



## Request for City Council Committee Action From the Department of Public Works

**Date:** November 22, 2005

**To:** Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

**Subject:** New Street Easement for Main Street SE

**Recommendation:**

Accept easement and payment in accordance with development agreement

**Previous Directives:**

Resolution 2001R-585, Vacating a portion of Main St SE

**Prepared by:** Dennis Morris, Real Estate Supervisor, 673-3607  
Paul W. Ogren P.E., Director of Field Services, 673-2456

**Approved by:**

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Klara A. Fabry, P.E., City Engineer, Director of Public Works

**Presenter:** Dennis Morris, Real Estate Supervisor, 673-3607  
Paul Ogren P.E., Director of Field Services, 673-2456

**Financial Impact** (Check those that apply)

No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain): Deferred revenue of \$55,000 received for future improvements

Request provided to the Budget Office when provided to the Committee Coordinator

## **Background/Supporting Information:**

### **Historical Narrative.**

In March 2001, the Minneapolis Stone Arch Partners, LLC (Stone Arch) petitioned the City of Minneapolis for the vacation of Main Street SE between 6<sup>th</sup> Ave SE and 8<sup>th</sup> Ave SE. They proposed building a multi-unit apartment complex. Although this segment of street was generally unimproved and did not extend past 8<sup>th</sup> Ave SE (which was also unimproved) the City had conceptual plans for a future roadway connecting into the U of M Campus area. Therefore the Planning and Public Works Departments initially opposed the vacation petition.

After an extended period of discussions, Stone Arch proposed a development agreement wherein the City would vacate Main Street SE and Stone Arch would dedicate and construct a new Main Street SE as part of their development. The development agreement specified that Stone Arch would construct the street within a specific time period, design and construct in accordance with Public Works specifications and have the work inspected to guarantee construction and design standards. In December of 2001 the development agreement was executed and the City Council passed the street vacation resolution.

### **New Easement**

An Easement Deed has been executed by Stone Arch and delivered to the Public Works Department. Upon City Council approval, the document will be recorded with the Hennepin County Registrar of Titles and all City and other public agencies will be notified of the new street easement.

### **Street Name**

In accordance with the new street naming ordinance (Chapter 436), the City Engineer will submit a street name petition to the City Council upon their acceptance of the new street easement. We will recommend the name of "Main Street Southeast" for the new street.

### **Development Agreement**

The developer agreed to provide a new roadway built to municipal design standards and in accordance with the approved plans and specifications provided by the City of Minneapolis. Upon inspection and approval of this new roadway the developer further agreed to provide an updated registered land survey establishing the actual as-built boundaries that shall be recorded at the developer's expense. Upon completion of these items the developer will convey this new right of way to the City of Minneapolis.

### **Settlement**

During the course of inspecting this new roadway it was found that portions of the new roadway did not meet the City of Minneapolis specifications. The concrete curb, driveway and sidewalk failures were corrected at the developer's expense. The deficient pavement section was addressed by the Developer providing Public Works with an up-front payment of \$55,000 dollars to be used for deferred maintenance of this roadway in future years. This amount will be dedicated to the 4100-937-9373 street construction fund/org for this deferred maintenance.

Attachment "A": Aerial Map.