



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

Date: July 22, 2002
To: Transportation and Public Works Committee
Referral to:

Subject: Hiawatha Light Rail Transit - Areaway Removal at 5th Street between Nicollet Mall and Hennepin Avenue

Recommendation: Order the City Engineer to abandon and remove the areaways located in the public street right of way located at 509 Hennepin Avenue (Lots 14, 15, and 16 of Block 86 Town of Minneapolis Addition) that are in conflict with the Hiawatha Light Rail Transit Project

Previous Directives: June 21, 2002 - Setting of a public hearing to consider abandonment of areaways at this location and designation of the location to be improved as a project.

Prepared or Submitted by: Heidi Hamilton, Engineer III – LRT Project _____
673-3439

Approved: David J. Sonnenberg, P. E., City Engineer, Director of Public Works

Presenters in Committee: Heidi Hamilton

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):

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

Background/Supporting Information

The remnants of two areaways exist adjacent to 509 Hennepin Avenue (Lots 14, 15, and 16 of Block 86 Town of Minneapolis Addition, PID # 22-029-24-44-0056). This parcel is located on the southeast corner of 5th Street and Hennepin Avenue and is currently a parking lot. These areaway remnants are in conflict with the Hiawatha Light Rail Transit Project. One joint-use pole (a pole that carries overhead LRT wires, streetlights, and/or traffic signals) is currently planned for installation where the remaining areaway walls exist. The areaway walls will conflict with the required pole foundation.

Section 95.90 of the Minneapolis Code of Ordinances provides a procedure for dealing with areaway encroachments that would interfere with public improvements being made in the public right-of-way such as street construction. Before the City may abandon and remove a conflicting areaway (upon the failure of the abutting property owner to resolve or agree to resolve the conflict) and then later assess the costs, a public hearing must be held. The required legal public hearing notices will have been given by the date of the public hearing, and the City Engineer will have provided the initial notice required in Section 95.90 of the Minneapolis Code of Ordinances.

City staff recommends that the City Council order and direct the City Engineer to abandon and remove the areaways located in the public street right of way adjoining the property at 5th St between Nicollet Mall and Hennepin Avenue (identified as 509 Hennepin Avenue, Property ID No 22-029-24-44-0056, Lots 14, 15 and 16, Block 86, Town of Minneapolis Addition). If the property owner fails to remove the conflict prior by the date required for LRT construction, the City Engineer may then proceed with removal and the costs can be assessed back to the property owner through a future City Council Action.

The property owner was first notified of the conflict by telephone on May 30, 2002. City staff have sent written notice of the required removal, and two meetings have occurred between the property owner, City staff, Hiawatha Project Office staff, and LRT contractor to coordinate the required removal. Removal is being coordinated based on the LRT construction timeline. This block may be under construction later this summer, in which case the property owner would complete removal in July. If LRT construction in this block is delayed until spring of 2003, the property owner may wait for removal in order to minimize street restoration costs.

cc: Paul Ogren
Dennis Morris
Suzette Hjermstad
Steve Collin
Vicki Barron, Hiawatha Project Office
Jon Baker, Baker Associates

T&PW – Your Committee recommends passage of the accompanying Resolution ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the Hiawatha Light Rail Transit Project area.

Your Committee further recommends summary publication of the above-described Resolution.

Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the Hiawatha Light Rail Transit Project area.

Whereas, the City of Minneapolis has scheduled the light rail transit construction in 2002 and 2003 in the 5th Street block between Nicollet Mall and Hennepin Avenue area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said light rail transit construction; and

Whereas, a public hearing was held on July 22, 2002 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now Therefore, Be It Resolved by the City Council of the City of Minneapolis;

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street r/w adjoining the property at 5th St between Nicollet Mall and Hennepin Av (identified as 509 Hennepin Av, Property ID No 22-029-24-44-0056, Lots 14, 15 and 16, Block 86, Town of Minneapolis Addition).