

EASEMENT VACATION

2/26/79

Yorkdale Townhomes of Edina

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by J.H. Domestick Acceptable Opposed Conditional

CONDITIONS Nsp has 10' Easement along York Ave

LOCATION Yorkdale Townhomes of Edina

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by R.H. Jahn Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by _____ Acceptable Opposed Conditional

CONDITIONS _____

LOCATION Yorkdale Townhomes of Edina

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

4456036

CERTIFICATION OF MINUTES RELATING TO CALLING
PUBLIC HEARING FOR VACATION OF
EASEMENT FOR UTILITY PURPOSES

Regular Meeting of the City Council, City of Edina
February 26, 1979
7:00 P.M.
Edina City Hall

Members Present: Bredesen, Courtney, Richards, Schmidt

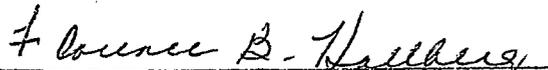
Members Absent: Mayor Van Valkenburg

Documents Attached:

Resolution Vacating Easement for Utility Purposes
Resolution Calling Public Hearing
Notice of Completion of Proceedings

I, the undersigned, being the duly qualified and acting City Clerk for the City of Edina, certify that the documents attached hereto, as described above, have been carefully compared with the original records in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the City Council of the City of Edina, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the City Council at said meeting, so far as they relate to said vacation; and that said meeting was duly held by the City Council at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such City Clerk this 27th day of February, 1979.



Florence B. Hallberg
City Clerk





4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF EASEMENT FOR UTILITY PURPOSES
IN THE CITY OF EDINA,
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Minnesota, Hennepin County, on February 26, 1979, adopted a Resolution Vacating Easement for Utility Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility purposes all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

The time of completion of proceedings and the effective date of said vacation is February 27, 1979.

DATED, February 26, 1979.

TRANSFER ENTERED

MAR 5 1979

FINANCE DIVISION

HENNEPIN COUNTY, MINN.

B. J. Moberg DEPUTY

BY ORDER OF THE EDINA CITY COUNCIL

Florence B. Hallberg
Florence B. Hallberg
City Clerk



Regulations of the City of Edina will create an unnecessary hardship and said Parcels as separate tracts of land do not interfere with the purposes of the Subdivision and Zoning Regulations as contained in the City of Edina Ordinance Nos. 801 and 811;

NOW, THEREFORE, be it resolved by the City Council of the City of Edina that the conveyance and ownership of said Parcels as separate tracts of land is hereby approved and the requirements and provisions of Ordinance No. 801 and Ordinance No. 811 are hereby waived to allow said division and conveyance thereof as separate tracts of land but are not waived for any other purpose or as to any other provision thereof, and subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent ordinances of the City of Edina or with the prior approval of this Council as may be provided for by those ordinances.

Motion for adoption of the resolution was seconded by Councilman Richards.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

AAA777

BOARD OF APPEALS AND ADJUSTMENTS AMENDMENT TO ZONING ORDINANCE REFERRED TO COMMUNITY DEVELOPMENT AND PLANNING COMMISSION. Council reviewed a proposed amendment to the Zoning ordinance as to the reorganization of the Board of Appeals and Adjustments as submitted by the City Attorney. Being advised by Mr. Erickson that amendments to the Zoning Ordinance must be reviewed by the Community Development and Planning Commission, Councilman Richards' motion referring the amendment to the Community Development and Planning Commission and setting a hearing date for Council consideration of March 19, 1979, was seconded by Councilwoman Schmidt.

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

HEARING DATE SET FOR YORKDALE TOWNHOMES OF EDINA EASEMENT VACATION. As recommended by Mr. Hughes, Councilwoman Schmidt offered the following resolution and moved its adoption:

RESOLUTION CALLING PUBLIC HEARING ON VACATION OF EASEMENT FOR UTILITY PURPOSES

BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, as follows:

1. It is hereby found and determined after receipt of the owners of land affected thereby that the following described easement for utility purposes should be considered for vacation, in accordance with the provisions of Minnesota Statutes, Sections 412.851 and 160.29:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

2. This Council shall meet at the time and place specified in the form of notice included in paragraph 3 hereof for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.

3. The Clerk is authorized and directed to cause notice of the time, place and purpose of said hearing to be published once a week for two weeks, in the Edina Sun, being the official newspaper of the City, the first publication at least 14 days prior to the date of such hearing and to post such notice, at least 14

days prior to the date of such hearing, in at least three (3) conspicuous places within the City, as provided in Minnesota Statutes, Section 412.851. Such notice shall be in substantially the following form:

(Official Publication)

CITY OF EDINA

4801 W. 50TH STREET

EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING

ON VACATION OF EASEMENT FOR UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on February 26, 1979, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for utility purposes:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet more or less, to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

Florence B. Hallberg

City Clerk

Motion for adoption of the resolution was seconded by Councilman Courtney.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Resolution adopted.

~~PAT MOORE'S FIRST ADDITION PRELIMINARY PLAT APPROVAL HEARING DATE SET. As recommended by Mr. Hughes, Councilman Courtney's motion setting February 26, 1979, as hearing date for preliminary plat approval for Pat Moore's First Addition was seconded by Councilman Richards.~~

~~Ayes: Courtney, Richards, Schmidt, Van Valkenburg~~

~~Nays: None~~

~~Motion carried.~~

~~SANITARY SEWER IMPROVEMENT NO. SS-338 SPECIAL ASSESSMENT DEFERRED FOR LOT 1, BLOCK 2, PARKWOOD KNOLLS ADDITION, APPROVED. Council's attention was called to a memorandum advising that the owner of Lot 1, Block 2, Parkwood Knolls had been under the impression that she had received a deferred assessment for Sanitary Sewer Improvement No. SS-338, along with her deferred assessment for Watermain Improvement No. WM-322. In accordance with the request, Councilman Richards offered the following resolution and moved its adoption:~~



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

RESOLUTION VACATING EASEMENT
FOR UTILITY PURPOSES

WHEREAS, a resolution of the City Council, adopted the 5th day of February, 1979, fixed a date for a public hearing on a proposed vacation of easements for utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 26th day of February, 1979, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described portion of the utility easement be and is hereby vacated effective as of February 27, 1979:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West; assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

and that the Clerk is authorized and directed to cause a notice of completion of the proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 26th day of February, 1979.

4456036

Resol Etc

MAR-5-79 6 036 \$ 005.00 00 4

OFFICE OF COUNTY RECORDER
HENNELPIN COUNTY, MINNESOTA
CERTIFIED FILED AND OR
RECORDED ON

1979 MAR -5 PM 2: 59

AS DOCUMENT # 4456036

[Signature]
CO. RECORDER
DEPUTY

Henkelpin County Recorder

Return to:

911 Second Circle

Spring Lake Minn

Box 348



SUN NEWSPAPERS
AFFIDAVIT OF PUBLICATION
EDINA SUN

6601 W. 78th St.

Bloomington, Minnesota

State of Minnesota }
County of Hennepin } ss.

Don R. Larson

being duly sworn, on oath says he is and during all times here stated has been the president and printer of the newspaper known as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once each week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Bloomington in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

Notice of Public Hearing
Vacation of Easement

He further states on oath that the printed hereto attached as a part hereof was cut from the columns of said newspaper, and was printed

and published therein in the English language, once each week, for two successive weeks;

that it was first so published on Wed the 7 day of February, 1979

and was thereafter printed and published on every Wednesday to and including

Wed the 14 day of Feb, 1979 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to-wit:

abcdefghijklmnopqrstuvwxyz

Don R. Larson

Subscribed and sworn to before me this 14 day of February, 1979

Carole J. Larson

CAROLE J. LARSON
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires May, 10, 1980

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON VACATION OF
EASEMENT FOR
UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on February 26, 1979, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for utility purposes:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwest of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 07 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 52 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

FLORENCE B. HALLBERG
City Clerk
(Feb. 7 & 14, 1979)—ED

March 13, 1979

Mr. Thomas S. Erickson
2400 First National Bank Bldg.
Minneapolis, MN 55402

Dear Tom:

Enclosed herewith are two copies of the Yorkdale Townhomes of Edina easements which were given to the City to replace the easements which were vacated.

Will you please see that these documents are filed?

Yours very truly,

City Clerk

enclosure

EASEMENT

THIS INSTRUMENT, Made this 14th day of February, 1979, by and between Yorkdale Townhomes of Edina, LTD., a Minnesota Limited Partnership, with Ryan Properties, Inc., a corporation under the laws of the State of Minnesota, as sole general partner, party of the first part, and the City of Edina, a municipal corporation organized under the laws of the State of Minnesota, party of the second part.

WITNESSETH, That the said party of the first part, in consideration of One and No/100 Dollars (\$1.00), to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do Grant, Bargain, Sell, Convey and Warrant to said party of the second part an Easement in perpetuity for all utility and drainage purposes including, but not being limited to, sanitary sewer, storm sewer, water pipes, including the right to enter for the purposes of constructing, maintaining, altering, repairing and reconstructing said utility and drainage systems in and over the following described property situate in the County of Hennepin and State of Minnesota, to-wit:

THAT part of Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 15 feet on either side of a center line described as commencing at the northwest corner of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the west line of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, a distance of 984.16 feet to the point of beginning of the center line to be described; thence South 68 degrees 46 minutes 16 seconds East a distance of 235.0 feet and said center line there terminating.

It is the intention and agreement of the Parties hereto, that the party of the second part shall in the construction, or maintenance of said utility and drainage systems, replace any shrubs or sod removed by any excavation in connection with such construction or maintenance work, in as nearly as possible the same condition as before such excavation.

IN TESTIMONY WHEREOF, the said first party has caused these presents to be executed in its corporate name by its Vice President & Ass't Secretary and its corporate seal to be hereunto affixed the day and year first above written.

[Signature]

By [Signature]

Title _____

By [Signature]

Title Pres. Secy.

(Corporate Seal)

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

On this 14th day of February, 19 79, before me, a Notary Public, within and for said County, personally appeared

James R. Ryan and Alan W. Schackman

to me personally known, who, being each by me duly sworn, did say that they are respectively the Vice President and

Ass't Secretary of the corporation named in the foregoing instrument and that the seal affixed to said instrument was signed and sealed in behalf of said corporation by authority of

James R. Ryan and Alan W. Schackman

acknowledged said instrument to be the free act and deed of said corporation.

[Signature]



THIS DOCUMENT IS EXEMPT FROM DEED TAX

This instrument was drafted by: City of Edina
4801 West 50th Street
Edina, Minnesota 55424

March 1, 1979

Mr. Thomas S. Erickson
2400 First National Bank Bldg.
Minneapolis, MN 55402

Dear Tom:

Enclosed herewith are documents relating to the Notice of Completion for the vacation of the Yorkdale Townhomes of Edina easements.

Will you please see that this Notice is filed?

Yours very truly,

City Clerk

enclosure

CERTIFICATION OF MINUTES RELATING TO CALLING
PUBLIC HEARING FOR VACATION OF
EASEMENT FOR UTILITY PURPOSES

Regular Meeting of the City Council, City of Edina
February 26, 1979
7:00 P.M.
Edina City Hall

Members Present: Bredesen, Courtney, Richards, Schmidt

Members Absent: Mayor Van Valkenburg

Documents Attached:

Resolution Vacating Easement for Utility Purposes
Resolution Calling Public Hearing
Notice of Completion of Proceedings

I, the undersigned, being the duly qualified and acting City Clerk for the City of Edina, certify that the documents attached hereto, as described above, have been carefully compared with the original records in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the City Council of the City of Edina, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the City Council at said meeting, so far as they relate to said vacation; and that said meeting was duly held by the City Council at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such City Clerk this 27th day of February, 1979.

Florence B. Hallberg
City Clerk

NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF EASEMENT FOR UTILITY PURPOSES
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Minnesota, Hennepin County, on February 26, 1979, adopted a Resolution Vacating Easement for Utility Purposes, after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility purposes all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

The time of completion of proceedings and the effective date of said vacation is February 27, 1979.

DATED, February 26, 1979.

BY ORDER OF THE EDINA CITY COUNCIL

Florence B. Hallberg
City Clerk

Regulations of the City of Edina will create an unnecessary hardship and said Parcels as separate tracts of land do not interfere with the purposes of the Sub-division and Zoning Regulations as contained in the City of Edina Ordinance Nos. 801 and 811;

NOW, THEREFORE, be it resolved by the City Council of the City of Edina that the conveyance and ownership of said Parcels as separate tracts of land is hereby approved and the requirements and provisions of Ordinance No. 801 and Ordinance No. 811 are hereby waived to allow said division and conveyance thereof as separate tracts of land but are not waived for any other purpose or as to any other provision thereof, and subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent ordinances of the City of Edina or with the prior approval of this Council as may be provided for by those ordinances.

Motion for adoption of the resolution was seconded by Councilman Richards.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

AAA777

BOARD OF APPEALS AND ADJUSTMENTS AMENDMENT TO ZONING ORDINANCE REFERRED TO COMMUNITY DEVELOPMENT AND PLANNING COMMISSION. Council reviewed a proposed amendment to the Zoning ordinance as to the reorganization of the Board of Appeals and Adjustments as submitted by the City Attorney. Being advised by Mr. Erickson that amendments to the Zoning Ordinance must be reviewed by the Community Development and Planning Commission, Councilman Richards' motion referring the amendment to the Community Development and Planning Commission and setting a hearing date for Council consideration of March 19, 1979, was seconded by Councilwoman Schmidt.

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Motion carried.

HEARING DATE SET FOR YORKDALE TOWNHOMES OF EDINA EASEMENT VACATION. As recommended by Mr. Hughes, Councilwoman Schmidt offered the following resolution and moved its adoption:

RESOLUTION CALLING PUBLIC HEARING ON VACATION OF EASEMENT FOR UTILITY PURPOSES

BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, as follows:

1. It is hereby found and determined after receipt of the owners of land affected thereby that the following described easement for utility purposes should be considered for vacation, in accordance with the provisions of Minnesota Statutes, Sections 412.851 and 160.29:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

2. This Council shall meet at the time and place specified in the form of notice included in paragraph 3 hereof for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.

3. The Clerk is authorized and directed to cause notice of the time, place and purpose of said hearing to be published once a week for two weeks, in the Edina Sun, being the official newspaper of the City, the first publication at least 14 days prior to the date of such hearing and to post such notice, at least 14

days prior to the date of such hearing, in at least three (3) conspicuous places within the City, as provided in Minnesota Statutes, Section 412.851. Such notice shall be in substantially the following form:

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING

ON VACATION OF EASEMENT FOR UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on February 26, 1979, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for utility purposes:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet more or less, to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

Florence B. Hallberg
City Clerk

Motion for adoption of the resolution was seconded by Councilman Courtney.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Resolution adopted.

~~PAT MOORE'S FIRST ADDITION PRELIMINARY PLAT APPROVAL HEARING DATE SET. As recommended by Mr. Hughes, Councilman Courtney's motion setting February 26, 1979, as hearing date for preliminary plat approval for Pat Moore's First Addition was seconded by Councilman Richards.~~

~~Ayes: Courtney, Richards, Schmidt, Van Valkenburg~~

~~Nays: None~~

~~Motion carried.~~

~~SANITARY SEWER IMPROVEMENT NO. SS-338 SPECIAL ASSESSMENT DEFERRED FOR LOT 1, BLOCK 2, PARKWOOD KNOLLS ADDITION, APPROVED. Council's attention was called to a memorandum advising that the owner of Lot 1, Block 2, Parkwood Knolls had been under the impression that she had received a deferred assessment for Sanitary Sewer Improvement No. SS-338, along with her deferred assessment for Watermain Improvement No. WM-322. In accordance with the request, Councilman Richards offered the following resolution and moved its adoption:~~

RESOLUTION VACATING EASEMENT
FOR UTILITY PURPOSES

WHEREAS, a resolution of the City Council, adopted the 5th day of February, 1979, fixed a date for a public hearing on a proposed vacation of easements for utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 26th day of February, 1979, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described portion of the utility easement be and is hereby vacated effective as of February 27, 1979:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

and that the Clerk is authorized and directed to cause a notice of completion of the proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 26th day of February, 1979.



Posted by Police
2/9 - Where is
affidavit?

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

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
VACATION OF EASEMENT(S) FOR PURPOSES OF

UTILITIES

The undersigned, being first duly sworn, upon oath deposes and says that he is the qualified and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on _____, 19____, he posted the notice of hearing on vacation of easement(s) to be held on _____, 19____, a true and correct copy of which is hereto attached, at each of the following public and conspicuous places within the City in a manner likely to attract attention:
1. City Hall, 4801 W. 50th Street 2. 50th & France Business Area, 3922 W. 50th Street 3. Amundson Avenue Shopping Center.

Said easement(s) being described as follows:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

Police Patrolman

Subscribed and sworn to before me,
this _____ day of _____, 19_____.

Notary Public, Hennepin County, Minnesota
My commission expires:

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on February 26, 1979, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for utility purposes:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

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All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

DATED this 5th day of February, 1979.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

1/1/74

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF EDINA)

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date February 9, 1979, 1979, acting on behalf of said City I deposited in the United States mail copies of the attached _____

~~Notice of Public Hearing of Utility Easement Vacation~~
(Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date 14 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and the seal of said City this 9th day of February, 19 79.

Lawrence B. Hallberg
Edina City Clerk

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on February 26, 1979, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for utility purposes:

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All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

DATED this 5th day of February, 1979.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

Mailing List - Notice of Public Hearing
Easement Variation - Yorkdale Townhomes
of Edina
Feb 26, 1979

Yorkdale
Bl.

Town Homes of Edina

L. Ryan Construction Co.

7400 Metro Blvd. - Edina 55435

Beatrice Sloan, United Parking Sta. Inc.

228 Do 9th St Mpls 55402

Wm. W. Fink - 60 E. 4th St. St Paul 55101

Wm. Schramm - Mpls Gas Co. - 739 Marquette 55402

W.A. Parlow - N.W. Bell - 5532 Co. Rd 18. Hopkins 55343

Ray Steffens - Midale Division, N.S.P. 5309 W. 70th St 55435

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

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All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

DATED this 5th day of February, 1979.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

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DATED this 5th day of February, 1979.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

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DATED this 5th day of February, 1979.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

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

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
VACATION OF EASEMENT(S) FOR PURPOSES OF

UTILITIES

The undersigned, being first duly sworn, upon oath deposes and says that he is the qualified and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on _____, 19____, he posted the notice of hearing on vacation of easement(s) to be held on _____, 19____, a true and correct copy of which is hereto attached, at each of the following public and conspicuous places within the City in a manner likely to attract attention:
1. City Hall, 4801 W. 50th Street 2. 50th & France Business Area, 3922 W. 50th Street
3. Amundson Avenue Shopping Center.

Said easement(s) being described as follows:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

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Police Patrolman

Subscribed and sworn to before me,
this _____ day of _____, 19_____.

Notary Public, Hennepin County, Minnesota
My commission expires:

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on February 26, 1979, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for utility purposes:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

Florence B. Hallberg, City Clerk

Please publish in the Edina Sun on February 7 and 14, 1979.

Please send us one Affidavit of Publication.



January 30, 1979

Mr. Bob Obermeyer
City of Edina Engineering Dept.
4801 West 50th Street
Edina, Minnesota 55435

RE: 363-77 (Plat of YORKDALE TOWNHOMES OF EDINA - West 76th ST. &
York Ave. South)

Dear Mr. Obermeyer:

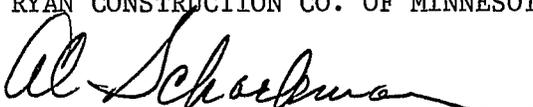
This will be a formal acknowledgment of our recent discussions regarding the vacation of two easements on the above referenced plat of YORKDALE TOWNHOMES OF EDINA. Also, as per your request we have created a new utility easement near the position of one of the aforementioned easements which are being vacated.

Our surveyor, Mr. Edward H. Sunde of Sunde Land Surveying, Inc., has forwarded documents to you showing the two easements which are to be vacated. On said document is the description for the new proposed utility easement. The drawing from our Surveyor also shows the relationship of the vacated easement to the new proposed utility easement.

It you have any questions regarding this matter, please feel free to contact either myself or Mr. Sunde (881-2455).

Yours very truly,

RYAN CONSTRUCTION CO. OF MINNESOTA


Alan W. Schackman
Director, Industrial &
Housing Development

AWS/sn

Enclosure

EASEMENT VACATION SKETCH FOR PLAT OF: YORKDALE TOWNHOMES OF EDINA

PROPOSED UTILITY EASEMENT

An easement for utility purposes over, under and across that part of Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 15 feet on either side of a center line described as commencing at the northwest corner of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the west line of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, a distance of 994.16 feet to the point of beginning of the center line to be described; thence South 68 degrees 46 minutes 16 seconds East a distance of 235.0 feet and said center line there terminating.

PROPERTY DESCRIPTION

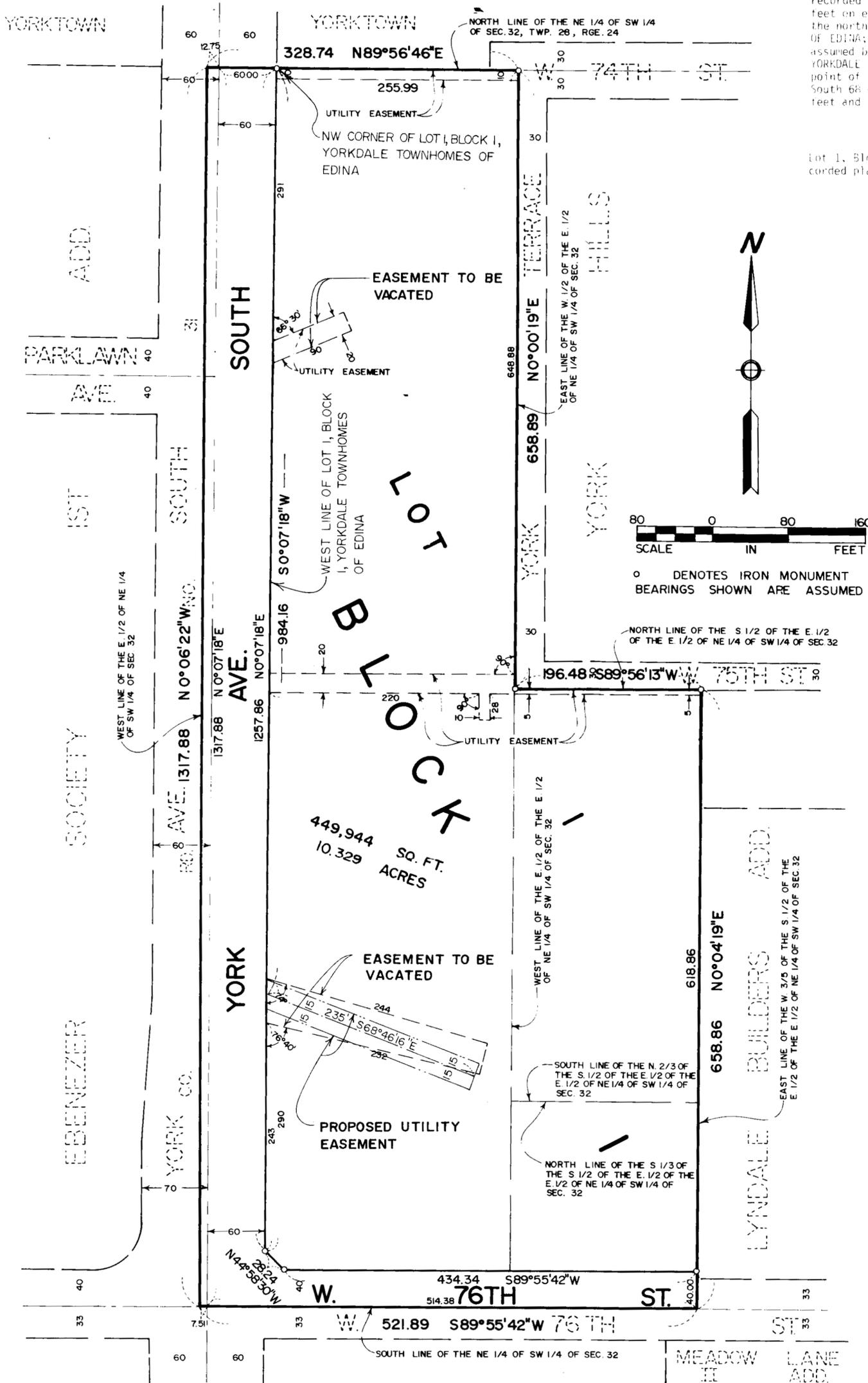
Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, according to the recorded plat thereof, Hennepin County, Minnesota.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, from or on said land.

Dated this 9th day of January 1979.

SUNDE LAND SURVEYING, INC.

By: Edward H. Sunde, P.L.S. Plat No. 2612



o DENOTES IRON MONUMENT
BEARINGS SHOWN ARE ASSUMED

SUNDE LAND SURVEYING, INC.
900 E BLOOMINGTON FREEWAY (35W)
BLOOMINGTON, MINNESOTA 55420
PHONE 612-881-2455

EASEMENT VACATION SKETCH FOR PLAT OF: YORKDALE TOWNHOMES OF EDINA

PROPOSED UTILITY EASEMENT

An easement for utility purposes over, under and across that part of Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 15 feet on either side of a center line described as commencing at the northwest corner of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the west line of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, a distance of 924.16 feet to the point of beginning of the center line to be described; thence South 68 degrees 46 minutes 16 seconds East a distance of 235.0 feet and said center line there terminating.

PROPERTY DESCRIPTION

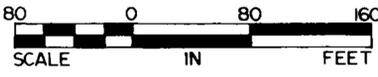
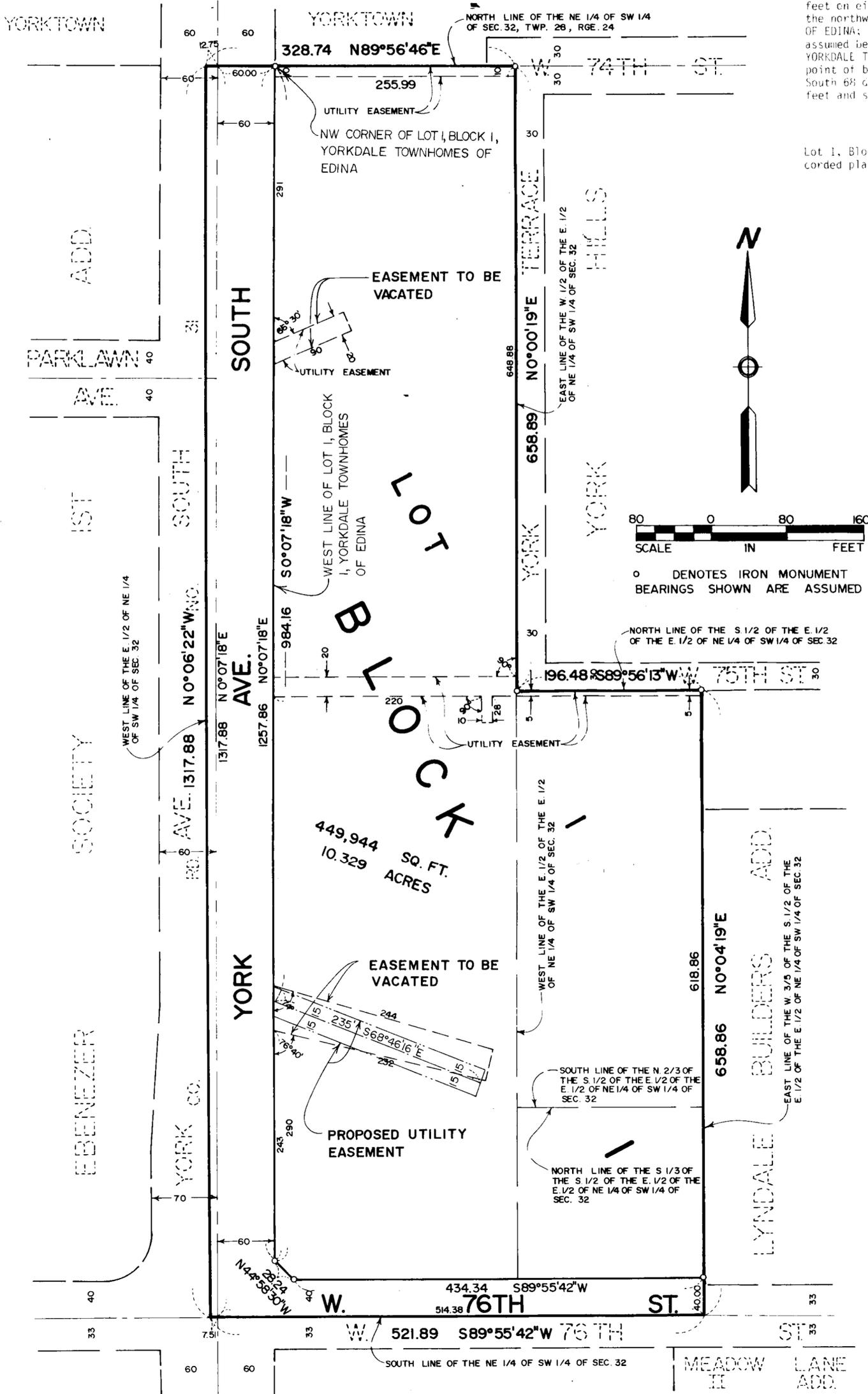
Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, according to the recorded plat thereof, Hennepin County, Minnesota.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, from or on said land.

Dated this 9th day of January 1979.

SUNDE LAND SURVEYING, INC.

BY: Edward H. Sunde, R.L.S. Reg. No. 8612



o DENOTES IRON MONUMENT
BEARINGS SHOWN ARE ASSUMED

SUNDE LAND SURVEYING, INC.
9001 E BLOOMINGTON FREEWAY (35W)
BLOOMINGTON, MINNESOTA 55420
PHONE 612-881-2455

EASEMENT VACATION SKETCH FOR PLAT OF: YORKDALE TOWNHOMES OF EDINA

PROPOSED UTILITY EASEMENT

An easement for utility purposes over, under and across that part of Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 15 feet on either side of a center line described as commencing at the northwest corner of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the west line of said Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, a distance of 924.16 feet to the point of beginning of the center line to be described; thence South 68 degrees 46 minutes 16 seconds East a distance of 235.0 feet and said center line there terminating.

PROPERTY DESCRIPTION

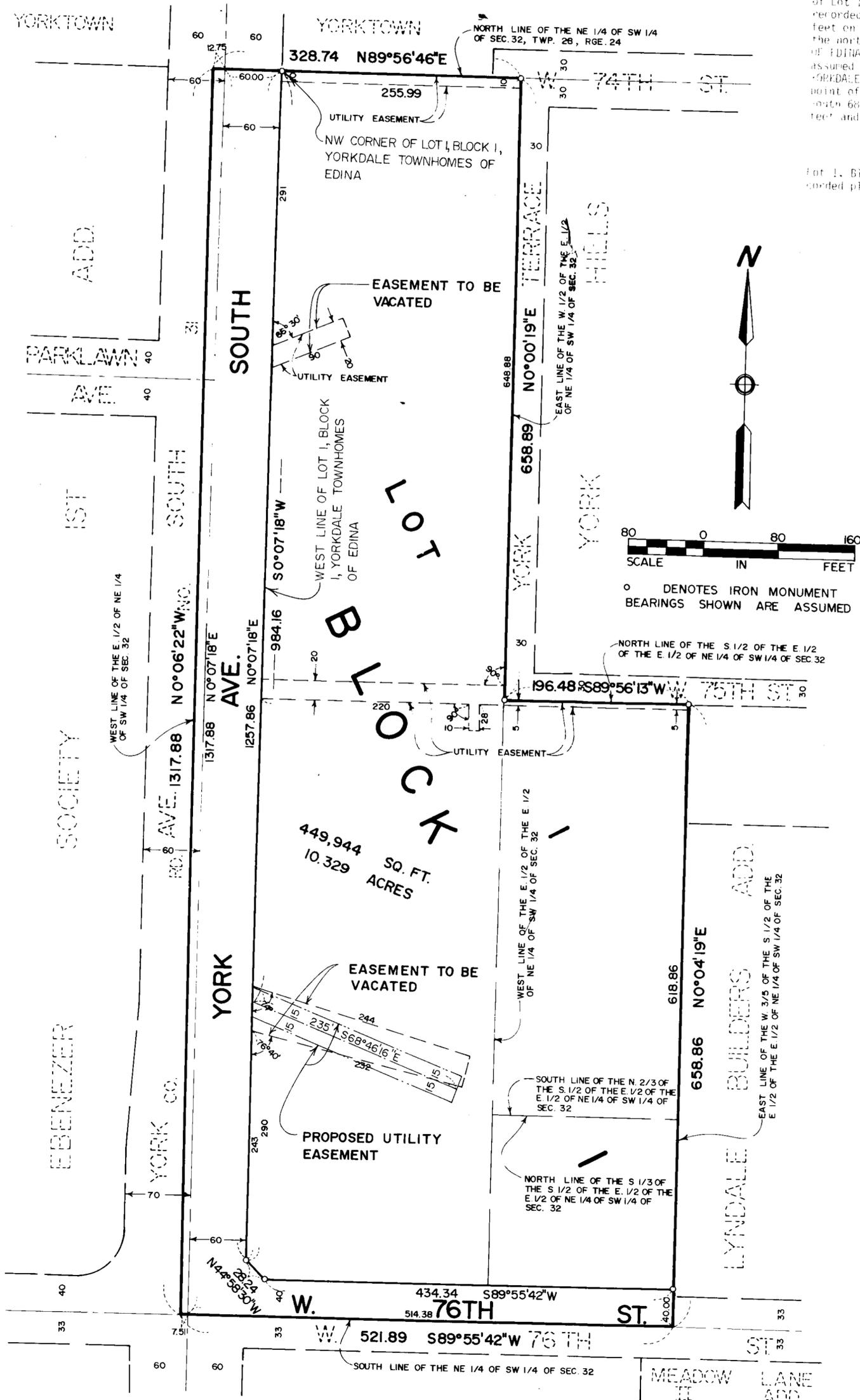
Lot 1, Block 1, YORKDALE TOWNHOMES OF EDINA, according to the recorded plat thereof, Hennepin County, Minnesota.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, from or on said land.

Dated this 31st day of January 1979.

SUDE LAND SURVEYING, INC.

BY: Edward J. Sunde, P.L.S. Reg. No. 3612



SUNDE LAND SURVEYING, INC.
9001 E BLOOMINGTON FREEWAY (35W)
BLOOMINGTON, MINNESOTA 55420
PHONE 612-881-2455

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

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
VACATION OF EASEMENT(S) FOR PURPOSES OF
UTILITIES

The undersigned, being first duly sworn, upon oath deposes and says that he is the qualified and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on 2-09, 1979, he posted the notice of hearing on vacation of easement(s) to be held on February 26, 1979, a true and correct copy of which is hereto attached, at each of the following public and conspicuous places within the City in a manner likely to attract attention:
1. City Hall, 4801 W. 50th Street. 2. 50th & France Business Area, ~~3922 W.~~ 50th Street 3939
3. Amundson Avenue Shopping Center.

Said easement(s) being described as follows:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing, along the West line of said Lot 1, a distance of 967.86 feet to the point of beginning of the easement to be described; thence South 73 degrees 52 minutes 42 seconds East a distance of 244 feet; thence South 14 degrees 56 minutes 57 seconds West a distance of 34.39 feet; thence North 76 degrees 32 minutes 42 seconds West a distance of 232 feet, more or less, to the West line of said Lot 1; thence North 00 degrees 07 minutes 18 seconds East, along the West line of said Lot 1, a distance of 47.00 feet, more or less, to the point of beginning.


Police Patrolman

Subscribed and sworn to before me,
this 9 day of Feb, 1979.


Notary Public, Hennepin County, Minnesota
My commission expires:

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on February 26, 1979, at 7:00 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easement for utility purposes:

An easement for utility purposes over, under and across that part of Lot 1, Block 1, Yorkdale Townhomes of Edina, according to the recorded plat thereof, Hennepin County, Minnesota, which lies 20 feet Northwesterly of a line described as commencing at the Northwest corner of said Lot 1, Block 1, Yorkdale Townhomes of Edina; thence South 00 degrees 07 minutes 18 seconds West, assumed bearing along the West line of said Lot 1, a distance of 312.81 feet to the point of beginning of the line to be described; thence North 66 degrees 37 minutes 18 seconds East a distance of 90 feet and said line there terminating; and

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All persons who desire to be heard with respect to the question of whether or not the above easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains and hydrants, on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

DATED this 5th day of February, 1979.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg
City Clerk

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by J.H. Donatoff Acceptable Opposed Conditional

CONDITIONS NSP has 10' Easement along York Ave

LOCATION Yorkdale Townhomes of Edina

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by Wm F. Johnson 2/15/79 Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by _____ Acceptable Opposed Conditional

CONDITIONS _____

LOCATION Yorkdale Townhomes of Edina

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR UTILITY PURPOSES

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DATED this 5th day of February, 1979.

BY ORDER OF THE EDINA CITY COUNCIL
Florence B. Hallberg ✓
City Clerk