

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

Date: 11/19/2009

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Correction of street vacation resolution (Vac-521)

Recommendation: Approve a correction to the legal description the vacation of part of Pierce Street NE located between 18th Avenue NE and 16th Avenue NE (Vac-521). The street vacation was originally approved by the City Council on June 26, 1970.

Previous Directives: The street vacation was originally approved by Council on June 26, 1970.

Prepared by: Kimberly Holien, City Planner (612-673-2402)

Approved by: Jason Wittenberg, Planning Supervisor

Presenters in Committee: Kimberly Holien, City Planner

Financial Impact

- No financial impact

Community Impact

- 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: The Minneapolis Park and Recreation Board and Special School District No. 1 originally applied for the vacation part of Pierce Street NE located between 18th Avenue NE and 16th Avenue NE (Vac-521), which was approved in 1970. The legal description prepared for Vac-521 (part of Pierce Street NE located between 18th Avenue NE and 16th Avenue NE) was incorrect in the resolution, but was correct in the public utility review. The Minneapolis Park and Recreation Board and Special School District No. 1 originally applied for the vacation. Two vacations were processed for right-of-way adjacent to the subject portion of Pierce Street NE and 16th Avenue NE. The maps prepared for Vac-521 include the subject section of right-of-way. However, this section was omitted in the legal description prepared for the resolution. The correction will officially vacate the remnant piece of right-of-way at the intersection of Pierce Street NE and what was formerly 16th Avenue NE. The right-of-way is adjacent to the former Putnam Elementary School, currently being used as a charter school. The land to the south and east of the subject right-of-way is owned by the Minneapolis Park Board. The original resolution granted a sewer and storm drain easement to the City from the Minneapolis Park and Recreation Board over the east 15 feet of the west one-half of Pierce Street North, the south 15 feet of the north one-half of 16th Avenue Northeast and the south one-half of 16th Avenue NE in the subject area. This easement will be retained. A second sewer and storm drain easement was granted to the City from Special School District No. 1 over the south 15 feet of the north one-half of 16th Avenue Northeast, the west 15 feet of the east one-half of Pierce Street Northeast and the east 15 feet of the west one-half of Pierce Street Northeast. This

easement will also be retained. Staff recommends that the attached corrected resolution be approved to correct the legal description.

Schiff

Correcting the legal description for VAC 521: Vacating the intersection of 16th Avenue NE and Pierce Street NE.

Resolved by The City Council of The City of Minneapolis:

That the above referenced VAC-521 be corrected to include the following:

Those parts of Pierce Street NE, as dedicated in Honnette's Addition To Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, and 16th Avenue NE, as dedicated as an unnamed street in said Honnette's Addition To Minneapolis, which lies easterly of a line and its southerly extension drawn 33.00 feet westerly of and parallel with the west line of Block 6, said Honnette's Addition To Minneapolis, which lies northerly of a line and its westerly extension drawn 30.00 feet southerly of and parallel with the south line of said Block 6, which lies westerly of and the southerly extension of the west line of Lot 7, said Block 6 and which lies southerly of the westerly extension of the south line of said Lot 7

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

As to the City of Minneapolis, a public sewer and storm drain easement over the South 15 feet of the North one-half of 16th Avenue Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the East line of Pierce Street Northeast and the extension of the center-line of Pierce Street Northeast; also,

The West 15 feet of the East one-half of Pierce Street Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the South line of Lot 12, Block 6, Honnette's Addition to Minneapolis and a line which is 15 feet North from, measured at right angles to and parallel with the center-line of 16th Avenue Northeast; also

The South one-half of 16th Avenue Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the West line of Buchanan Street Northeast and the extension of the East line of Fillmore Street Northeast; also,

The South 15 feet of the North one-half of 16th Avenue Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the center-line of Pierce Street Northeast and the extension of the East line of Fillmore Street Northeast;

All according to the plat of said addition on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

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.