

STREET VACATION 10/27/58
W. 59th St. between Oaklawn Ave.
and 70 Feet East

suggested that Council be given to something other than approval of the proposed ordinance at this time. He stated that the Petroleum Council has had some experience with a proposal in Minneapolis which is a great deal like this one, and has found some provisions which have proven troublesome of enforcement. As an example he cited the "lighting" provisions in Edina's proposed ordinance, stating he feels that the determination of certain types of lighting being a nuisance should be made by a competent lighting engineer; also, that he has serious misgivings as to the "special permit" factor. Mr. Thornberg stated he is authorized to offer the full cooperation of the Petroleum Council to the Village Council and the Planning Commission. Manager Hyde suggested that Planning Commission would be happy to go over the matter with the petroleum industry. Chairman Todd of the Planning Commission, told the Council that the Planning Commission has recommended approval of the ordinance on the basis that the regulations and limitations contained therein are both reasonable and necessary. He asked, however, that the last paragraph of the proposed ordinance be changed to read approximately as follows:

"A special permit under provisions of this ordinance shall not be required for a building permit for a gasoline service station if the land was acquired in fee ownership at least one year before publication of this ordinance and at the time of such acquisition by the applicant was zoned Community Store, Commercial, or Regional Shopping District. Mr. Todd, too, stated that the Commission will be glad to get the suggestions of the petroleum industry. Kohler's motion, that proposed ordinance be referred back to the Planning Commission for consideration at its November meeting, was seconded by Tupa and carried.

PERMIT FOR GASOLINE FILLING STATION ON STENSON PROPERTY--LOT 12, BLOCK 22, FAIRFAX ADDITION--TO BE GRANTED AFTER PRESENT BUILDING IS DEMOLISHED. With her brother to represent her, Miss Sophia Stenson appealed to the council for issuance of a permit for a filling station on the above named site. Manager Hyde explained that there is now one building on this lot; and that another building permit cannot be issued until the present building is demolished. Mr. Stenson reported that a guarantee of demolition would be a part of the arrangement. Council informally agreed that permit should be issued.

PUBLIC HEARINGS ON PROPOSED STREET VACATIONS. Pursuant to "Notice of Public Hearings--Proposed Street Vacations", published in Edina-Morningside Courier on October 9 and 16, 1958, Affidavits of Publication of which notices were presented by Clerk, approved as to form and ordered placed on file, the following Public Hearings were conducted, and action was taken as hereinafter recorded:

1. PUBLIC HEARING ON PROPOSED VACATION OF W.59TH STREET BETWEEN OAKLAWN AND BROOKVIEW AVENUES. Clerk explained that petitioned filed is for only that portion of W.59th Street "measured as "the first one hundred feet measuring East from the center of Oaklawn Avenue"; and Mr. Ira Learn, 5901 Oaklawn Avenue, explained that property owners feel they do not want cars climbing this steep hill on their way to the public park. The Park Board's recommendation for a "footpath easement" was reviewed, as was Engineer Zikan's recommendation for a "utilities easement". Kohler offered the following Resolution and moved its adoption:

RESOLUTION VACATING STREET
W.59TH STREET FROM THE EAST
LINE OF OAKLAWN AVENUE TO
SEVENTY FEET EAST THEREOF

WHEREAS, a majority of the owners of the land abutting the street hereinafter set forth have petitioned for the Vacation of said street; and

WHEREAS, two weeks' published notice and posted notice of a hearing to be had on said petition on October 27, 1958, at 7:00 p.m., has been given and made, and a hearing has been had thereon by the Village Council:

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Edina, Hennepin County, Minnesota, that that portion of WEST 59TH STREET lying between the East Line of Oaklawn Avenue and a point Seventy Feet East of the said East Line of Oaklawn Avenue, as platted and of record in the office of the Register of Deeds of Hennepin County, Minnesota, be, and is hereby vacated; provided that said Village excepts from this Vacation proceedings and reserves unto itself and its assigns an easement for all public utility purposes, including, without limiting the general nature of said reservation, an easement for electric, gas, sewer, water, and telephone equipment on, over and under the center twenty feet in width of the street hereby vacated; and provided that said Village also reserves unto itself and excepts from this Vacation proceedings an easement on and over the center ten feet in width of said vacated street, for purpose of providing footpath thereon.

Motion for adoption of Resolution was seconded by Tupa, and on Rollcall there were four ayes and no nays, as follows: Bank, aye; Dickson, aye; Kohler, aye; and Tupa, aye; and the Resolution was adopted.

ATTEST:

Walter S. Dickson
Village Clerk

Ronald G. Bank
Mayor Pro Tem