

Department of Community Planning and Economic Development - Planning Division
Street Vacation
Vacation 1571

Date: September 7, 2010

Applicant: Regents of the University of Minnesota

Address of Property: Beacon Street SE between Ontario Street SE and University Avenue SE.

Contact Person and Phone: Kelley Brandt – U of M Real Estate Office 612-625-5345

Planning Staff and Phone: Jim Voll 612-673-3887

60-Day Review Decision Date: Not Applicable

Ward: 2 Neighborhood Organization: PPERRIA

Existing Zoning: C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District, and the UA University Area Overlay District are adjacent to the street to the south.

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 22

Legal Description: That part of Beacon Street Southeast as dedicated in the plat of Baker's Addition to St. Anthony, not previously vacated, lying north of Block 5 and south of Block 4 of said Baker's Addition, and between the easterly right of way line of Ontario Street Southeast and the southwesterly right of way line of University Avenue Southeast.

Existing Use: Parking lot and green space.

Concurrent Review: Street vacation. No other applications are necessary at this point.

Background: The University of Minnesota currently utilizes this part of the Beacon Street SE right-of-way as parking. There is no built street. They request a vacation of the platted right-of-way for continued use as parking, but they may expand the existing building to the south in the future. If any future building expansion covers the public easement that is being reserved, then an additional vacation with a public hearing will be necessary to vacate the easement.

As of the writing of this staff report no comments have been received from the neighborhood group. Staff will forward comments, if any, to the Planning Commission.

Development Plan: Please see the attached aerial photograph of the existing conditions.

Responses from Utilities and Affected Property Owners: Xcel Energy has facilities in the area and request easements in the area to be vacated. Qwest has facilities in the area, but has indicated that they will be abandoned. The Public Works Department recommends approval and requests and easement in the area for water line purposes. Please see the attached letters from Public Works and Xcel Energy.

Findings: The Public Works Department and Community Planning and Economic Development Department – Planning Division find that the street proposed for vacation is not needed for a public purpose, is not part of a public transportation corridor, and that it can be vacated.

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 the City Council adopt the above findings and **approve** the street vacation of Beacon Street SE between Ontario Street SE and University Avenue SE subject to the reservation of easements for Xcel Energy and the City of Minneapolis.

Schiff

Vacating all of Beacon Street SE between Ontario Street SE and University Avenue SE (Vacation File No. 1571).

Resolved by The City Council of The City of Minneapolis:

That all that part of Beacon Street Southeast as dedicated in the plat of Baker's Addition to St. Anthony, not previously vacated, lying north of Block 5 and south of Block 4 of said Baker's Addition, and between the easterly right of way line of Ontario Street Southeast and the southwesterly right of way line of University Avenue Southeast is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and the City of Minneapolis their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: The southern 10 feet of the to be vacated Beacon Street Southeast as it abuts Lots 1 to 4, Block 5, Baker's Addition to St. Anthony, Hennepin County, Minnesota.

As to the City of Minneapolis: That part of to be vacated Beacon Street Southeast, 15 feet either side of a line, parallel to and 14 feet north of the centerline of said Beacon Street Southeast for water main purposes.

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.