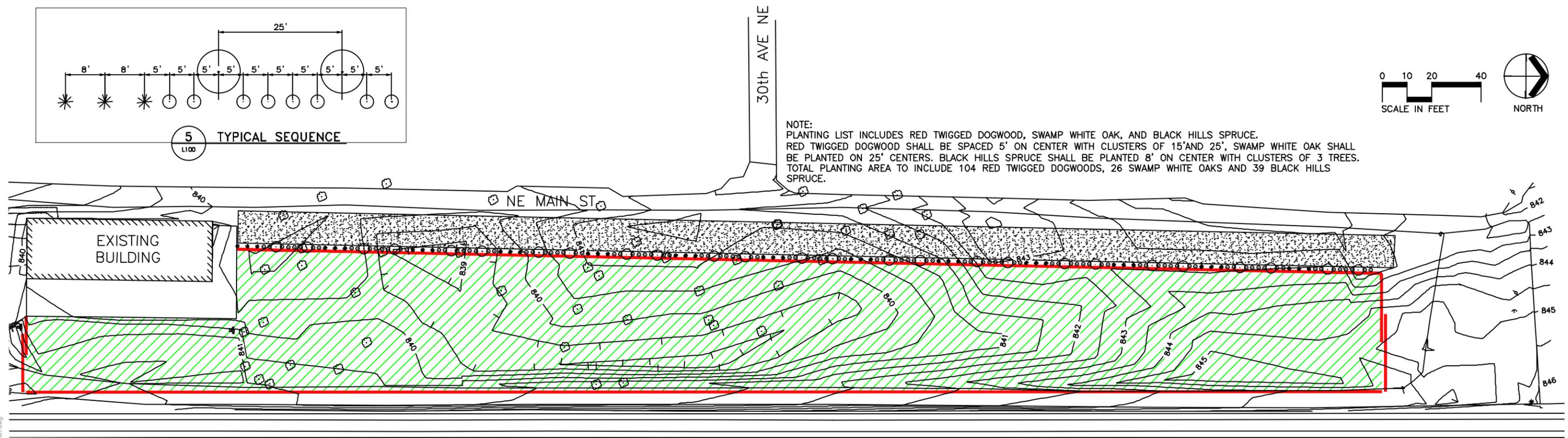
EXHIBIT B

LEGAL DESCRIPTION OF THE ALLEY EASEMENT

An alley easement that would be described as the west 25 feet of Lots 1-14, Block 1, Northtown Addition, and the west 25 feet of Lots 1-14, Block 8, Northtown Addition.



NOTE:
PLANTING LIST INCLUDES RED TWIGGED DOGWOOD, SWAMP WHITE OAK, AND BLACK HILLS SPRUCE.
RED TWIGGED DOGWOOD SHALL BE SPACED 5' ON CENTER WITH CLUSTERS OF 15' AND 25', SWAMP WHITE OAK SHALL BE PLANTED ON 25' CENTERS. BLACK HILLS SPRUCE SHALL BE PLANTED 8' ON CENTER WITH CLUSTERS OF 3 TREES.
TOTAL PLANTING AREA TO INCLUDE 104 RED TWIGGED DOGWOODS, 26 SWAMP WHITE OAKS AND 39 BLACK HILLS SPRUCE.



NOT FOR CONSTRUCTION

PLOTTED 10/14/2015 3:59:48 PM
FILE PATH K:\BNSF\15305015\Phase 4 - Northtown Surface Rehabilitation\CD_TRACK\PROJ\Production

NO.	DATE	BY	DESCRIPTION OF REVISIONS
1	10/13/2015	JEH	ISSUED FOR REVIEW

444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

DES:	DRW: DML	CHK: JEH
DATE:	AFE NO.:	
VERIFY SCALES	BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS DRAWING ADJUST SCALES ACCORDINGLY	
0	1	



BNSF RAILWAY COMPANY
NORTHTOWN SURFACE UPGRADES

LANDSCAPE PLAN

COMM. NO. 15305.015
DRAWING NO. L100

Dvorak, Hilary A.

From: Patrick Kvidera <pkvider7@msn.com>
Sent: Friday, January 29, 2016 3:58 AM
To: Mary Maguire
Cc: 2 PK 7 KVIDERA; 4 Mary Maguire; B Bill Herzog; B Brent Camp; B Cindee Geach; B David DeGennaro; B Diane Herzog; B Gregory Langason; B Nick Mueller; B Shari seymour; B William M. Herzog; Dvorak, Hilary A.
Subject: RE: Vacation 1634

Hi Mary and Board

From the way I see it we are giving up the possible use of the right of way. Granted it is a disconnected 2 block section, no big loss.

It appears from the maps I found: the part of the right of way south of there was either never there or given up before this? That means there probably could never be a connection to 27th Avenue.

What we would be gaining, in my mind, would possibly be more tracks closer to the houses on California as the "STREET" would not impede them? That would lead to more noise and air pollution in the neighborhood.

And again as I told Hilary: Using The trail and Graco as an example, this Vacation better not happen until the alley easement is in concrete! In the Graco case of course we were promised the trail in kind of an exchange for Sibley street were we not. they reneged and the Park Board had to do eminent domain and then pay for the trail?

I am thinking they should do a swap for a plotted alley that is extra wide as the existing garages would not be accessible from a narrow alley the way most of them are constructed with the doors right up to the alley facing it. If it was a normal narrow alley they could not make the turn into the garages without a lot of backing and retrying if at all?

Sincerely, Patrick

Date: Thu, 28 Jan 2016 17:59:29 -0600
Subject: Re: Vacation 1634
From: m.jamin.maguire@gmail.com
To: pkvider7@msn.com

So, what is the city giving up and what are we gaining??
Note - I can't figure out how to "reply all" - feel free to "forward."
Mary

On Thu, Jan 28, 2016 at 5:20 PM, Patrick Kvidera <pkvider7@msn.com> wrote:
Hi again Hilary,

Using The trail and Graco as an example, this Vacation better not happen until the alley easement is in concrete!

If they want it bad enough: Maybe they should even put the concrete in for the alley?

The other problem I see with this is that would give them space to put more tracks closer to the housing on California street. They already leave a running engine at 31st and Main a lot of the time and it just sits and makes pollution, both noise and air, all night long as far as I am aware of.

Sincerely, Patrick Kvidera 3041 Grand Street NE Minneapolis, MN 55418-1816 612-789-4905 Email: PKvider7@msn.com Husband Father Grandfather Vietnam Veteran CCMT St Anthony Bridge CAC Rep. CCMT board member / founder AFCAC CCMT Alternate NE Riverside Garden Club CO-Coordinator / founder SAAC CCMT Rep. Former Minneapolis CRA Board Member Block club leader CCMT Tree Farm Coordinator Election Judge Retired Transportation Security Administration, Officer Church Usher

From: Hilary.Dvorak@minneapolismn.gov

To: pkvider7@msn.com

CC: majama@visi.com; bill.herzog27@gmail.com; brentcamp5483@gmail.com; cintastic@gmail.com; daviddegennarompls@gmail.com; dianeherzog@q.com; chemimba@msn.com; nmueller612@gmail.com; sseymour@usiwireless.com; william.herzog@hennepin.us

Subject: RE: Vacation 1634

Date: Thu, 28 Jan 2016 20:17:25 +0000

Attached are the maps that you have requested.

To clarify the request, the portion of Main Street that is proposed to be vacated exists on paper. Meaning, it was platted as a street long ago but it was never constructed.

The alley behind the homes to the east of California was never dedicated as an alley although it has been used as such. The City has requested that the railway dedicate an easement over that area for access to the garages.

I hope this additional information is helpful.

Thanks, Hilary

Hilary Dvorak | Principal City Planner | City of Minneapolis | CPED – Land Use, Design and Preservation
250 South 4th Street | Room 300 | Minneapolis, MN 55415
Phone: 612-673-2639 | Fax: 612-673-2526 | hilary.dvorak@minneapolismn.gov
The City's website is now: www.minneapolismn.gov

From: Patrick Kvidera [<mailto:pkvider7@msn.com>]

Sent: Thursday, January 28, 2016 2:02 PM

To: Dvorak, Hilary A.

Cc: 2 PK 7 KVIDERA; 4 Mary Maguire; B Bill Herzog; B Brent Camp; B Cindee Geach; B David DeGennaro; B Diane Herzog; B Gregory Langason; B Nick Mueller; B Shari seymour; B William M. Herzog

Subject: Vacation 1634

Hi Hilary,

Please send me a copy of the first two pages of the Vacation file 1634.

Actually you could please send all three pages to the CCMT Board copied here.

Board note: hearing is Monday February 8th, 2016 at 4:30 Room 317 City Hall 350 S 5th St.

Sincerely, Patrick Kvidera 3041 Grand Street NE Minneapolis, MN 55418-1816 612-789-4905 Email: PKvider7@msn.com Husband Father Grandfather Vietnam Veteran CCMT St Anthony Bridge CAC Rep. CCMT web correspondent CCMT board member / founder AFCAC CCMT Alternate NE Riverside Garden Club CO-Coordinator / founder SAAC CCMT Rep. Former Minneapolis CRA Board Member Block club leader CCMT Tree Farm Coordinator Election Judge Retired Transportation Security Administration, Officer Church Usher

#1
CPC
Feb 8, 16

Dvorak, Hilary A.

From: Karen Heskett <kcal29@usiwireless.com>
Sent: Tuesday, February 02, 2016 12:42 PM
To: Dvorak, Hilary A.
Subject: VAC-1634

I have received the public hearing notice about the BNSF RR application. This notice is not clear on what is proposed to happen. My neighbors and I are upset and I want to know just what this vacation is about.

Does the RR propose to make this residential area an industrial area? What will happen with the alley? Local residents have been ordered off the 'Main St' dirt road as this is private property per the RR employees. Is 30th Ave NE to be extended and used as an industrial road? Will we be subjected to 24/7 noise, traffic, lights, vibrations? We in the neighborhood were subjected to constant truck and heavy equipment the winter of 2013-2014 by snow dumping. This winter we have been subjected to heavy equipment loading and unloading rock and ties (which smell as bad as the GAF area). The RR equipment has already used the alley between 30th and 31st and broke up the blacktop to pieces causing more damage to the poorly kept alley. We have had a great deal of semi-truck traffic on California St. Trucks are not using the truck route on 31st Ave. Children and parked vehicles are always in danger of mishaps.

I will try to attend the meeting. Any clarification would be appreciated.

Karen Heskett
2953 California St NE
Minneapolis, MN 55418

612-378-2372 (land line)

Dvorak, Hilary A.

From: Kate Bendel <kbendel@comcast.net>
Sent: Sunday, February 07, 2016 9:13 PM
To: hilary.dvorak@minneapolismn.gov
Cc: Patrick Kvidera; mary maguire
Subject: BNSF,'s 'vacation of right-of way'

Hi, Hilary.

I am contacting you as a concerned citizen of Marshall Terrace and as the homeowner of 2923 California St NE.. Please do not let the BNSF railroad have ' vacation of right-of-way' behind my home. I have already had to deal with their lack of caretaking for the land, for over 20 years, the recent past 3 years of grass not mowed, homeless people sleeping in the tall weeds and others dumping garbage behind my home.

I would like to breath fresh air, not poisons from tracks on one side of me, and poisonous air from GAF, across the river. Marshall Terrace is a great neighborhood, with law abiding and caring neighbors. Please help us stop the storage of train cars etc. directly behind residential property.

I am heartsick that the city is willing to approve such an inappropriate trespass on tax payers, without any concern for our health, property values etc.

P. Kate Bendel

Dvorak, Hilary A.

From: Walter Whitaker <no1supertinner@hotmail.com>
Sent: Sunday, February 07, 2016 11:54 PM
To: Dvorak, Hilary A.; Reich, Kevin A.; Pat Kvidera
Subject: BNSF vacation request (VAC-1634)
Attachments: Regarding the request to vacate a portion of Main street N.docx

To whom it may concern,

Regarding the request to vacate a portion of Main street N.E. to BNSF railway. (VAC-1694)

I have several concerns as a property owner at 3015 California St. N.E.

BNSF has not been the most responsible property owner as they do not currently maintain their property adjacent to the properties that border them. They use that property as a dumping ground for railroad ties and materials. They don't mow or clean up trash on the property either.

Last year they used that property for snow removal dumping and created a 3 story mountain of snow that caused much concern for neighbors about run off and the noise from late night positioning of the snow from equipment that woke us from our sleep at all hours!

I would like to see some guarantees that they will be responsible with the storage uses for this land and NOT add additional burden on the neighbors.

I would also recommend a land swap for the alley way behind the homes affected as a permanent buffer to the railroad. I am aware there is an agreement with BNSF for an easement right now but they have shown a lack of concern for neighbors in the past and I would hate to have them renege on the agreement and reduce our home values because of inaction at this time. Therefore, I recommend the swap as a permanent solution to a potential problem.

The railroad ties currently on the property are stored haphazardly and not secured or fenced creating a danger to children and pets not to mention the ties are probably loaded with creosote or other cancer causing agents. Adding even more materials would be a burden on the residences and I feel as though there are better places than a residential area to do this.

The addition of a fence and landscaping/lighting as noted in their plans should be approved by the neighbors and still does nothing to assure increased traffic and noise won't become an issue. They have a poor track record of maintaining their property as it is.

Without the swap, I strongly oppose granting the vacation. With or without the swap, I would like some assurances that the use of the properties in question not infringe on the neighbors with increased noise and hazardous material storage.

Please be sure that my concerns are voiced at the hearing as due to such short notice, I am unable to attend due to prior commitments.

I look forward to hearing from you soon.

I can be contacted at:

Walter Whitaker

612-789-2605

No1supertinner@comcast.net

2956 Randolph St. N.E.

Minneapolis MN 55418

Concerned Citizens of Marshall Terrace (CCMT)

Date: 02-07-2016

To: Minneapolis City Planning Commission

Committee Clerk: Lisa Kusz

Commissioners:

Matthew Brown, President; John Slack, Vice President; Alissa Luepke Pier, Secretary; Lisa Bender; Rebecca Gagnon; Ben Gisselman; Ryan Kronzer; Nick Magrino; Sam Rockwel; Scott Vreeland
cc: Kevin Reich, City Council

Re: Agenda Item: Right-of-Way Vacation, Ward 1

Staff report by [Hilary Dvorak](#), Vac-1634.

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by BNSF Railway Company. Recommended Motion: **Approve** the vacation of the right-of-way of Main St NE from 29th Ave NE to 31st Ave NE and the right-of-way of 30th Ave NE from Main St NE, westerly for approximately 128 feet.

From: Mary Jamin Maguire, President – Concerned Citizens of Marshall Terrace (CCMT), on behalf of the Board

The Concerned Citizens of Marshall Terrace (CCMT) Board of Directors discussed this issue at the Board Meeting on 02-04-2016; it was not presented/discussed at a General Meeting of the Marshall Terrace neighborhood due to receiving notice of this issue after the CCMT neighborhood meeting on 01-21-2016. **The CCMT Board voted unanimously to OPPOSE the vacation of the right-of-way of Main St. N.E. from 29th Avenue NE to 31st Avenue N.E. and the right-of way of 30th Avenue N. E. from Main St. N.E. (westerly for approximately 128 feet).**

The reasons for our opposition include:

- Minneapolis should not be giving away land to benefit a private company – i.e. BNSF Railroad. Although there is an easement being discussed in “exchange” for this “gift” of city land to a private company – it does not seem like a fair exchange, nor one that would benefit the neighborhood of Marshall Terrace or the City of Minneapolis.
- This “vacation” of land within the Marshall Terrace neighborhood would be a serious detriment to the neighborhood, especially for the people with land adjacent to the railroad property being discussed.
- This “vacation” would have a serious negative impact on the people with homes adjacent to this property, resulting in very close proximity to railroad activities

- including an industrial fence enclosing industrial storage.
- We understand that this request includes a change from I1 to I2 zoning - again, a concern that residents of Marshall Terrace will be exposed to increased visual, air and noise pollution (in a neighborhood already identified as having more industry than any other neighborhood in the city).
- The current buffer of city owned land protects the adjacent homeowners from visual, noise and air pollution.
- This change would, likely, increase visual, air and noise pollution.
- The BNSF railroad has not been a “good neighbor.” For example, we struggled to communicate with them regarding the RR tracks on 27th Avenue – which were in disrepair for many months; many phone calls went unreturned and we had to involve the City of Minneapolis before we were successful in having the tracks repaired.
- We were only recently notified regarding this request (in a letter postmarked 01-19-2016). In the documentation it is clear that BNSF and the City of Minneapolis have been discussing this request for at least a year and-a-half (there is a letter from DPW in the file, dated 07-07-2014).

Thank you for this opportunity to respond to this request from BNSF Railroad for a “vacation” of the right-of-way of Main St. N.E. from 29th Avenue NE to 31st Avenue N.E. and the right-of way of 30th Avenue N. E. from Main St. N.E. (westerly for approximately 128 feet). We hope that you will give our concerns, and our strong opposition to this request, serious consideration.