

Department of Community Planning and Economic Development - Planning Division
Alley Vacation
Vac-1456

Date: April 25, 2005

Applicant: Ribnick Family Partnership

Address Of Property: Third Avenue North northeasterly of First Street North.

Contact Person And Phone: Jeffrey Carroll 612-338-8911

Planning Staff And Phone: Jim Voll 612-673-2587

60 Day Review Decision Period: Not applicable

Ward: 5 Neighborhood Organization: Warehouse District North Loop

Existing Zoning: C3A Community Activity Center District is adjacent to both sides of the right-of way.

Existing Overlay Districts: MR Mississippi River Critical Area Overlay District, DP Downtown Parking Overlay District, and the DH Downtown Height Overlay District are adjacent to both sides of the right-of-way.

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: The southerly half of 3rd Avenue North, formerly Itaska Street, lying parallel and between a line 112 feet northeasterly of the northeasterly line of 1st Street North, and the northwesterly extension of the northeasterly line of Lot 1, Block 10, Town of Minneapolis, distant 50 feet.

Proposed Use: No development is proposed at this time. Part of the site is covered by a surface parking lot (please see attached photos).

Concurrent Review: Street vacation. No other applications are required.

Background: The applicant proposes to extend the area of 3rd Avenue North that is vacated further to the north. Part of the vacation area is utilized as a surface parking lot for the Ribnick Fir building on 1st Street North. There is a large grade change at the edge of the parking lot and the remainder of the street is located below this ledge. This lower area may be necessary for future public uses. A bike trail may run through this area, commuter rail may run adjacent to the site, and it may be necessary for future connections from the area to the river. Much of these projects are still conceptual or in the planning stage, so it is difficult to say specifically how the right-of-way would be used. Staff believes it is wise to maintain the lower part of the right-of-way for these future projects, but the upper part with the parking lot is not needed and may be vacated. Public Works recommends reserving an easement over this lower area, Planning recommends that the lower area not be vacated.

CPED Planning Division Report
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Development Plan: No development is proposed at this time. Part of the site is covered by a surface parking lot (please see attached photos).

Responses from Utilities and Affected Property Owners: The Department of Public Works, Excel, and MCI have all requested easements.

Findings: The CPED – Planning Division and Public Works Department finds that part of the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if easements requested above are granted by the petitioner.

RECOMMENDATION

Recommendation of the Community Planning and Economic Development Department – Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the vacation application for the entire street and in lieu thereof **approve** the vacation application for the “upper” part of the street subject to the revised legal description and the provision of easements to the City of Minneapolis, Xcel Energy, and MCI.

Attachments:

1. Letter from Public Works.
2. Aerial photo.
3. Hennepin County map.
4. Photos.

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Vacating the southerly half of 3rd Avenue North, formerly Itaska Street, lying parallel and between a line 112 feet northeasterly of the northeasterly line of 1st Street North, and the northwesterly extension of the northeasterly line of Lot 1, Block 10, Town of Minneapolis, distant 50 feet, except for that part described as follows: beginning at the northeasterly corner of Lot 1, Block 10, Town of Minneapolis; thence extending the northeasterly line of Lot 1, Block 10, northwesterly 40 feet to the center line of 3rd Avenue North, southwesterly 50 feet on said centerline, then easterly, to the point of beginning. (Vacation File No. 1456).

Resolved by The City Council of The City of Minneapolis:

That all that part of southerly half of 3rd Avenue North, formerly Itaska Street, lying parallel and between a line 112 feet northeasterly of the northeasterly line of 1st Street North, and the northwesterly extension of the northeasterly line of Lot 1, Block 10, Town of Minneapolis, distant 50 feet, except for that part described as follows: beginning at the northeasterly corner of Lot 1, Block 10, Town of Minneapolis; thence extending the northeasterly line of Lot 1, Block 10, northwesterly 40 feet to the center line of 3rd Avenue North, southwesterly 50 feet on said centerline, then easterly, to the point of beginning is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to the City of Minneapolis: A storm sewer (tunnel) maintenance easement over the entire length (50 feet) and width (40 feet) of the southerly half of vacated 3rd Avenue North, in favor of the City of Minneapolis and a bicycle trail easement in favor of the City of Minneapolis Public Works Department, as follows: beginning at the northeasterly corner of Lot 1, Block 10, Town of Minneapolis; thence extending the northeasterly line of Lot 1, Block 10, northwesterly 40 feet to the center line of 3rd Avenue North, southwesterly 50 feet on said centerline, then easterly, to the point of beginning.

As to Xcel Energy and MCI: An easement over the entire proposed vacation area.

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 the City of Minneapolis, 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 street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.