

**Department of Community Planning and Economic Development - Planning Division**  
Alley Vacation  
Vac-1488

**Date:** June 12, 2006

**Applicant:** Duane Thorpe

**Address Of Property:** All of the north 7 feet of 34<sup>th</sup> Street West and all of the south 7 feet of 34<sup>th</sup> Street West, lying between Irving Avenue South and Humboldt Avenue South excepting those areas for alley purposes. The areas to be vacated are interior boulevards.

**Contact Person And Phone:** Duane Thorpe 612-825-5607

**Planning Staff And Phone:** Jim Voll 612-673-3887

**60 Day Review Decision Period:** Not applicable

**Ward:** 10    **Neighborhood Organization:** ECCO

**Existing Zoning:** R2B Two-family District

**Existing Overlay Districts:** SH Shoreland Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 24

**Legal Description:** All of the north 7 feet of 34<sup>th</sup> Street West and all of the south 7 feet of 34<sup>th</sup> Street West, lying between Irving Avenue South and Humboldt Avenue South excepting those areas for alley purposes.

**Proposed Use:** To provide land to the adjacent property owners. In addition, the vacation is proposed to facilitate possible development at 3401 Irving Avenue South and to remove porch encroachment at 1512 34<sup>th</sup> Street West.

**Concurrent Review:** Interior boulevard/partial street vacation. No other applications are required at this time, but the applicant may pursue development at 3401 Irving Avenue South.

**Background:** The applicant proposes to vacate the 8 foot interior boulevards on the north and south sides of 34<sup>th</sup> Street West between Irving and Humboldt Avenues. The interior boulevard is public right-of-way between the sidewalk and the property line on the property owner's side of the sidewalk. West 34<sup>th</sup> Street has 8 foot interior boulevards from the dead end at Lake Calhoun all the way east to Nicollet Avenue and even further to 17<sup>th</sup> Avenue South as East 34<sup>th</sup> Street, but the street itself is not a continuous thoroughfare this entire distance. It is a continuous thoroughfare eastward past Hennepin and Lyndale Avenues to Harriet Avenue South. It does not connect to Lake Calhoun Boulevard to the west.

The applicant proposes the vacation so that the porch at 1512 West 34<sup>th</sup> will no longer be in the right-of-

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way, to facilitate a possible porch as a part of an addition to 3401 Irving Avenue South, and to reduce the right-of-way to that of a typical residential street.

While staff can not identify a public use for this right-of-way at this time, it does not mean that there may not be one in the future, so the right-of-way still has a public purpose. In addition, this vacation will make the right-of-way on this block different than the other blocks of 34<sup>th</sup> Street to the west and east which could limit the City's options related to reconstruction of the public street, sidewalk, and boulevard.

**Development Plan:** The development plan is attached.

**Responses from Utilities and Affected Property Owners:** Xcel has requested an easement over part of the area requested to be vacated (please see attached map).

**Findings:** Public Works has not provided a letter indicating their position on the vacation. The CPED – Planning Division finds that the area proposed for vacation may be needed for a public purpose, and it is part of a public transportation corridor, and that it should not be vacated.

## **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. If the vacation application is approved is shall be subject to the provision of an easement to Xcel Energy.

### **Attachments:**

1. Applicants statement
2. Letter from neighborhood group.
3. Xcel Energy response.
4. Map and Aerial photo.
5. Right-of-way book.
6. Photos.

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**Vacating all of the north 7 feet of 34<sup>th</sup> Street West and all of the south 7 feet of 34<sup>th</sup> Street West, lying between Irving Avenue South and Humboldt Avenue South excepting those areas for alley purposes. (Vacation File No. 1488).**

Resolved by The City Council of The City of Minneapolis:

That all of a seven (7) foot strip of 34<sup>th</sup> Street West located immediately south of, and parallel to the south line of Lot 15, Block 1, MC Crory's Rearrangement of Parts of Blocks 48 & 49, Calhoun Park Addition to Minneapolis; excepting the alley as extended south; and, a seven (7) foot strip of 34<sup>th</sup> Street West located immediately south of, and parallel to the south line of Lot 6, Block 49, Calhoun Park Addition to Minneapolis; excepting the alley as extended south; and a seven (7) foot strip of 34<sup>th</sup> Street West located immediately north of, and parallel to the north line of Lots 1 and 14, Block 54, said Calhoun Park Addition to Minneapolis; excepting the alley as extended north. All according to the recorded plats thereof, Hennepin County, Minnesota 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 Xcel:** The north 7 feet of 34<sup>th</sup> Street West lying between the southerly extensions of the east and west lines of Lot 15, Block 49, CALHOUN PARK, according to the recorded plat thereof on file and of record in Office of the County Recorder 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 alley 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.