

LAND USE APPLICATION SUMMARY

Property Location: Part of 7th Avenue North, southwest of North 5th Street (Vacation 1659)
Project Name: Right-of-Way Vacation
Prepared By: Hilary Dvorak, Principal Planner, (612) 673-2639
Applicant: Metro Transit
Project Contact: Renee DuFour
Request: To vacate part of 7th Avenue North, southwest of 5th Street North
Required Applications:

Vacation	Part of 7 th Avenue North, southwest of North 5 th Street
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SITE DATA

Legal Description	<p>That part of Seventh Avenue North as shown in BRADFORD AND BASSETT'S ADDITION TO THE CITY OF MINNEAPOLIS, according to the recorded plat thereof, Hennepin county, lying southwesterly of a line drawn 8.00 feet northeasterly of, parallel with and adjacent to the following described line:</p> <p>Commencing at the southeast corner of Lot 1, Block 1, said BRADFORD AND BASSETT'S ADDITION TO THE CITY OF MINNEAPOLIS, according to the recorded plat thereof, said Hennepin County; thence South 89 degrees 48 minutes 16 seconds West, assumed bearing along the south line of said Block 1, a distance of 134.27 feet to the southwesterly corner of Lot 3, of said Block 1; thence North 00 degrees 09 minutes 37 seconds West along the east line of said Lot 3 a distance of 25 feet; thence South 89 degrees 50 minutes 23 seconds West, a distance of 3.00 feet; thence North 00 degrees 09 minutes 37 seconds West, a distance of 111.25 feet to the northeasterly line of said Block 1; thence North 45 degrees 23 minutes 32 seconds West along the northeasterly line of said Block 1 and its northwesterly extension, a distance of 207.48 feet to the southeasterly line of said Seventh Avenue North, and the point of beginning of the line to be described; thence continuing North 45 degrees 23 minutes 32 seconds West along said northwesterly extension of Block 1, a distance of 133.17 feet to the intersection of the northwesterly line of said Seventh Avenue North, and said line there terminating.</p>
Existing Zoning	I2 Medium Industrial District
Lot Area	Not applicable
Ward(s)	5
Neighborhood(s)	North Loop
Designated Future Land Use	Not applicable

Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The applicant is proposing to vacate a portion of 7th Avenue North, southwest of North 5th Street in downtown Minneapolis. The portion of the street to be vacated is currently grass.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The portion of 7th Avenue North to be vacated is surrounded by Metro Transit offices, a multiple-family residential building and a brewery.

PROJECT DESCRIPTION. The applicant is proposing to vacate the right-of-way in order to construct a retaining wall. The segment of 7th Avenue North, where the vacation is proposed, is a half-block street. Two properties utilize 7th Avenue North for access purposes. Vacating the proposed eight-foot wide segment will not interfere with access to those properties.

DEVELOPMENT PLAN. The applicant is proposing to make modifications to their site. The applicant is proposing to construct a retaining wall along the property line and in order to build the retaining wall without any jogs in it they are proposing to vacate a portion of the right-of-way.

RELATED APPROVALS. Not applicable.

PUBLIC COMMENTS. No comment letters have been received in regards to this application. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

VACATION

The applicant is proposing to vacate a part of 7th Avenue North, southwest of North 5th Street.

The area to be vacated is legally described as follows:

That part of Seventh Avenue North as shown in BRADFORD AND BASSETT'S ADDITION TO THE CITY OF MINNEAPOLIS, according to the recorded plat thereof, Hennepin county, lying southwesterly of a line drawn 8.00 feet northeasterly of, parallel with and adjacent to the following described line:

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seconds West along said northwesterly extension of Block 1, a distance of 133.17 feet to the intersection of the northwesterly line of said Seventh Avenue North, and said line there terminating.

RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS. The Department of Public Works has reviewed the vacation petition and recommends approval subject to the retention of a utility easement over a portion of the area to be vacated.

Of the utilities and/or affected property owners that have responded Xcel Energy and CenturyLink have requested an easement over that part of 7th Avenue North, southwest of North 5th Street, to be vacated.

FINDINGS. The Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings for the application by Metro Transit:

A. Vacation part of 7th Avenue North, southwest of North 5th Street.

Recommended motion: **Approve** the vacation of a part of 7th Avenue North, southwest of North 5th Street, subject to the retention of easements for the City of Minneapolis, Xcel Energy and CenturyLink.

ATTACHMENTS

1. Description and map of area to be vacated
2. Vacation request from Metro Transit
3. Letter from utilities
4. Public Works letter

**Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement**

Petitioner: Metro Transit
Address: 560 6th Avenue North, Minneapolis MN 55411
Contact: Renee DuFour (612)-349-7658

Vacation File No.

1659

Page 1 of 4

Description of Easement to be vacated: Vacating part of 7th Ave. N. between Blocks 10 and 11 in Bradford and Bassett's Addition to the City of Minneapolis, southwest of 5th St. N.

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

Name of Reviewing Agency _____

Phone: _____

e-Mail: _____

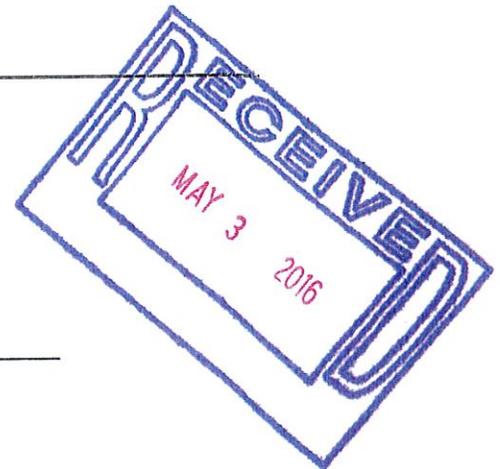
Approve petition as requested

Deny petition (provide explanation)

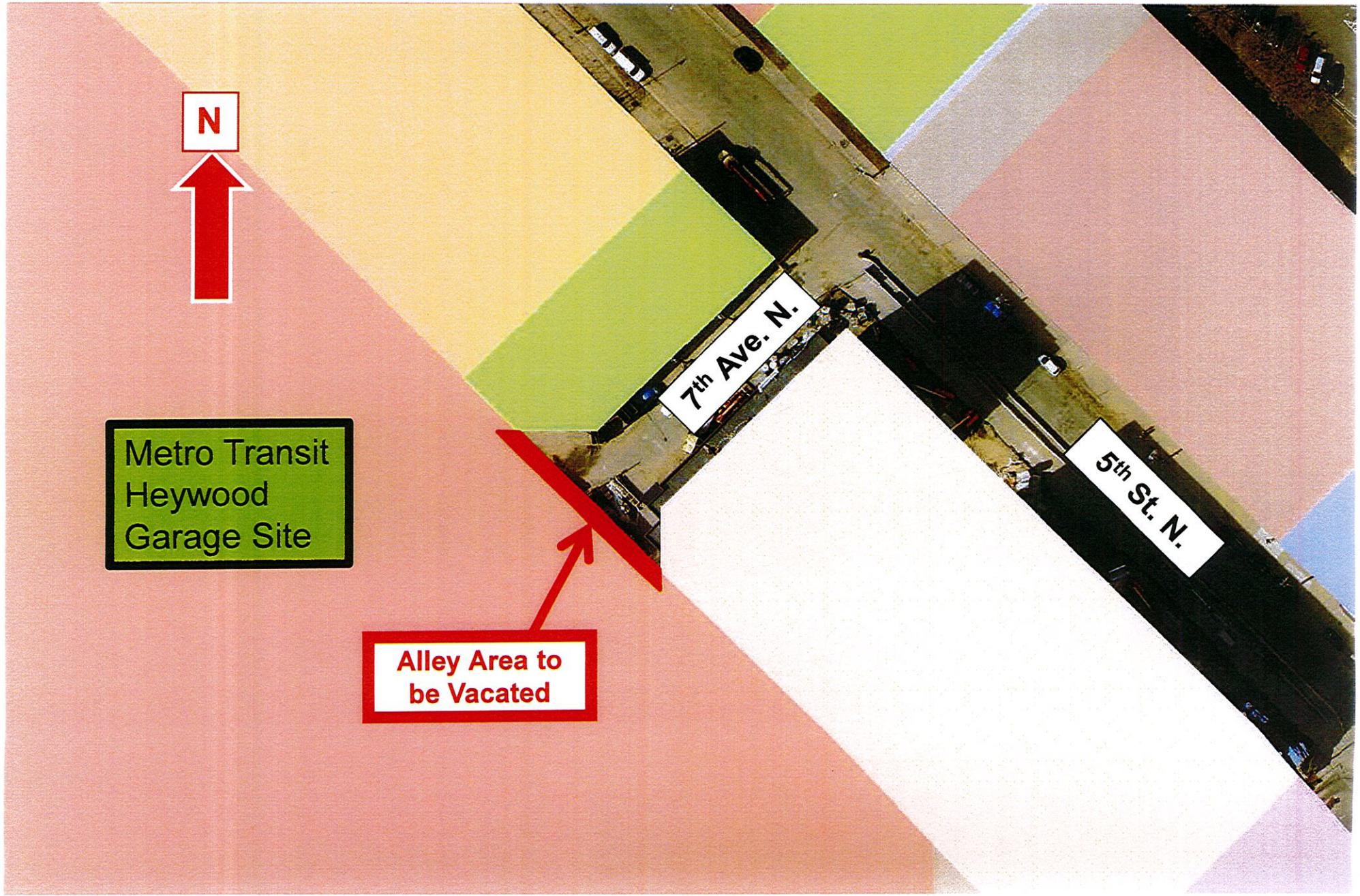
Reserve Easements (provide description)

By: _____

Date _____



Comments:

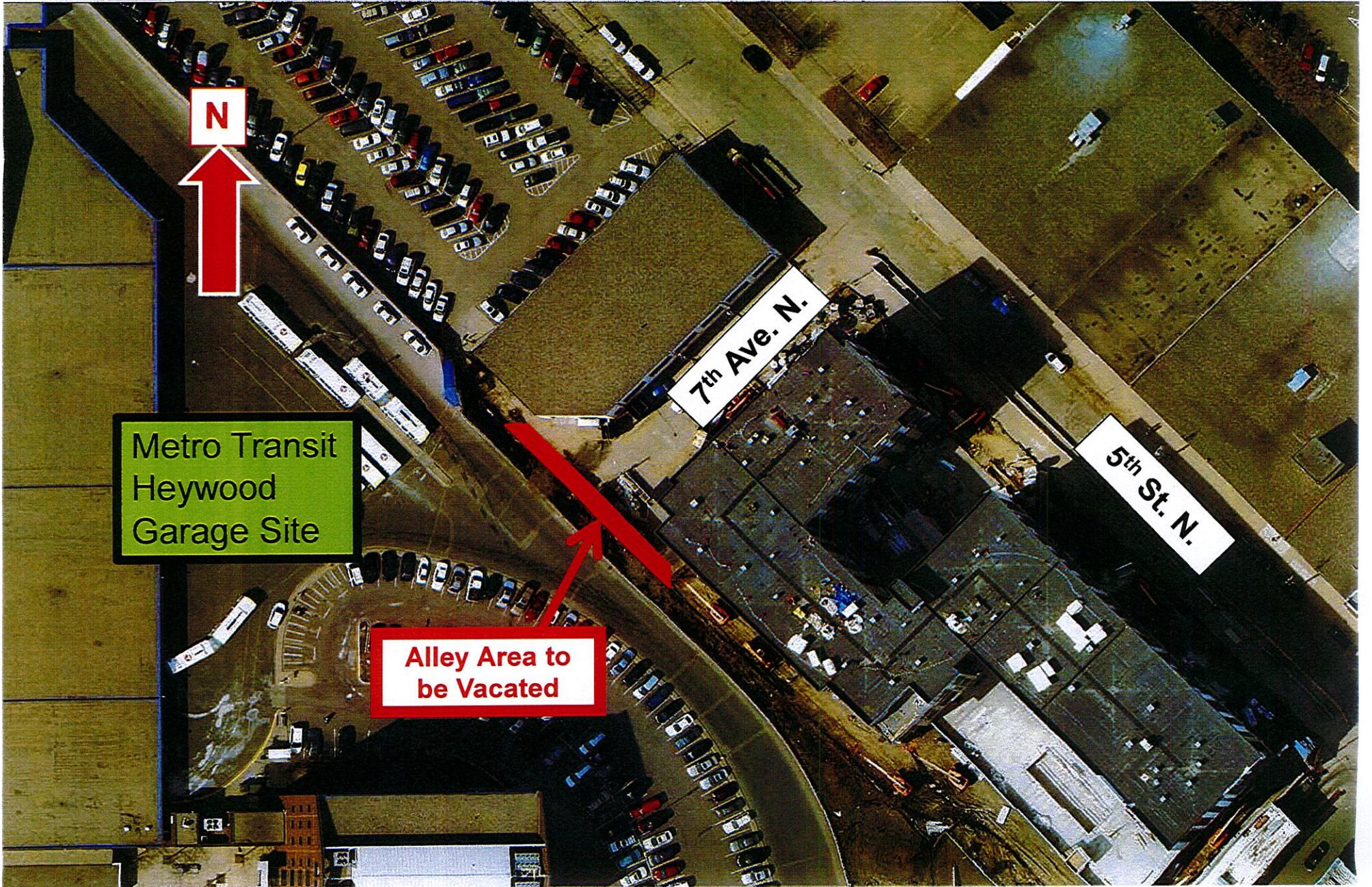


Metro Transit
Heywood
Garage Site

Alley Area to
be Vacated

7th Ave. N.

5th St. N.



N

Metro Transit
Heywood
Garage Site

Alley Area to
be Vacated

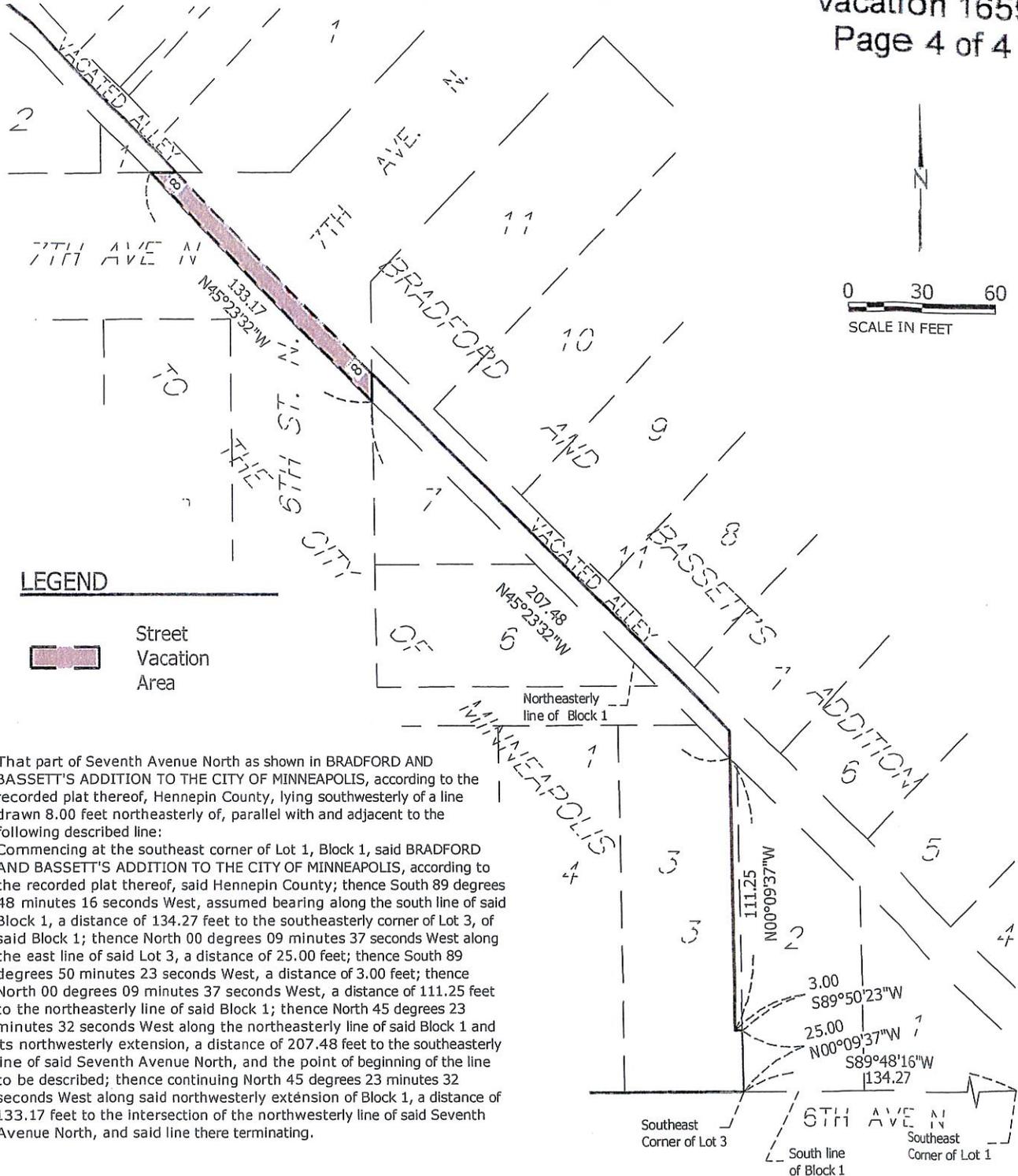
7th Ave. N.

5th St. N.

CITY OF MINNEAPOLIS, MN

STREET VACATION

Vacation 1659
Page 4 of 4



LEGEND

 Street Vacation Area

That part of Seventh Avenue North as shown in BRADFORD AND BASSETT'S ADDITION TO THE CITY OF MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, lying southwesterly of a line drawn 8.00 feet northeasterly of, parallel with and adjacent to the following described line:
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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: DANIEL J. ROEBER

SIGNATURE: 

DATE APRIL 18, 2016 LIC. NO. 43133



St. Paul Office
2335 West Highway 36
Saint Paul, MN 55113
Phone: 651-636-4600
Fax: 651-636-1311
Website: www.stantec.com

SURVEY
193803173V801.dwg

DRAWN
DJR

PROJ. NO.
193803173

**APPLICATION FOR VACATION OF A PUBLIC RIGHT-OF-WAY
CITY OF MINNEAPOLIS
(Chapter 433, Minneapolis Code of Ordinances)**

Applicant: Metro Transit

Address: 560 6th Avenue North

City: Minneapolis	State: MN	Zip: 55411
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Telephone: 612-349-7658

Name (Please print): Renee DuFour

Signature 	Date: 4/5/16
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RIGHT-OF-WAY INFORMATION

Describe right-of-way to be vacated: Please see attached EXHIBIT A

Lot(s):

Block(s):

Addition(s):

Reason for vacation: To straighten out the property line between the adjacent properties. Metro Transit

is proposing to construction a new retaining wall. If the vacation request is granted, the wall can be built straight, without any jogs.

Future use of vacated land:

Metro Transit will use 3' feet for a new retaining wall. The remaining 5' of the street vacation request will remain as is.

OFFICE USE ONLY

Ward: _____
Atlas Plate: _____
Zoning Plate: _____

VACATION NUMBER

FILED
MINNEAPOLIS, MN
2016 APR -6 AM 8:11
CITY CLERK
DEPARTMENT

Please make sure you have included the application fee, the mailing list and 8 1/2 X 11 map.

Submit application to: Minneapolis City Clerk's Office, 304 City Hall, 350 South 5th Street
Minneapolis, MN 55415-1382.

EXHIBIT F



MEETING MEMO

Meeting Date: March 31, 2016 8:30 am

Meeting Place: Heywood Office Bldg lobby & Location of proposed retaining wall at 560 N. 6th Ave.

Attendees: Cathy Nordin, MT project manager, Renee DuFour, Metro Transit CAR, City of Minneapolis Transportation Planners, Rebecca Hughes, Shane Morton and Robert Boblett

Purpose of the site meeting: To review the street vacation request prior to submission.

ITEMS DISCUSSED

1. The plan is to request the city to abandon the last 8' of 7th Ave. By doing this, the new retaining wall can be built straight, without any jogs.
2. The area to be vacated is currently a grass/weed area on the backside of a curb. The current street layout will not be affected by the vacation request.
3. Current access into either adjacent property will not be affected by this vacation request or subsequent retaining wall.
4. The retaining wall will be 5' inside of Metro Transit's property.
5. The remaining 5' northeast of the wall will not be used by Metro Transit. Metro Transit is willing to allow Interstate Development and their tenant, Brewco, and Junction Flats use of this area.
6. We met with the owners of both properties. Interstate Development requested Metro Transit to look into adding some decorative element to a portion of the concrete wall in the area of vacation. He had no other concerns. We had a meeting with the owners of Junction Flats but it was cancelled due to schedule conflict and not rescheduled. The site manager said to just submit the requests to her and she would forward them through the proper channels.
7. Construction timelines were reviewed. Construction is expected to start late Aug or early Sept. and last 3 months.
8. Metro Transit will continue to stay in contact with Interstate, Brewco and Junction Flats as the project progresses. Follow up meetings will be scheduled accordingly.

EXHIBIT G



MEETING MEMO

Meeting Date: March 28, 2016 3pm

Meeting Place: Heywood Office Bldg – 3rd Fl Video Conference Room & Location of proposed retaining wall at 560 N. 6th Ave.

Attendees: Cathy Nordin, MT project manager, Eric Simmer, Interstate Development, Renee DuFour, Metro Transit CAR, David Ahrens, Stantec civil engineer.

Purpose of the site meeting: Meeting with adjacent property owner located at 701 N 5th St. Mpls to review Metro Transit's request to vacate a portion of 7th Street to accommodate a new retaining wall. City of Minneapolis Transportation Planner, Becca Hughes, requested Metro Transit meet with all affected owners prior to submitting the street vacation application.

ITEMS DISCUSSED

1. The plan is to request the city to abandon the last 8' of 7th Ave. By doing this, the new retaining wall can be built straight, without any jogs.
2. The area to be vacated is currently a grass/weed area on the backside of a curb. The current street layout will not be affected by the vacation request.
3. Current access into either adjacent property will not be affected by this vacation request or subsequent retaining wall.
4. The retaining wall will be 5' inside of Metro Transit's property.
5. The remaining 5' northeast of the wall will not be used by Metro Transit. Metro Transit is willing to allow Interstate Development and their tenant, Brewco, use of this area.
6. Eric requested Metro Transit to look into adding some decorative element to a portion of the concrete wall in the area of vacation.
7. During construction, Metro Transit will need a temporary construction easement from Interstate Development. All existing conditions will be restored at Metro Transit's expense and incorporated into the project.
8. Construction timelines were reviewed. Construction is expected to start late Aug or early Sept. and last 3 months.
9. Metro Transit will continue to stay in contact with Interstate and Brewco as the project progresses. Follow up meetings will be scheduled accordingly.
10. At the conclusion of the meeting, Eric indicated he did not see any concerns with the street vacation request or temporary construction easement request.

EXHIBIT H



MEETING MEMO

Meeting Date: April 1, 2016 1pm

Meeting Place: Junction Flats lobby

Attendees: Cathy Nordin, MT project manager, Renee DuFour, Metro Transit CAR, Toni Law, Greystar-Junction Flats Apartments Community Manager, Norm Mireles, JF Facility Technician

Purpose of the site meeting: To review location of existing storm sewer as it relates to proposed location for a new gas line. We also talked about the gas service easement and the street vacation request.

BACKGROUND - Junction Flats is owned by an investment fund and managed by Greystar. Our contact is the Community Manager, Toni Law. She works with an asset manager and regional manager. We have been directed to send all correspondence to her at junctionflatsmgr@greystar.com. Length of approval process will vary depending on topic and input required from various investors.

Metro Transit requested permission from Toni for a utility locate to be performed on the south portion of the Junction Flats property. This effort resulted in identifying the private natural gas line and the Century Link line along the property line.

She also allowed access to the secure fenced in area to mark the approximate location of the property line and the proposed wall location. These are identified with paint and also 4 stakes woven into the dog run fence. This assists all of us in facilitating the following discussions.

ITEMS DISCUSSED

7TH AVE PARTIAL VACATION – See attached sketch

1. Metro Transit is requesting that the last 7-8 feet (SW end) of the dead ended 7th Ave. No. be vacated so a proposed retaining wall can be built straight. The request for the street vacation was previously discussed with Toni and a subsequent meeting was schedule with other Greystar Management but then cancelled due to schedule conflict. There is no follow up meeting scheduled at this time. Toni said we should send her any information regarding the requests and she will forward them on to the appropriate parties.

2. Metro Transit's street vacation request has no direct impact on Junction Flats. The existing curb line lies near the proposed property line. It would be Metro Transit's intent, if the city allows, to not reinstall the curb at the existing location but to pave up closer to the retaining wall. This would allow additional street movement for both adjacent properties than currently exist.
3. As part of the vacation process Metro Transit will request address labels from Hennepin County records for the street vacation and will submit to the city for mailing out the vacation documents. Metro Transit will also include a label for Junction Flats Community Manager.

CENTERPOINT GAS LINE

4. CenterPoint will be relocating the gas service main to run underground along the property line between Junction Flats and Metro Transit.
5. While Metro Transit was discussing this location with CenterPoint, they recommended that Junction Flats' existing service natural gas service should be abandoned and a new service to Junction Flats will be taken off the new service main. This can be done when CenterPoint relocates the gas main.
6. Chuck Mayer from CenterPoint has been in contact with Toni and will submit a service easement request to her for the gas service.
7. Metro Transit will pay for all work associated with the gas service main including restoration of Junction Flat's property.
8. CenterPoint will also prepare Metro Transit's portion of the easement for signature.
9. Junction Flats has an existing storm sewer between the property line and their building. The pipe is 52' long 12" HDPE (9 ST. S. CB Top=812.5 INV=809.17) and (8 ST.S.CB Top=812.50 Inv=808.58). The new gas line will have to stay clear of the storm pipe.

DOG RUN

10. As part of the Temporary Construction Easement (see below), the Junction Flats dog run will have to be relocated prior to gas line work and remain relocated during the wall construction. Toni will ask her management where that should go and see if it will be a permanent relocation or a temporary one. Metro Transit will cover the costs of this relocation.
11. The current dog run is encroaching on Metro Transit's property.

TEMPORARY CONSTRUCTION EASEMENT

12. Metro Transit will also be sending Junction Flats a request for a temporary construction easement for the construction of the retaining wall.
13. Metro Transit's existing fence is not on the property line. Currently, Junction Flats is using a portion of Metro Transit's property for the dog run and open lawn.

14. The proposed Metro Transit retaining wall will be constructed 5' southwest of the property line.
15. Construction of the retaining wall is planned on starting in late August or early September 2016. Construction will last approximately 3 months.
16. Construction of the police headquarters is expected to begin spring 2017 and could take 12-16 months.
17. Construction of the gas relocation will occur prior to the wall construction.
18. Brewco is not affected by the gas service changes or easement changes.
19. Metro Transit is willing to allow continued use of the remaining 5' of property northeast of the wall by Junction Flats so long as we have access to maintain the wall.
20. Utility locate identified a Century Link easement adjacent to the common property line, Renee will contact Century Link regarding relocating their existing service currently in the way of the proposed wall.
21. As part of the Metro Transit construction contract, the contractor will be restoring the property, fences, trees, etc to same condition as start of Temporary Construction Easement.

**Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement**

Petitioner: Metro Transit
Address: 560 6th Avenue North, Minneapolis MN 55411
Contact: Renee DuFour (612)-349-7658

Vacation File No.
1659
Page 1 of 4

Description of Easement to be vacated: Vacating part of 7th Ave. N. between Blocks 10 and 11 in Bradford and Bassett's Addition to the City of Minneapolis, southwest of 5th St. N.

Review and Comment

Utility easements cannot be reserved unless there is an existing facility within the area to be vacated. If there is an existing utility, please enclose a map showing its location.

Name of Reviewing Agency Center Point Energy

Phone: 612-321-5381

e-Mail: Charles.Mayers@CenterPointEnergy.com

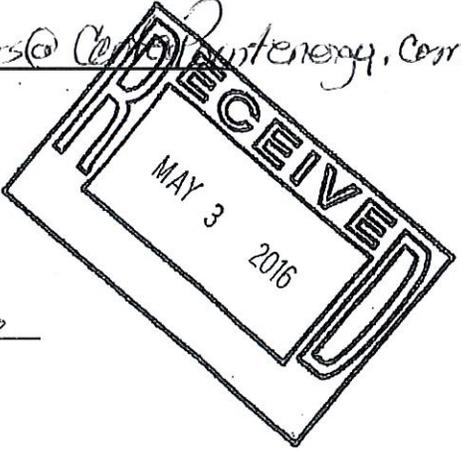
Approve petition as requested

Deny petition (provide explanation)

Reserve Easements (provide description)

By: Charles Mayers

Date 5/16/16



Comments: No Interest

**Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement**

Petitioner: Metro Transit
Address: 560 6th Avenue North, Minneapolis MN 55411
Contact: Renee DuFour (612)-349-7658

Vacation File No.
1659
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Review and Comment

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Name of Reviewing Agency Mpls FIRE

Phone: (612) 673-2674
~~612 522-2014~~

e-Mail: Michael.dahlberg@minneapolismn.gov
BRYAN TYNER @
MINNEAPOLIS MN, GOV

Approve petition as requested

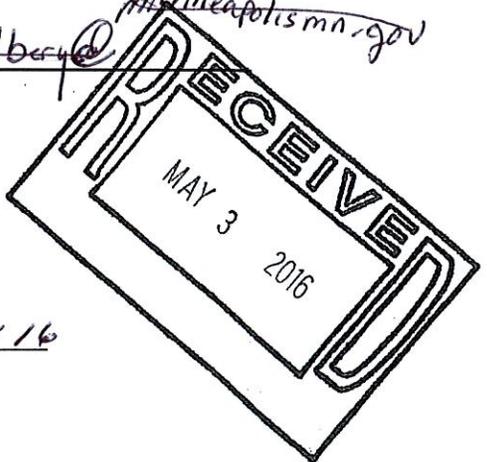
Deny petition (provide explanation)

Reserve Easements (provide description)

By: Assistant Chief Bryan D. Tyner

By: BC Michael Dahlberg

Date 23 MAY 16



Comments:

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

Petitioner: Metro Transit
Address: 560 6th Avenue North, Minneapolis MN 55411
Contact: Renee DuFour (612)-349-7658

Vacation File No.
1659
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Review and Comment

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Name of Reviewing Agency XCEL ENERGY - SEAN LAWLER

Phone: 612-330-1936

e-Mail: SEAN.W.LAWLER@XCELENERGY.COM

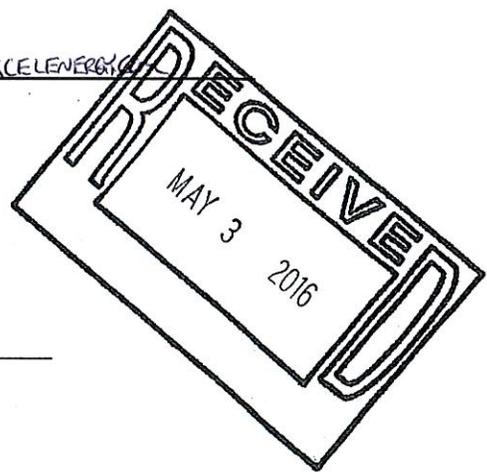
Approve petition as requested

Deny petition (provide explanation)

Reserve Easements (provide description)

By: SEAN LAWLER

Date 6/9/16



Comments: DISTRIBUTION SERVICE TO MULTIPLE CUSTOMERS LOCATED IN VACATION AREA.
RESERVE EASEMENT ACROSS ALL THAT PART OF 7TH AVE N, BETWEEN BLOCKS 10 & 11 IN BRADFORD & BASSETT'S ADDN. TO THE CITY OF MINNEAPOLIS, SOUTHWEST OF 5TH ST. N TO BE VACATED.

Petition to Vacate
City Of Minneapolis Street, Alley or Utility Easement

Petitioner: Metro Transit
Address: 560 6th Avenue North, Minneapolis MN 55411
Contact: Renee DuFour (612)-349-7658

Vacation File No.

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Review and Comment

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Name of Reviewing Agency Centurylink

Phone: 651-312-5671 e-Mail: steve.hoppe@centurylink.com

Approve petition as requested

Deny petition (provide explanation)

Reserve Easements (provide description)

By: Steve Hoppe Date 6/14/2016

Comments: Centurylink has facilities in the area.

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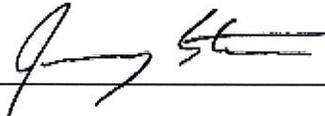
Name of Reviewing Agency Minneapolis Public Works – Surface Water & Sewers

Phone: 612-673-3973 e-Mail: jeremy.strehlo@minneapolismn.gov

Approve petition as requested

Deny petition (provide explanation)

Reserve Easements (provide description)

By:  Date 6/21/2016

Comments:
There are existing storm and sanitary sewers within the right-of-way.
The sanitary sewer in the right-of-way proposed to be vacated and upstream only serves the Metro Transit facility, therefore ownership should be transferred to Metro Transit up to the first manhole in 7th Ave N.
The storm sewer coming from the west only serves the Metro Transit facility, therefore ownership should be transferred to Metro Transit up to the first manhole in 7th Ave N.
An extension of the 30' Utility Easement retained in the 6th St N vacation (per Doc. No. 4766923) should be retained through the right-of-way to be vacated to cover the existing storm sewer in this location.



Minneapolis
City of Lakes

**Department of
Public Works**

Steven A Kotke, P.E.
City Engineer
Director

350 South 5th Street – Room 203
Minneapolis MN 55415

Office 612 673-3000
Fax 612 673-3565
TTY 612 673-2157

June 23, 2016

Hilary Dvorak
CPED-Planning
250 4th St. So., Room 300
Minneapolis, MN 55415

RE: Vacating part of 7th Ave. N. southwest of 5th St. N. (Vacation 1659)

Dear Ms. Dvorak:

Public Works staff has reviewed this vacation petition and recommends Approval of said petition.

The easements being vacated are legally described as follows:

That part of Seventh Avenue North as shown in BRADFORD AND BASSETT'S ADDITION TO THE CITY OF MINNEAPOLIS, according to the recorded plat thereof, Hennepin county, lying southwesterly of a line drawn 8.00 feet northeasterly of, parallel with and adjacent to the following described line:

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At the request of Surface Water & Sewers Division, the City of Minneapolis will retain a storm drain easement, legally described as:

That part of Seventh Avenue North as shown in BRADFORD AND BASSETT'S ADDITION TO THE CITY OF MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, described as follows:



Commencing at the southeast corner of Lot 1, Block 1, said BRADFORD AND BASSETT'S ADDITION TO THE CITY OF MINNEAPOLIS, according to the recorded plat thereof, said Hennepin County; thence South 89 degrees 48 minutes 16 seconds West, assumed bearing along the south line of said Block 1, a distance of 134.27 feet to the southeasterly corner of Lot 3, of said Block 1; thence North 00 degrees 09 minutes 37 seconds West along the east line of said Lot 3, a distance of 25.00 feet; thence South 89 degrees 50 minutes 23 seconds West, a distance of 3.00 feet; thence North 00 degrees 09 minutes 37 seconds West, a distance of 111.25 feet to the northeasterly line of said Block 1; thence North 45 degrees 23 minutes 32 seconds West along the northeasterly line of said Block 1 and its northwesterly extension, a distance of 207.48 feet to the southeasterly line of said Seventh Avenue North; thence continuing North 45 degrees 23 minutes 32 seconds West along said northwesterly extension of the northeasterly line of Block 1, a distance of 30.99 feet to the point of beginning; thence continuing North 45 degrees 23 minutes 32 seconds West along said northwesterly extension of Block 1, a distance of 42.26 feet; thence North 00 degrees 09 minutes 37 seconds West, 11.27 feet; thence South 45 degrees 23 minutes 32 seconds East, 42.26 feet; thence South 00 degrees 09 minutes 37 seconds East, 11.27 feet to the point of beginning.

Sincerely,



Don Elwood, Director
Transportation Engineering & Design Division

Cc: Dennis Morris