



**Department of  
Public Works**

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January 2, 2015

**RE: Building Areaways  
Nawadaha Boulevard and Minnehaha Avenue Reconstruction Project  
Minnehaha Avenue (CSAH 48) Reconstruction Project**

Dear Property Owner,

The City of Minneapolis is preparing to reconstruct Minnehaha Ave from 46<sup>th</sup> St E to Nawadaha Boulevard and Nawadaha Boulevard from Minnehaha to 250 feet west. Hennepin county is preparing to reconstruct Minnehaha Ave (CSAH 48) from Lake St S to 46<sup>th</sup> St E. The projects will include new pavement, curb and gutter and sidewalk and utility work as needed. This construction is currently scheduled to begin early in the spring of 2015 and continue into 2016.

The City does not have documentation of any areaways within the project right-of-way in conflict with the project. However, undocumented areaways are occasionally encountered during street reconstruction. It is not unusual for property owners to be unsure of what an areaway is and whether they have an areaway. An areaway is a below ground extension of the building foundation, most often an extension of the building basement beneath the sidewalk. Since areaways belong to and benefit the property owners, the obligation to maintain, repair or remove the areaway is the responsibility of the property owner.

If areaways are discovered during construction, they may cause substantial delay to the project and add to the project cost. City ordinance provides for a process that can mitigate a large portion of this time delay. An areaways fact sheet is included with this letter. The fact sheet explains the process and owner responsibilities for areaways that are along the project corridor.

It is the City's intention to work with property owners to determine if they have areaways that may be in conflict and to assist those owners who do have areaway conflicts to minimize their cost while still maintaining the project schedule. The City is sending this letter to every property owner whose property abuts the project. A public hearing for areaway abandonment and removal is scheduled for January 20, 2015. A formal notice for the public hearing will be sent two weeks prior to the hearing date.

I have enclosed a copy of the City's areaway ordinance. While owners need to be aware of all aspects of the ordinance, I would ask that you pay particular attention to sections 95.90(a), (c) and (d). These sections contain much of the pertinent information described above.

If you have any questions please contact Chris Engelmann at (612) 673.3274 or [chris.engelmann@minneapolismn.gov](mailto:chris.engelmann@minneapolismn.gov).

Sincerely,

Christopher M. Engelmann, P.E.  
309 2<sup>nd</sup> Ave S – Rm. 300  
Minneapolis, MN 55401



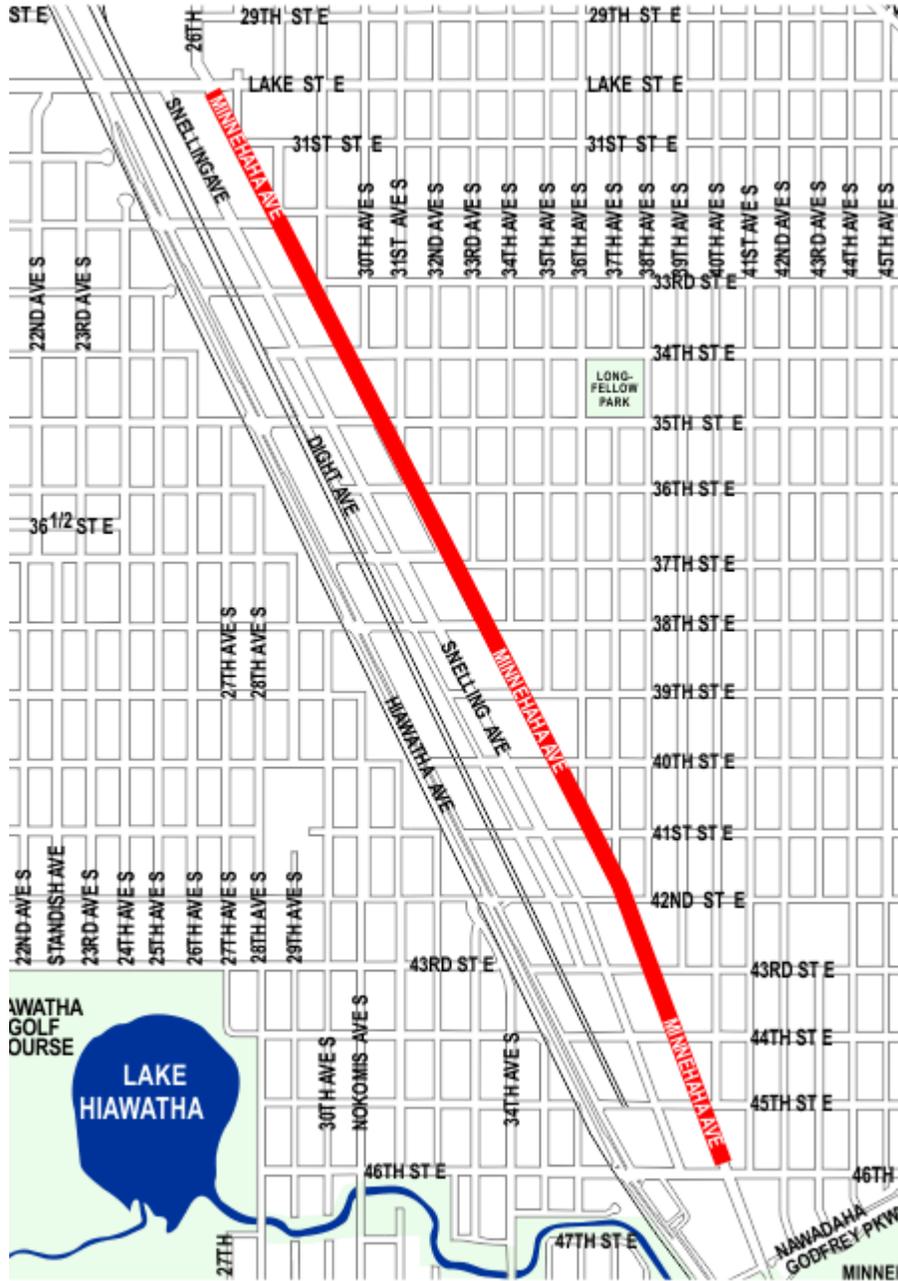
ATTACHMENT 1

NAWADAHA BOULEVARD AND MINNEHAHA AVE RECONSTRUCTION PROJECT MAP



ATTACHMENT 2

MINNEHAHA AVE (CSAH 48) RECONSTRUCTION PROJECT MAP



PROJECT



# Areaway Fact Sheet

## What is an areaway?

- An areaway is usually a section of the basement that extends beyond the face of building and the property line. Examples are: area of the basement or basement rooms under the public sidewalk; window wells; delivery hoist-ways; access chutes.
- The official definition of an areaway (per City of Minneapolis Ordinance) is: "a below grade area which is or was used as an extension of, or adjunct to, a building or structure, and which extends into and occupies a portion of a street or other public right-of-way".
- Occasionally, property owners may be unaware that their building has an areaway. If you are not sure, please contact the City of Minneapolis Public Works staff at 612-673-3274, and we will provide assistance.

## Whose is responsible for an areaway?

- Building owners are responsible for their areaways because:
  - The street right-of-way exists for the benefit and use of the public.
  - An areaway is an encroachment into the public right-of-way.
  - An areaway is the property of and benefits only the building owner.
- City Ordinance obligates building owners to assume all expenses related to the maintenance, repair, modification and/or removal of areaways.
- City Ordinance further stipulates that the owner is responsible for ensuring That the areaway is structurally sound and for modifying or removing the Areaway in the event it conflicts with public improvement projects.

## What are a building owner's responsibilities?

If a building has an areaway that encroaches into the public right-of-way and The building owner wishes to leave it in place, City Ordinance states that the existing areaway must be:

- Structurally sound (in other words, in good physical condition).
- Capable of supporting the required loads (as defined in the City Ordinance).
- Modified, as required, to accommodate projects for the public good (for example, if the walls or roof of the existing areaway conflict with new construction, they must be rebuilt so that they do not conflict),
- Areaways less than 35 years old are usually in adequate condition to meet the structural requirements of the ordinance. The ordinance requires evaluation of **all** areaways 35 years old and older by a licensed qualified civil or structural engineer. Regardless of age, building owners are responsible for ensuring their areaway is structurally sound and they should consider having their areaway evaluated by a qualified engineer

- In order to accommodate a project for the public good, a building owner May be required to remove or modify an areaway to eliminate geometric Conflicts between the areaway and new construction in the public right-of way.
- Even if the areaway is currently in good structural condition, the owner may need to have parts of the areaway rebuilt, or have the areaway completely removed, so it does not obstruct the new construction.
  - This often occurs where there is not at least six inches of vertical clearance between the areaway and the bottom of sidewalk or curb.
  - New sidewalk and curb reconstruction planned for Riverside Ave will likely conflict with some of the existing Areaways
    - If you are unsure if your areaway is structurally sound and/or in geometric conflict with the project, you are urged to contact a qualified engineer. A copy of the City of Minneapolis' Areaway Ordinance is **attached**. You should pay particular attention to sub-sections (c), (d) and (e).

**What does a building owner need to do if the areaway  
Is structurally unsound or in conflict with new construction?**

- It is imperative that all areaways **and** areaway conflicts be identified before construction. Areaway conflicts found during construction are more expensive for the building owner and they limit the building owner's ability to develop plans and have input on what will be done.
- Building owners must hire a licensed qualified engineer to develop plans for the areaways' modification or removal and hire a licensed contractor to do the work. Building owners who choose to remove their areaways may petition the City of Minneapolis to have the cost assessed to their property. Due to state law, the City will be required to publicly bid the areaway.
- The City of Minneapolis prefers that the areaway work to be done in advance of the project. If areaway work must be done during the project, it is imperative that the work be coordinated with the City of Minneapolis Engineering staff.

**What will happen if building owners do not resolve areaway  
conflicts?**

- City Ordinance gives the City Engineer the power to remove the areaways in conflict with a public works project and assess all costs to the property owner.
- The areaway will be removed by City or County forces if the owners do not resolve the conflict with the proposed project.

## 95.90. - Areaways.

(a) *Defined.* The term "areaway," as used in this Code, shall mean a below-grade area which is or was used as an extension of, or adjunct to, a building or structure and which extends into and occupies a portion of a street or other public right-of-way.

- (b) *New construction or modification of areaway.* No areaway shall be constructed or modified without an encroachment permit issued by the city engineer. Persons seeking an encroachment permit for an areaway shall submit an application before they apply for a building permit and shall submit their plans, including present and proposed top-of-curb profiles and other pertinent information, for the city's review regarding compliance with the following conditions and restrictions:
- (1) No areaway shall be permitted in any alley right-of-way or in the roadway portion of any street (from the back of the curb to back of curb, or, if a new layout plan for a street has been approved by the city council, then between the proposed backs of curbs).
  - (2) No areaway shall be permitted in the sidewalk utility corridor, which is the five-foot wide portion of the public right-of-way parallel and adjacent to the back of the curb and having a depth of nine (9) feet measured from the top of the curb. No areaway shall extend more than twelve (12) feet into the public right-of-way as measured from the property line. Further, the areaway shall not serve as an essential support function for the adjacent building, so that the areaway can be readily removed without affecting the structural integrity of the adjacent building or other essential support systems to said building.
  - (3) The minimum granular cover material between the top of the areaway and the bottom of the sidewalk or driveway shall be six (6) inches at the property line. Further, said cover shall uniformly increase by sloping the areaway roof downward way from the property line at a minimum rate of three-fourths ( $\frac{3}{4}$ ) inch per foot advancing into the right-of-way.
  - (4) No opening of any kind, including, but not limited to, stairways, chutes, and ventilation openings, shall be allowed from the public sidewalk into the areaway.
  - (5) The walls of the areaway shall be of adequate strength and sufficiently braced with cross walls to resist all lateral and vertical loads, including but not limited to earth loads, hydrostatic loads, vehicular loads and loads imposed by the structure.
  - (6) The areaway shall be constructed of reinforced concrete or other suitable material adequate to safely carry the design load, including the capability of sustaining a concentrated live load of ten thousand (10,000) pounds on any area not exceeding six (6) inches square. All materials shall be corrosion-resistant.
  - (7) The shutoff (stop box) for all water supply lines shall be outside of and at least two (2) feet from the areaway walls and no such areaway shall interfere with pipes, sewers, conduits or other underground construction of the city or any public service corporation.
  - (8) Areaway roofs less than three (3) feet from the surface shall be insulated with a suitable material so as to prevent the melting and refreezing of snow caused by heat loss to the sidewalk or utility corridor above.

Upon completion of the review, the application for an areaway encroachment permit will be forwarded to the city engineer for approval or denial. After the city engineer issues the encroachment permit, the requesting party shall obtain a building permit prior to constructing said areaway.

Any modification of an existing areaway shall be performed in compliance with the requirements of section (b) above, as well as the additional requirements set forth for existing areaways in section (c) below as determined by the city engineer.

- (c) *Existing areaway compliance.* All areaways or the remains of areaways, in existence prior to January 1, 1990, shall be allowed to remain in place until such a time as the city engineer may require that the areaway be modified or abandoned to accommodate projects for the public good, including, but not limited to, the following projects: Sidewalk, including condemned sidewalk replacement, curb, gutter, street pavement, utility, street lighting system, traffic signal system, and streetscape. When an areaway must be modified or abandoned for such purpose, the city engineer shall notify the property owner of the existing or potential areaway conflict. The property owner shall, within two (2) weeks, respond to the city engineer's notice and provide a schedule satisfactory to the city engineer for completing the required work. Should the property owner fail to supply a satisfactory schedule or follow through with the approved schedule, the city council may direct the city engineer to abandon said areaway in its entirety and may assess all associated costs against the property adjoining the areaway and such assessment shall be levied and collected in the same manner as special assessments under Chapter 10, Section 8 of the Charter of the City of Minneapolis. Before the city council orders the city engineer to abandon an areaway, it shall hold a public hearing on the matter and shall provide the owner of the areaway fourteen (14) days written notice of the hearing, specifying the time and place thereof. An areaway or the remains of an areaway adjacent to a vacant lot, shall be abandoned and removed whenever a new building is constructed on any such vacant lot. All areaways or the remains of areaways in existence prior to January 1, 1990, shall remain in compliance with the following requirements:
- (1) All existing stairway areaways or open areas shall be properly protected by smooth iron or brass railing with iron gates at the tops of all such stairways. If such stairways occur at street corners, they shall be rounded off so that they shall have a radius not exceeding the distance that said stairways project into the sidewalks, measured at right angles to the front or sides of the building.
  - (2) Areaways for ventilation shall not exceed four (4) feet by four (4) feet and shall be covered with a steel grating having openings not over one and one-fourth (1¼) inches wide.
  - (3) Coal chutes, ash hoists or similar openings shall not exceed three (3) feet four (4) inches by five (5) feet, and shall be covered with suitable covers or doors, having a rough surface which shall be approved by the city engineer and having hinges and other hardware flush with top surface.
  - (4) The covers over sidewalk areas mentioned in subsections (2) and (3) above shall be designed to carry a live load of one hundred fifty (150) pounds per square foot and when constructed in an alley right-of-way shall be designed to carry a concentrated load of six thousand (6,000) pounds on an area not exceeding six (6) inches square. When not opened, all such covers shall be securely locked in place. The walls around such areaways shall be of masonry or reinforced concrete of adequate strength to resist all stresses.
  - (5) Existing areaways larger than those permitted above or areaways to be used for other purposes shall not be allowed to remain unless a special permit was issued by the city council prior to January 1, 1990, and unless said areaways remain in compliance with the following requirements: The walls shall be of adequate strength and sufficiently braced with cross walls to resist all lateral and vertical loads; the sidewalk or roadway over areaways shall be constructed of steel, reinforced concrete or brick arches, adequate to safely carry at least one hundred fifty (150) pounds per square foot and if such surface is used as a roadway, shall also be capable of sustaining a concentrated load of six thousand (6,000) pounds on any area not exceeding six (6) inches square; the top surface of such sidewalk or roadway shall be smooth and flush, but shall not be slippery when wet; the controls on all water supply lines shall be outside of and at least two (2) feet from the retaining walls of such areas and no such areas shall interfere with any pipes, sewers, conduits or other underground constructions of the city or any public service corporation.

All areaways to be modified shall be designed to meet all applicable state and local building codes by a design engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Inspection of the work shall be provided during construction by or under the direct supervision of a qualified engineer, licensed by the State of Minnesota as a professional engineer, so as to ensure

that the work performed conforms to the design documents and all applicable state and local building codes. Said design and construction inspection engineer(s) shall be selected, hired and paid by the owner of the areaway.

(d) *Abandonment of areaways.*

- (1) *Partial removal permitted.* Partial removal of an abandoned areaway is allowed only if the city engineer or his designee determines that a partial removal would better serve the public good for reasons including, but not limited to, avoidance of extensive excavation into roadways, minimizing disruption to vehicular traffic and minimizing disruption to pedestrian traffic.

Partial removal of an areaway shall require the demolition and complete removal of the areaway roof, floor and upper portion of the walls. The upper portion of the walls shall be defined as the top of wall to an assumed horizontal line five (5) feet below the bottom of the sidewalk or driveway at the property line. The remains of the areaway shall continue to be the responsibility of the abutting property owner and shall be subject to complete removal when the adjacent building is being demolished or for projects for the public good as set forth in paragraph (c) of this section. Property owners shall be required to file an affidavit with city engineer verifying the existence of the areaway remains and stipulating to the property owner's responsibility for its ultimate removal. The areaway's encroachment permit shall be maintained so long as the partial remains of the areaway are in existence. If the areaway does not have an encroachment permit, one must be obtained before the partial removal can proceed.

- (2) *Complete removal required.* Unless the city engineer determines that a partial removal would better serve the public good, areaways that are to be abandoned shall be completely removed from city right-of-way, subject to demolition permit requirements. Areaways that are to be abandoned shall be completely removed from city right-of-way, subject to demolition permit requirements. An areaway adjacent to or part of a building being demolished shall also be demolished, unless it is to be incorporated into a new structure. Existing areaways so utilized must be modified to be consistent with the above said new areaway construction requirements in subsection (b) above.

All areaways to be abandoned in their entirety or partially removed shall be designed to meet all applicable state and local building codes by a design engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Inspection of the work shall be provided during construction by or under the direct supervision of a qualified engineer, licensed by the State of Minnesota as a professional engineer, so as to ensure that the work performed conforms to the design documents and all applicable state and local building codes. All costs associated with the services provided by said design and construction inspection engineer(s) shall be the responsibility of the areaway owner.

- (e) *Safety inspection and certification of areaways.* All areaways shall be inspected when they become twenty (20) years of age, and every five (5) years thereafter, by an inspecting engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Said inspecting engineer shall be selected, hired and paid by the owner of the areaway, to determine whether said areaway is capable of carrying the required loads and is otherwise structurally sound and in compliance with the provisions of this section.

The inspecting engineer shall make an engineering report of findings which shall consist of the following: (i) a statement as to whether or not the areaway is capable of carrying required loads, is structurally sound and is in compliance with the requirement of subsection (c) for areaways constructed prior to January 1, 1990, or subsection (b) for areaways constructed on or after January 1, 1990; and (ii) a list of the modifications, if any, that must be made in order to make the areaway capable of carrying required loads, structurally sound and in compliance with the appropriate subsection (b) or (c) as stated above; and (iii) a signed signature paragraph, stating the inspection and report was done by or under direct supervision of the inspecting engineer who is a duly licensed professional engineer under the laws of the State of Minnesota. In lieu of extensive modifications, the owner of the areaway may opt to make lesser modifications and more frequent engineering report of findings inspections, all as recommended

by the inspection engineer, and included as an option in the engineering report of findings; provided, that such lesser modifications shall, in any event, incorporate sufficient structural and safety features to satisfy the appropriate subsections (b) or (c). In all cases, the full list of modification to meet the requirement (ii) above must be submitted to the director of inspections.

The director of inspections shall provide notification of the inspection and certification requirements of this section to the owner of any affected areaway whenever an order is issued requiring compliance with the inspection and certification provisions of this section.

This subsection (e) shall apply to all areaways in existence prior to the effective date of this ordinance as well as those constructed after the effective date. For areaways in existence at the effective date of this ordinance, the initial implementation for the engineering report of findings inspection, shall be done in an orderly manner as scheduled by the director of inspections with the general direction that the primary intent of this subsection is to require inspections of the areaways at the regular intervals, as stated above, and that the dates of the inspections, in relation to the age of the areaways, is secondary and reasonably adjustable. Whenever the age of an areaway is not readily ascertainable, the director of inspections shall use reasonable and best efforts to estimate the age of the areaway. Said estimated age shall then be used for the purpose of setting inspection schedules, as stated above. The areaway owner may, for whatever reason, have an engineering report of findings inspection done at any time. Once the engineering report of findings is submitted to the director of inspections and the fee is paid, the future inspection schedule shall be adjusted, maintaining the frequencies of visual inspections and engineering report of findings inspections, as described above, without regard to the actual age of the areaway.

Whenever the city engineer or the director of inspections becomes aware of any areaway for which there is no encroachment permit, the city engineer shall send a written notice to the owner of the areaway, setting forth the requirements of this subsection. Also included in the notice shall be the requirements of an encroachment permit for the areaway. Within sixty (60) days after the city engineer has sent the written notice to the owner, the owner shall submit a completed encroachment permit application and an engineering report of findings by the owner's inspecting engineer as required by this subsection, if the areaway is more than thirty-five (35) years of age. If the areaway is between twenty (20) years and thirty-five (35) years of age, the director of inspections, or designee, will conduct a visual inspection of the areaway. The owner shall comply with all provisions of this section relating to the making of necessary modifications to the areaway in the same manner and time schedule as required herein as to owners who have an encroachment permit. The owner shall also comply with all of the encroachment permit requirements of this chapter applicable to areaways. Should the owner fail to comply with these requirements, no encroachment permit shall be issued and the owner of the areaway may be ordered by the city council to remove the areaway pursuant to [section 95.20](#) of this chapter.

The city council may revoke any previously issued encroachment permit for the failure to comply with the provisions of this section, including the failure to cause the required areaway inspections to be made or the failure to make the necessary modifications within the submitted time schedule. Upon revocation of such permit, the owner of the areaway may be ordered by the city council to remove it pursuant to [section 95.20](#).

This subsection (e) shall not apply to any areaway that is appurtenant to a parking ramp for which an operating certificate has been issued and is currently in effect pursuant to [Chapter 108](#) of this Code.

- (f) *Fee.* Whenever an engineering report of findings is required under this section, the owner of the areaway shall be required to pay a fee of seventy-five dollars (\$75.00) to the city to defray the city's administrative costs in connection therewith. Whenever a visual inspection by the director of inspections is required under this section, the owner of the areaway shall be required to pay a fee of one hundred fifty dollars (\$150.00) to the city to defray the city's field inspection and administrative costs in connection therewith. Such fee shall be in addition to the fee for the encroachment permit required under [section 95.13](#)
- (g)

*Areaways appurtenant to city property exempt.* Areaways that are constructed as an extension of, or adjunct to a building or structure which is constructed and owned by the City of Minneapolis, shall be exempt from the provisions of subdivision (b) of [section 95.90](#) and the other provisions of this [chapter 95](#) pertaining to encroachments and projections. (Code 1960, As Amend., § 38.130; [89-Or-239](#), § 1, 12-15-89; [91-Or-199](#), § 11, 10-11-91; [94-Or-105](#), § 1, 7-29-94; Ord. No. [97-Or-079](#), § 1, 9-26-97; [2002-Or-194](#), § 1, 12-30-02; [2005-Or-009](#), § 6, 2-11-05; [2011-Or-026](#), § 2, 4-1-11)