

**Department of Community Planning and Economic Development - Planning Division**  
Vacation 1522

**Date:** June 11, 2007

**Applicant:** Brakins Homes Inc.

**Address of Property:** 908-920 Washburn Avenue North

**Contact Person and Phone:** Akinyele Akinsanya 612-743-7437

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

**60-Day Review Decision Date:** Not Applicable

**Ward: 5 Neighborhood Organization:** Northside Residents Redevelopment Council (Willard-Hay)

**Existing Zoning:** R1 Single-family District.

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

**Zoning Plate Number:** 12

**Legal Description:** The drainage and utility easements as platted between Lots 1 and 2, and Lots 3 and 4, Bassett Creek Woods Addition to Minneapolis; excepting the east and west 10 feet thereof.

**Existing Use:** Seven-unit cluster development

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

**Background:** The applicant is requesting a vacation of the drainage and utility easements as platted between Lots 1 and 2, and Lots 3 and 4, Bassett Creek Woods Addition to Minneapolis; excepting the east and west 10 feet thereof. No new development is proposed.

A proposal for a 25-unit development and rezoning from the R1 Single-family District to the R4 Multiple-family District (BZZ-1782) at this site was denied by the City Planning Commission and City Council in 2004. A waiver from the northside housing moratorium to allow four single-family homes (BZZ-1938) was approved by the City Council in September of 2004, and the associated replat subdivision (PL-158) from five lots to four lots with setback variances (BZZ-1951) to allow four single-family homes was approved by the City Planning Commission in September of 2004. At this time drainage and utility easements were placed along the interior lot lines of the newly replatted lots. The applicant was not able to build the four single-family homes and applied for an eight-unit cluster development that was approved as a seven-unit cluster development (BZZ-2289 & PW #7690) by the City Planning Commission and reaffirmed by the City Council on appeal in 2005.

When the cluster development was reviewed and approved with the buildings over the lot lines between Lots 1 and 2 and Lots 3 and 4, the drainage and utility easements were not vacated as required. The purpose of this vacation is to correct this error. No changes to the development plan or drainage plan are proposed, rather the purpose is to eliminate easements that are running under buildings and could not be utilized for their intended purpose. There are no public utilities, with the exception of some of Xcel's facilities located in the easements. Xcel will be granted an easement for the portion where their facilities are located.

**Development Plan:** No new development is proposed. Please see the aerial photo for existing development.

**Responses from Utilities and Affected Property Owners:** Xcel Energy request easements for their facilities.

**Findings:** The Public Works Department and City Planning Department find that the easements proposed for vacation are not needed for any public purpose, and are not part of a public transportation corridor, and that they 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 vacation, subject to retention of easements by Xcel Energy.

Schiff

**Vacating the drainage and utility easements as platted between Lots 1 and 2, and Lots 3 and 4, Bassett Creek Woods Addition to Minneapolis; excepting the east and west 10 feet thereof. (Vacation File No. 1522).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the platted Drainage & Utility Easements located between Lots 1 and 2, Bassett Creek Woods Addition to Minneapolis; excepting the east and west 10 feet thereof; and, that part of the platted Drainage & Utility Easements located between Lots 3 and 4, Bassett Creek Woods Addition to Minneapolis; excepting the east and west 10 feet thereof; all according to the plat of record at the Hennepin County Records Office, Minneapolis, Minnesota, are hereby vacated except that such vacations shall not affect the existing easement right and authority of Xcel Energy, its successors and assigns, to enter upon that portion of the aforescribed easement which is described in regard to each of said corporations as follows, to wit:

**As to Xcel:** The east 55 feet of the drainage and utility easements to be vacated.

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 easements 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.