

Department of Community Planning and Economic Development – Planning Division
Vacation of right-of-way
Vac-1554

Date: January 5, 2009

Applicant: Church of the Ascension

Address of Property: Vacation occurring within the block bounded by Bryant Avenue North and Dupont Avenue North and 17th Avenue North and 18th Avenue North

Project Name: Not applicable for this application

Contact Person and Phone: Louise Vossberg, (612) 529-9684

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: Not applicable for this application

End of 60-Day Decision Period: Not applicable for this application

End of 120-Day Decision Period: Not applicable for this application

Ward: 5 **Neighborhood Organization:** Near North

Existing Zoning: R2B

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 13

Legal Description: Not applicable for this application

Proposed Use: Continue to use the alley as a drive way to access on-site parking

Concurrent Review:

Vacation 1554: of the north-south public alley located between Bryant Avenue North and Dupont Avenue North and 17th Avenue North and 18th Avenue North

Applicable zoning code provisions: Not applicable for this application

Background: The Church of Ascension owns the property on both the east and west sides of the public alley which the church is petitioning to vacate. The public alley is used as a drive way to access the on-site parking located on both sides of the existing alley.

VACATION (Vac1554) – All of the public alley dedicated in Block 30, Gale’s Subdivision in Sherburne & Beebe’s Addition to Minneapolis, according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota.

Development Plan: The applicant intends to continue to use the alley as a drive way to access on-site parking.

Responses from Utilities and Affected Property Owners: Of the utilities and/or affected property owners that have responded CenterPoint Energy, Qwest and Xcel Energy have requested an easement.

Findings: The Public Works Department and the Community Planning and Economic Development Department – Planning Division find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the vacation (Vac1467):

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation application subject to the retention of an easement in favor of CenterPoint Energy, Qwest and Xcel Energy.

Attachments:

1. Information pertaining to Vac1554 and responses from the utilities and affected property owners

By Schiff

Vacating all of the public alley dedicated in Block 30, Gale's Subdivisions in Sherburne & Beebe's Addition to Minneapolis, according to the plat of record at the Hennepin County Recorders office, Minneapolis, Minnesota (Vacation File No. 1554).

Resolved by The City Council of The City of Minneapolis:

That all of the public alley dedicated in Block 30, Gale's Subdivisions in Sherburne & Beebe's Addition to Minneapolis, according to the plat of record at the Hennepin County Recorders office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing authority of CenterPoint Energy, Qwest and Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporations as follows, to wit:

CenterPoint Energy, the south 94 feet of the north-south alley in Block 30, Gale's Subdivisions in Sherburne & Beebe's Addition to Minneapolis.

Qwest, subject to an easement over the entire area to be vacated.

Xcel Energy, subject to an easement over the entire 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 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.