

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

Date: March 3, 2011

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

Referral to: Zoning & Planning Committee

Subject: Correction of alley vacation resolution 2006R-396 (Vac-1476)

Recommendation: The legal description prepared by Public Works for Vac-1476 (vacating part of the alley on the block bound by Bloomington Avenue, 24th Street East, 16th Avenue South, and 25th Street East) was found to be unacceptable by the Torrens Examiner. The Torrens Examiner requested that a corrected description be adopted by the City. Public Works provided a letter explaining why the incorrect legal description was not discovered sooner. The letter is attached. The correction is needed to complete a plat for a 29-unit senior housing project located on the properties of 2401-2419 Bloomington Avenue South and 2410 16th Avenue South, which was approved by the City Planning Commission on December 13, 2010. The original resolution reserved an easement for Xcel Energy over part of the alley. This easement is still in effect. Staff recommends that the attached corrected resolution be approved to correct the legal description.

Previous Directives: The alley vacation was originally approved by Council on July 21, 2006.

Prepared by: Janelle Widmeier, Senior Planner (612-673-3156)

Approved by: Jason Wittenberg, Planning Manager

Presenters in Committee: Janelle Widmeier, Senior Planner

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The City of Minneapolis notified East Phillips Improvement Coalition, Ventura Village, and Midtown Phillips as required on May 22, 2006.
- 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:

Schiff

Correcting the legal description for Resolution 2006R-396: Vacating a portion of the alley on the block bound by Bloomington Ave, 24th St E, 16th Ave S, and 25th St E (#1476, in the vicinity of 2401-2419 Bloomington Ave and 2410 16th Ave S).

Resolved by The City Council of The City of Minneapolis:

That the above referenced Resolution 2006R-396 be corrected to read as follows:

~~That part of the Alley between Lots 5, 6, & 21, Block 4, Gilpatrick's Addition to Minneapolis; and, Outlot A and Lot 1, Block 1, Village in Phillips Addition, all according to the recorded plats thereof, Hennepin County, Minnesota, described as follows:~~

~~Beginning at the NE corner of Lot 6, Block 4, Gilpatrick's Addition to Minneapolis, thence west 123.55 feet to the northwest corner of said Lot 6, then north 16 feet, to the southwest corner of Lot 5, Block 4, said Addition; thence, east 135.40 feet, then south 34 feet to a point on the west line of Lot 21, Block 4, said Gilpatrick's Addition; thence west 12 feet to the east line of said Lot 6, then north 18 feet, to the point of beginning~~

That part of the 16 foot east-west alley dedicated in Block 4, Gilpatrick's Addition to Minneapolis lying north of the north line of Lot 6, said Block 4 and its easterly extension and west of the northerly extension of the west line of Lot 21, said Block 4

AND

That part of the 12 foot north-south alley dedicated in Block 4 Gilpatrick's Addition to Minneapolis which lies north of a line parallel with and distant 18 feet south of, as measured at right angles to, the north line of Lot 6, said Block 4 and its easterly extension

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 each of said corporation(s) as follows, to wit:

As to Xcel Energy, an easement over, under and across the east 30 feet of that part of the East/ West alley; and over, under and across all of that part of the North/South alley subject to this action and located between Lots 5 and 6, Block 4, GILPATRICK'S ADDITION TO MINNEAPOLIS,

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.