

STREET VACATION 5-14-62

COUNTRYSIDE ROAD & PART OF STUART AVE.

DORSEY, OWEN, MARQUART, WINDHORST & WEST

LAW OFFICES

2400 FIRST NATIONAL BANK BUILDING

MINNEAPOLIS 2, MINNESOTA

FEDERAL 2-3351

July 3, 1962

OF COUNSEL  
LEAVITT R. BARKER  
LELAND W. SCOTT  
HUGH H. BARBER

JAMES E. DORSEY (1889-1959)	GEORGE F. FLANNERY
DAVID E. BRONSON	CURTIS L. ROY
KENNETH M. OWEN	ARTHUR E. WEISBERG
DONALD WEST	DUANE E. JOSEPH
WALDO F. MARQUART	JOHN W. JONES
JOHN W. WINDHORST	JAMES B. VESSEY
HENRY HALLADAY	WILLIAM A. WHITLOCK
JULE M. HANNAFORD	CHARLES O. HOWARD
ARTHUR B. WHITNEY	THOMAS M. BROWN
JOHN G. DORSEY	CORNELIUS D. MAHONEY
RUSSELL W. LINDQUIST	THOMAS S. ERICKSON
DAVID R. BRINK	EDWARD J. SCHWARTZBAUER
HORACE E. HITCH	MICHAEL E. BRESS
VIRGIL H. HILL	PAUL G. ZERBY
ROBERT V. TARBOX	RAYMOND A. REISTER
DEFOREST SPENCER	JOHN J. TAYLOR
ROBERT J. JOHNSON	DONALD R. HERBERT
MAYNARD B. HASSELQUIST	PETER DORSEY

Village of Edina  
4801 West 50th Street  
Edina 24, Minnesota

ATTENTION: Mrs. Gretchen S. Alden

RE: Vacation of Countryside Road and Stuart Avenue

Dear Mrs. Alden:

I enclose herewith for your files the recorded certified copy of the Village Council Resolution vacating Countryside Road and a portion of Stuart Avenue. You will note that this Resolution has been duly recorded as Document No. 3349017 in Book 918 of Miscellaneous Records, page 136, office of the Register of Deeds, Hennepin County, Minnesota.

A copy of this instrument with the recording data thereon has also been sent to the attorney for the school district, Mr. Ward Lewis.

Very truly yours,

DORSEY, OWEN, MARQUART, WINDHORST & WEST

By



Thomas S. Erickson

TSE:kg  
Enclosure

820 7-5-62  
Dmg Dept.



DORSEY, OWEN, MARQUART, WINDHORST & WEST

LAW OFFICES

2400 FIRST NATIONAL BANK BUILDING

MINNEAPOLIS 2, MINNESOTA

FEDERAL 2-3351

May 18, 1962

OF COUNSEL  
LEAVITT R. BARKER  
LELAND W. SCOTT  
HUGH H. BARBER

JAMES E. DORSEY (1888-1959)  
DAVID E. BRONSON  
KENNETH M. OWEN  
DONALD WEST  
WALDO F. MARQUART  
JOHN W. WINDHORST  
HENRY HALLADAY  
JULE M. HANNAFORD  
ARTHUR B. WHITNEY  
JOHN G. DORSEY  
RUSSELL W. LINDQUIST  
DAVID R. BRINK  
HORACE E. HITCH  
VIRGIL H. HILL  
ROBERT V. TARBOX  
DEFOREST SPENCER  
ROBERT J. JOHNSON  
MAYNARD B. HASSELQUIST  
PETER DORSEY  
GEORGE P. FLANNERY  
CURTIS L. ROY  
ARTHUR E. WEISBERG  
DUANE E. JOSEPH  
JOHN W. JONES  
JAMES B. VESSEY  
WILLIAM A. WHITLOCK  
CHARLES O. HOWARD  
THOMAS M. BROWN  
CORNELIUS D. MAHONEY  
THOMAS S. ERICKSON  
EDWARD J. SCHWARTZBAUER  
MICHAEL E. BRESS  
PAUL G. ZERBY  
RAYMOND A. REISTER  
JOHN J. TAYLOR  
DONALD R. HERBERT

Mrs. Gretchen Alden  
Village of Edina  
4801 West 50th Street  
Edina 24, Minnesota

RE: Vacation of Countryside Road and part of  
Stewart Avenue

Dear Mrs. Alden:

Pursuant to your request, I have prepared and enclose  
herewith an original and two copies of a resolution vacating  
Countryside Road and a portion of Stewart Avenue. If the enclosed  
appears satisfactory, will you please have the same executed and  
return the original to me so that I may file the same.

Very truly yours,

DORSEY, OWEN, MARQUART, WINDHORST & WEST

By



Thomas S. Erickson

TSE:kg  
Enclosure

RESOLUTION VACATING STREETS  
(COUNTRYSIDE ROAD AND A PORTION OF STUART AVENUE)

WHEREAS, Independent School District No. 273 is the sole owner of the land abutting on Countryside Road and that portion of Stuart Avenue hereinafter described in this Resolution and has petitioned for the Vacation of said Road and Avenue; and

WHEREAS, two weeks' published notice and posted notice of a hearing to be had on said petition on May 14, 1962, at 7:00 p.m. has been given and made and a hearing thereon has been had by the Village Council:

NOW, THEREFORE, BE IT RESOLVED, by the Village Council of the Village of Edina, Hennepin County, Minnesota, that:

All that part of Countryside Road as shown on the plat of Lyle 2nd Addition on file and of record in the office of the Register of Deeds, Hennepin County, Minnesota, lying between the Westerly line of Tracy Avenue as shown on said plat of Lyle 2nd Addition and the Westerly line of Stuart Avenue as shown on said plat of Lyle 2nd Addition;

and also, that

all that part of Stuart Avenue as shown on said plat of Lyle 2nd Addition lying between the extension Westerly across said Avenue of the Southerly line of Block 2, Broadmore Addition, according to the map or plat thereof on file and of record in the office of the Register of Deeds, Hennepin County, Minnesota, to the Southeast corner of Block 3, said Broadmore Addition, and the extension Westerly across said Avenue of the Southerly line of Block 3, said Lyle 2nd Addition,

shall be and hereby are vacated.

Adopted this 14th day of May, 1962

(signed) ARTHUR C. BREDESEN, JR.  
Mayor

ATTEST:

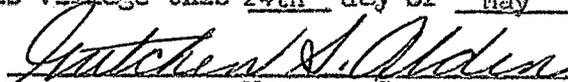
(signed) GRETCHEN S. ALDEN  
Village Clerk

State Deed Tax due hereon \$None

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) ss.  
VILLAGE OF EDINA )

I, Gretchen S. Alden, being the duly qualified and acting Clerk of the Village of Edina, Hennepin County, Minnesota, do hereby certify that I have examined the attached and foregoing resolution, entitled "RESOLUTION VACATING STREETS" with the original thereof on file in my office; and the same is a true and correct copy of such resolution as duly passed and adopted by the Edina Village Council at its regular meeting held Monday, May 14, 1962.

WITNESS my hand and the seal of this Village this 24th day of May, 1962.

  
Village Clerk  
Village of Edina

**RESOLUTION VACATING STREETS  
(COUNTRYSIDE ROAD AND A PORTION OF STUART AVENUE)**

WHEREAS, Independent School District No. 273 is the sole owner of the land abutting on Countryside Road and that portion of Stuart Avenue hereinafter described in this Resolution and has petitioned for the Vacation of said Road and Avenue; and

WHEREAS, two weeks' published notice and posted notice of a hearing to be had on said petition on May 14, 1962, at 7:00 p.m. has been given and made and a hearing thereon has been had by the Village Council;

ALL, THEREFORE, BE IT RESOLVED, by the Village Council of the Village of Edina, Hennepin County, Minnesota, that:

All that part of Countryside Road as shown on the plat of Lyle 2nd Addition on file and of record in the office of the Register of Deeds, Hennepin County, Minnesota, lying between the Westerly line of Tracy Avenue as shown on said plat of Lyle 2nd Addition and the Westerly line of Stuart Avenue as shown on said plat of Lyle 2nd Addition;

and also, that

all that part of Stuart Avenue as shown on said plat of Lyle 2nd Addition lying between the extension Westerly across said Avenue of the Southernly line of Block 2, Broadmore Addition, according to the map or plat thereof on file and of record in the office of the Register of Deeds, Hennepin County, Minnesota, to the Southeast corner of Block 3, said Broadmore Addition, and the extension Westerly across said Avenue of the Southernly line of Block 3, said Lyle 2nd Addition,

shall be and hereby are vacated.

Adopted this 14th day of May, 1962

(signed) ARTHUR C. BREDESEN, JR.  
Mayor

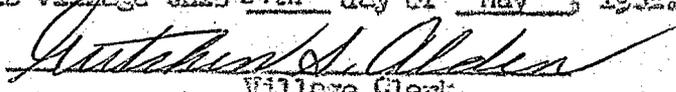
WITNESSE:  
(signed) GRETCHEN S. ALDEN  
Village Clerk

State Dead Tax due hereon None

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) ss.  
VILLAGE OF EDINA )

I, Gretchen S. Alden, being the duly qualified and acting Clerk of the Village of Edina, Hennepin County, Minnesota, do hereby certify that I have examined the attached and foregoing resolution, entitled "RESOLUTION VACATING STREETS" with the original thereof on file in my office; and the same is a true and correct copy of such resolution as duly passed and adopted by the Edina Village Council at its regular meeting held Monday, May 14, 1962.

WITNESS my hand and the seal of this Village this 24th day of May, 1962.

  
Village Clerk  
Village of Edina

May 21, 1962

Mr. Thomas S. Erickson  
Dorsey, Owen, Marquart, Windhorst & West  
First National Bank Bldg.  
Minneapolis 2, Minn.

Dear Mr. Erickson:            Re: VACATION OF PORTIONS OF COUNTRYSIDE ROAD  
AND STUART AVENUE

We are enclosing the petition of Independent School District No. 273, for Vacation of the above streets, together with a copy of the action of the Council, taken May 14, 1962.

The Council asked that the formal resolution be drafted by your office; and that if it is possible to do so for record, that a clause be included in the resolution that all of the 30-foot portion of Stuart Avenue revert back to School District.

If this is not possible, perhaps some other method can be worked out with Attorney Ward Lewis.

We will appreciate your returning the Resolution to me by Thursday of this week, if at all possible, so that it may be incorporated in the Minutes of May 14 before they are sent to the Council for review. If you cannot have the Resolution in the mail in time for us to receive it on Thursday, could you have someone dictate it to me over the phone?

Yours very truly,

Village Clerk

4.

AFFIDAVIT OF PUBLICATION

Edina-Morningside Courier

Edina, Minnesota

State of Minnesota }
County of Hennepin } SS.

JOHN E. TILTON, being duly sworn, on oath says: that he now is and during all the time herein-

stated has been JOHN E. TILTON, the publisher.....and printer.....of the newspaper known as The Edina-Morningside Courier, and has full knowledge of the facts therein stated.

That for more than one year immediately prior to the publication therein of the printed

Notice of Public Hearing Re Petition for Vacation of Streets....

hereto attached, said newspaper was printed and published in the English language from its known office of publication within the County of Hennepin, State of Minnesota, on Thursday of each week in column and sheet form equivalent in space to 450 running inches of single column two inches wide; has been issued from a known office established in said place of publication equipped with skilled workmen and the necessary material for preparing and printing the same: THE EDINA-MORNINGSIDE COURIER has had in its makeup not less than twenty-five percent of its news columns devoted to local news of interest to said community it purports to serve, the press work of which has been done in its said known place of publication; has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 240 copies regularly delivered to paying subscribers; has been entered as second class mail matter in local post office of its said place of publication; that there has been on file in the office of the County Auditor of said county the affidavit of a person having first hand knowledge of the facts constituting its qualifications as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said County Auditor for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul.

That the printed Notice of Public Hearing Re Petition for Vacation of Streets.....

hereto attached as a part hereof was cut from the columns of said newspaper; was published therein in the English language once a week for two successive weeks; that it was first so published on the 19th day of April, 1962 and thereafter on Thursday of each week to and including the 26th day of April, 1962, and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said Notice of Public Hearing Re Petition for Vacation of Streets.... abcdefghijklmnopqrstuvwxyz

John E. Tilton
Publisher

Subscribed and sworn to before me this 26th day of April, 1962

Thomas D. Williams, Notary Public, Hennepin County, Minn.

My Commission Expires June 16, 1962.

(Official Publication)
VILLAGE OF EDINA
HENNEPIN COUNTY, MINNESOTA
NOTICE OF PUBLIC HEARING
ON PETITION FOR VACATION
OF STREETS
NOTICE IS HEREBY GIVEN that the Edina Village Council will meet on Monday, May 14, 1962, at 7:00 o'clock p.m., and will at said time and place consider the petition of INDEPENDENT SCHOOL DISTRICT NO. 273 for Vacation of the following streets:
(a) COUNTRYSIDE ROAD between Tracy Avenue and the West side of Stuart Avenue.
(b) STUART AVENUE from the South line of Block 3, Broadmore Addition, extended in a Westerly direction to meet the South line of Block 3, Broadmore Addition, to the South line of Block 3, Lyle Addition as extended in a westerly direction.
All objections and recommendations will be heard at said meeting.
BY ORDER OF THE EDINA VILLAGE COUNCIL.
GRETCHEN S. ALDEN
Village Clerk
(April 19, 26, 1962)—EC-2A

AFFIDAVIT OF PUBLICATION

Edina-Morningside Courier

Edina, Minnesota

State of Minnesota }
County of Hennepin } SS.

JOHN E. TILTON, being duly sworn, on oath says: that he now is and during all the time herein-

stated has been JOHN E. TILTON, the publisher.....and printer.....of the newspaper known as The Edina-Morningside Courier, and has full knowledge of the facts herein stated.

That for more than one year immediately prior to the publication therein of the printed

Notice of Public Hearing Re Petition for Vacation of

Streets.....

hereto attached, said newspaper was printed and published in the English language from its known office of publication within the County of Hennepin, State of Minnesota, on Thursday of each week in column and sheet form equivalent in space to 450 running inches of single column two inches wide; has been issued from a known office established in said place of publication equipped with skilled workmen and the necessary material for preparing and printing the same: THE EDINA-MORNINGSIDE COURIER has had in its makeup not less than twenty-five percent of its news columns devoted to local news of interest to said community it purports to serve, the press work of which has been done in its said known place of publication; has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 240 copies regularly delivered to paying subscribers; has been entered as second class mail matter in local post office of its said place of publication; that there has been on file in the office of the County Auditor of said county the affidavit of a person having first hand knowledge of the facts constituting its qualifications as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said County Auditor for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul.

That the printed Notice of Public Hearing Re Petition for Vacation of Streets.....

hereto attached as a part hereof was cut from the columns of said newspaper; was published therein in the English language once a week for two successive weeks; that it was first so published on the 19th day of April, 1962 and thereafter on Thursday of each week to and including the 26th day of April, 1962; and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said Notice of Public Hearing Re Petition for Vacation of Streets..... abcdefghijklmnopqrstuvwxyz

John E. Tilton
Publisher

Subscribed and sworn to before me this 26th day of April, 1962

Thomas D. Williams, Notary Public, Hennepin County, Minn.

My Commission Expires June 16, 1962.

(Official Publication)
VILLAGE OF EDINA
HENNEPIN COUNTY, MINNESOTA
NOTICE OF PUBLIC HEARING
ON PETITION FOR VACATION
OF STREETS
NOTICE IS HEREBY GIVEN that the Edina Village Council will meet on Monday, May 14, 1962, at 7:00 o'clock p.m., and will at said time and place consider the petition of INDEPENDENT SCHOOL DISTRICT NO. 273 for Vacation of the following streets:
(a) COUNTRYBIDE ROAD between Tracy Avenue and the West side of Stuart Avenue.
(b) STUART AVENUE from the South line of Block 3, Broadmore Addition, extended in a Westerly direction to meet the South line of Block 3, Broadmore Addition, to the South line of Block 3, Lyle and Addition as extended in a Westerly direction.
All objections and recommendations will be heard at said meeting.
BY ORDER OF THE EDINA VILLAGE COUNCIL:
GRETCHEN S. ALDEN
Village Clerk
(April 19, 26, 1962)-EC-2A

VILLAGE OF EDINA  
4801 W. 50th St.  
Edina 24, Minn.

NOTICE OF PUBLIC HEARING ON PETITION  
FOR VACATION OF STREETS

NOTICE IS HEREBY GIVEN that the Edina Village Council will meet on  
Monday, May 14, 1962, at 7:00 o'clock p.m., and will at said time  
and place consider the petition of INDEPENDENT SCHOOL DISTRICT #273  
for vacation of the following streets:

(a) COUNTRYSIDE ROAD between Tracy Avenue and the West side  
of Stuart Avenue.

(b) STUART AVENUE from the South line of Block 2, Broadmore  
Addition, extended in a Westerly direction to meet the  
South line of Block 3, Broadmore Addition, to the South  
line of Block 3, Lyle 2nd Addition as extended in a  
Westerly direction.

All objections and recommendations will be heard at said meeting.

BY ORDER OF THE EDINA VILLAGE COUNCIL.

GRETCHEN S. ALDEN  
Village Clerk

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
VILLAGE OF EDINA )

I, the undersigned, do hereby certify that I have, this date, posted copies of the  
attached and foregoing "NOTICE OF PUBLIC HEARING ON PETITION FOR VACATION OF STREETS",  
on Official Village Bulletin Boards as follows: 1. Village Hall, 4801 W. 50th St.;  
2. Brookside Ave., just North of W. 50th St.; 3. Olinger Rd. & Hwy. #169.

*Gretchen S. Alden*  
Police Patrolman

Signed and sworn to before me, this  
\_\_\_\_\_ day of \_\_\_\_\_, 1962.

My Commission Expires 1/12/67  
\_\_\_\_\_  
(Gretchen S. Alden)

(Official Publication)  
VILLAGE OF EDINA  
HENNEPIN COUNTY, MINNESOTA

VILLAGE OF EDINA  
4801 W. 50th St.  
Edina, 24, Minn.

NOTICE OF PUBLIC HEARING ON PETITION  
FOR VACATION OF STREETS

NOTICE IS HEREBY GIVEN that the Edina Village Council will meet on Monday, May 14, 1962, at 7:00 o'clock p.m., and will at said time and place consider the petition of INDEPENDENT SCHOOL DISTRICT #273 for Vacation of the following streets:

- (a) COUNTRYSIDE ROAD between Tracy Avenue and the West side of Stuart Avenue.
- (b) STUART AVENUE from the South line of Block 2, Broadmore Addition, extended in a Westerly direction to meet the South line of Block 3, Broadmore Addition, to the South line of Block 3, Lyle 2nd Addition as extended in a Westerly direction.

All objections and recommendations will be heard at said meeting.

BY ORDER OF THE EDINA VILLAGE COUNCIL.

GRETCHEN S. ALDEN  
Village Clerk

*April*

Please publish in Edina-Morningside Courier ~~August~~ <sup>April</sup> 19 and 26, 1962.  
Please send us 2 Affidavits of Publication.

Waiting List for May 14 Public Hearing on Petn for  
Vacation of

Countryside Rd betw Tracy Ave and N. Side of Stuart  
Stuart Ave from S. line of Lot 2, Broadmoor Addn.

Lyle 2nd Addn

Bl 2 - Lots 2 to 10, Incl. } End School Dist #213 (1/2 High School)  
Bl 3 - Lots 1 to 8, Incl. } Also to Atty,  
Lot 9 } Lyle C. Otto, 2930 Park Ave.

Sec 22-117-21  
Parcel 2860

Claude W. Callaghan  
5900 Arbor Lane

Mpls Gas Co.

M.S.P. Co.

N.W. Bell Tel Co.

4-C

BEST, FLANAGAN, LEWIS, SIMONET AND BELLOWS  
ATTORNEYS AT LAW  
1200 FIRST NATIONAL BANK BUILDING  
MINNEAPOLIS 2, MINNESOTA  
FEDERAL 9-7121

HERBERT W. ROGERS  
OF COUNSEL

JAMES I. BEST  
ROBERT J. FLANAGAN  
WARD B. LEWIS  
LEONARD W. SIMONET  
CHARLES S. BELLOWS  
HAROLD C. EVARTS  
ARCHIBALD SPENCER  
ROBERT M. SHARE  
ROBERT L. CROSBY  
WILLIAM R. JONES, JR.

March 13, 1962

Mrs. Gretchen Alden  
Village Clerk  
Village of Edina  
4901 West 50th Street  
Minneapolis 24, Minnesota

Dear Mrs. Alden:

Enclose herewith Petition filed on behalf  
of Independent School District #273 for vacation of  
streets in property owned by it which is the intended  
site for an elementary school.

Yours very truly,

*Ward B. Lewis*

WBL:iw  
Encl.

PETITION TO VACATE STREET

To the Village Council  
Village of Edina, Minnesota:

Independent School District #273, Hennepin County, Minnesota,  
hereby petitions as follows:

1. It is the sole owner of the following described lands located in said village:
  - a. Block 2, BROADMORE ADDITION.
  - b. Blocks 2, 3 and 4, LYLE 2nd ADDITION.
2. It intends to use said lands for a public purpose, to wit: use as an elementary school site. The streets in said area will no longer be required and the public interest will be promoted by vacating and discontinuing the same. The following streets should therefore be vacated:
  - a. Countryside Road between Tracy Avenue and the West side of Stuart Avenue.
  - b. Stuart Avenue from the South line of Block 2, BROADMORE ADDITION, extended in a Westerly direction to meet the South line of Block 3, BROADMORE ADDITION, to the South line of Block 3, LYLE 2nd ADDITION as extended in a Westerly direction.

Dated: March 12, 1962.

Independent School District #273,  
Hennepin County, Minnesota

By R. N. Reeves  
Its Chairman

M. S. Richards  
Its Clerk

(Corporate Seal)