

EASEMENT VACATION 12/20/76
Lots 9 & 10, Block 1, Cherokee Hills

Smead[®]
No. 103½L

HASTINGS, MN - LOS ANGELES
LOGAN, OH - McRECOR, TX U. S. A.

that a portion of the garage and deck encroached on an easement for drainage and storm sewer purposes. After reviewing the issue, staff can recommend vacating a portion of the easement without harm to the City's ability to maintain the storm sewer. The utility companies do not object to the proposed vacation.

Hearing no public comment or objection, Member Kelly introduced the following resolution and moved adoption:

**RESOLUTION VACATING EASEMENTS FOR
DRAINAGE AND STORM SEWER PURPOSES
IN THE CITY OF EDINA**

WHEREAS, a resolution of the City Council, adopted the 7th day of September, 1993, fixed a date for a public hearing on a proposed vacation of easements for drainage and storm sewer purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 4th day of October, 1993, 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 vacations 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, telephone or cable television 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;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described easement for drainage purposes:

That part of Lot 9 and that part of Lot 10, Block 1, Cherokee Hills, lying Southerly of a line drawn from the Southeast corner of said Lot 10 to a point on the Westerly line of said Lot 10, distant 25 feet Northerly of the Southwest corner thereof, lying within a 20 foot wide strip of land the centerline of which is described as follows: Beginning at a point on the West line of Lot 10, which point is 32 feet, more or less, Northerly of the Southwesterly corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 10, which point is 70 feet, more or less, Easterly of the Southwesterly corner of said Lot 10; thence Southeasterly to a point on the South line of Lot 9, which point is 20 feet, more or less, Westerly of the Southeasterly corner of said Lot 9;

and the following described portion of an easement for storm sewer purposes:

That part of Lot 9, Block 1, Cherokee Hills, Hennepin County, Minnesota which lies northerly and northeasterly and within 3 feet of the Southerly and Southwesterly lines of the following described easement:

A 20 foot strip of land, the centerline of which is described as follows: Beginning at a point on the west line of Lot 10, Block 1, Cherokee Hills, which point is 36.7 feet north of the Southwest corner of said Lot 10; thence southeasterly to a point on the South line of said Lot 10, which point is 55 feet West of the Southeast corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 9, which point is 12 feet West of the Southeast corner of said Lot 9, as shown in Document No 1199507;

be and is hereby vacated effective as of October 4, 1994.

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

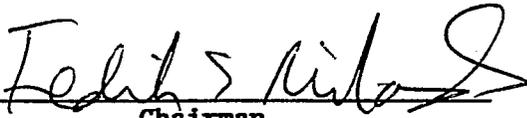
Motion was seconded by Mayor Richards.

Rollcall:

Ayes: Kelly, Paulus, Smith, Richards

1. **Recitals.** It has been proposed that the HRA enter into an Amendment and Restatement of the Contract for Deed (the "Amended Contract for Deed") between the Hedbergs, as vendor, and the HRA, as vendee, which provides for certain amendments to the existing Contract for Deed between the Hedbergs and the HRA, and that the HRA enter into certain other agreements in connection with the townhouse development proposed on Outlot A, South Edina Development Addition, by Laukka Jarvis, Inc. The amendments to the existing Contract for Deed proposed to be made by the Amended Contract for Deed extend the term of the Contract for Deed for two (2) years; and relate to the proposed development of Outlot A.
2. **Approvals.** The execution and delivery by the Chairman and Secretary of the HRA of the Amended Contract for Deed and the other agreements with respect to the proposed townhouse development on Outlot A on behalf of the HRA shall be in the form approved by the Chairman and Secretary of the HRA and the attorney for the HRA, which approval shall be conclusively presumed by the execution and delivery of such agreements by the HRA. The Chairman and Secretary are also authorized to execute such other instruments on behalf of the HRA as may be required to give effect to the transaction herein contemplated.

ATTEST:


Chairman

Secretary

Motion for adoption of the resolution was seconded by Commissioner Kelly.

Rollcall:

Ayes: Kelly, Paulus, Rice, Smith, Richards

Resolution adopted.

Member Kelly introduced the following resolutions and moved adoption:

**RESOLUTION APPROVING AMENDMENT TO
OVERALL DEVELOPMENT PLAN FOR CENTENNIAL LAKES
AND APPROVING FINAL SITE PLAN FOR OUTLOT A,
SOUTH EDINA DEVELOPMENT ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Overall Development Plan for Centennial Lakes (Outlot A, South Edina Development Addition) is hereby amended to allow construction of a 98 unit townhouse development as proposed and presented by Laukka Jarvis, Inc. at the regular meeting of the City Council of October 4, 1993;

BE IT FURTHER RESOLVED that the Final Site Plan for the aforementioned townhouse development is hereby approved.

**RESOLUTION APPROVING PRELIMINARY PLAT FOR
CENTENNIAL LAKES ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled "CENTENNIAL LAKES ADDITION", platted by Laukka Jarvis, Inc., a Minnesota corporation, and presented at the regular meeting of the City Council of October 4, 1993, be and is hereby granted preliminary plat approval.

Motion for adoption of the resolutions was seconded by Member Smith.

Rollcall:

Ayes: Kelly, Paulus, Rice, Smith, Richards

Resolutions adopted.

VACATION OF DRAINAGE AND STORM SEWER EASEMENTS GRANTED FOR LOT 9 AND PART OF LOT 10, BLOCK 1, CHEROKEE HILLS Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Engineer Hoffman told Council that the owner of Lot 9, Block 1, Cherokee Hills (6509 Navaho Trail) has sold the property. During the closing, it was discovered

written a letter suggesting that \$125,000 of the funds could be used for the H.R.A. and listed the priorities as they would like them reviewed by the Council. The Edina Environmental Quality Commission has also requested that the available funds be used to acquire open space approved by the 1975 bond issue. No comments were heard from the audience or from the Council, whereupon Mr. Luce recalled that the final hearing would be conducted on January 3, 1977 and asked that December 29, 1976 be set as a deadline for additional requests for funds. He advised Council that the application for funds must be submitted to Hennepin County by January 17, 1977. Councilman Courtney's motion setting December 29, 1977, at 4:30 p.m. as a deadline for citizen requests was seconded by Councilwoman Schmidt. Mayor Van Valkenburg clarified that additional requests could also be presented on January 3, 1977.

Ayes: Courtney, Richards, Schmidt, Van Valkenburg
Nays: None
Motion carried.

LOTS 9 AND 10, BLOCK 1, CHEROKEE HILLS STORM SEWER EASEMENT VACATED. Affidavits of Notice were presented by Clerk, approved as to form and ordered placed on file. Mr. Hyde advised that the easement over part of Lots 9 and 10, Block 1, Cherokee Hills is no longer needed for storm sewer purposes. As recommended by Mr. Hyde, Councilman Courtney offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, a resolution of the City Council adopted the 15th day of November, 1976, fixed a date for public hearing on a proposed vacation of easement for storm sewer purposes; and

WHEREAS, two weeks' published, posted and mailed notice of said hearing was given and the hearing was held on the 20th day of December, 1976, 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 or portion 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 storm sewer easement be and is hereby vacated effective as of this date, January 20, 1976:

That part of Lot 9 and that part of Lot 10, Block 1, Cherokee Hills lying Southerly of a line drawn from the Southeast coener of said Lot 10, to a point in the Westerly line of said Lot 10, distant 25 feet Northerly of the Southwest corner thereof lying within a 20 foot wide strip of land, the centerline of which is described as follows: Beginning at a point on the West line of said Lot 10, which point is 33 feet North of the Southwest corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 10, which point is 33 feet North of the Southwest corner of said Lot 10; thence Southeasterly to a point on the South line of said

12/20/76

25

Lot 10, which point is 70 feet West of the Southeast corner of said Lot 10; thence Southeasterly to a point on the East line of Lot 8, Block 1, Cherokee Hills, which point is 37 feet South of the Northeast corner of Lot 8.

and that the Clerk is authorized and directed to cause a notice of completion of 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.

Motion for adoption of the foregoing resolution was seconded by Councilwoman Schmidt.

Rollcall:

Ayes: Courtney, Richards, Schmidt, Van Valkenburg

Nays: None

Resolution adopted.

DORSEY, WINDHORST, HANNAFORD, WHITNEY & HALLADAY

2300 FIRST NATIONAL BANK BUILDING
MINNEAPOLIS, MINNESOTA 55402

(612) 340-2600

CABLE: DOROW
TELEX: 29-0605
TELECOPIER: (612) 340-2868

1468 W-FIRST NATIONAL BANK BUILDING
ST. PAUL, MINNESOTA 55101
(612) 227-8017

115 THIRD STREET SOUTHWEST
ROCHESTER, MINNESOTA 55901
(507) 288-3156

February 21, 1977

JOHN W WINDHORST
HENRY HALLADAY
JULE HANNAFORD
ARTHUR B. WHITNEY
RUSSELL W. LINQQUIST
DAVID R. BRINK
HORACE E. HITCH
VIRGIL H. HILL
ROBERT V. TARBOX
ROBERT J. JOHNSON
HAROLD B. HASSELDQUIST
PETER DORSEY
GEORGE P. FLANNERY
CURTIS L. ROY
ARTHUR E. WEISBERG
DUANE E. JOSEPH
JAMES B. VESSEY
WILLIAM A. WHITLOCK
EDWARD J. SCHWARTZBAUER
THOMAS M. BROWN
CORNELIUS D. MAHONEY, JR.
WILLIAM C. BAGCOCK
THOMAS S. ERICKSON
MICHAEL E. BRESS
RAYMOND A. REISTER
JOHN J. TAYLOR
BERNARD G. HEINZEN
WILLIAM J. HEMPEL
JOHN S. HIBBS
ROBERT O. FLOTTEN
JOHN D. LEVINE

ROBERT J. STRUYK
MICHAEL A. OLSON
LARRY W. JOHNSON
THOMAS S. MAY
G. LARRY GRIFFITH
CRAIG A. BECK
DAVID L. MCCUSKEY
THOMAS O. MOE
JAMES H. O'HAGAN
JOHN M. MASON
MICHAEL W. WRIGHT
LARRY L. VICKREY
LOREN R. KNOTT
PHILLIP H. MARTIN
REESE C. JOHNSON
CHARLES J. HAUSENSTEIN
CHARLES A. GEE
JOHN C. ZWAKMAN
JOHN R. WICKS
EUGENE L. JOHNSON
JOHN W. WINDHORST, JR.
MICHAEL PRICHARD
WILLIAM R. SOTH
RICHARD G. SWANSON
FAITH L. OHMAN
DAVID A. RANHEIM
ROBERT J. SILVERMAN
THOMAS R. MANTHEY
WILLIAM R. HIBBS
PHILIP F. BOLTER
WILLIAM B. PAYNE

ROBERT A. HEIBERG
JOHN D. KIRBY
ROBERT A. SCHWARTZBAUER
DAVID M. FRONEK
THOMAS W. TINKHAM
JON F. TUTTLE
EMERY W. BARTLE
WILLIAM A. JOHNSTONE
STEVEN K. CHAMPLIN
MICHAEL J. RADMER
MICHAEL TRUCANO
JOHN P. VITKO
DON D. CARLSON
PAUL J. SCHEERER
DAN F. NICOL
KENNETH A. IVERSON
JAMES A. FLADER
DAVID L. BOEHNEN
WILLIAM E. MARTIN
FRANK H. VOIGT
WILLIAM H. HIPPEE, JR.
ROBERT A. BURNS
MICHEL A. LAFOND
ROGER J. MAGNUSON
J. ROBERT HIBBS
JAY F. COOK
STANLEY M. REIN
CHARLES L. POTUZNIK
VERLANE L. ENDORF
DENNIS P. BURATTI
GEORGEANN BECKER

ROBERT L. HOBBS
BARRY D. GLAZER
PETER S. HENDRICKSON
NICK R. HAY
IRVING WEISER
STEPHEN E. GOTTSCHALK
THOMAS W. ELKINS
KENNETH L. CUTLER
DAVID M. QUINLAN
JAMES R. PIELEMEIER
GARY M. JOHNSON
THOMAS W. FINN
JAY L. BENNETT
ROBERT G. BAYER
SUZANNE E. YANDYK
STUART R. HEMPHILL
J. DAVID JACKSON
W. CHARLES LANTZ
DOUGLAS E. RAY
STEVEN F. WOLGAHOT
J. MARQUIS EASTWOOD
EDWARD J. PLUMER
KENNETH W. ERICKSON
OWEN C. MARX
JAMES E. BOWLUS
OF COUNSEL
DONALD WEST
WALDO F. HAROUART
GEORGE E. ANDERSON
ROBERT L. VANFOSSEN

Ms. Florence B. Hallberg
Edina City Clerk
4801 West 50th Street
Edina, Minnesota 55424

Re: Vacation of Storm Sewer Easements
Lots 9 and 10, Block 1, Cherokee Hills

Dear Florence:

I am returning a notice of completion of vacation of the storm sewer easement over parts of Lots 9 and 10, Block 1, Cherokee Hills. There are pencilled changes shown on the notice. These pencilled changes accurately reflect the kind of easement that exists over those lots and the description of that easement. The vacation proceedings should be corrected accordingly. Hopefully, the error does not exist in any publications or in the Council actions, so that the changes can easily be made.

I am also sending a copy of the plat showing the location of the subject drainage easement. Why was not the balance of the easement vacated in Lot 10 and in Lot 8? I presume Bob Dunn will have the answer to that.

If I can be of any help in making the necessary corrections to the vacation proceedings, please let me know.

Very truly yours,

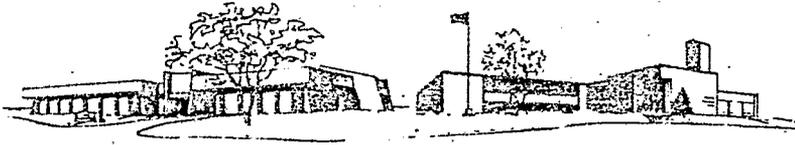

Thomas S. Erickson

TSE/abc

Enclosures

cc: Mr. Robert C. Dunn

*R.C. Dunn & T.S. Erickson
agreed on 4/15/77 that
no action need be taken
to correct this error
until such time as it
becomes a problem for
some one. R.C.D.*



City of Edina

4801 WEST FIFTIETH STREET • EDINA, MINNESOTA 55424

927-8861

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on December 20, 1976, adopted a Resolution Vacating Easement, 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 (storm sewer) purposes, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

DRAINAGE EASEMENT

That part of Lot 9 and that part of Lot 10, Block 1, Cherokee Hills lying Southerly of a line drawn from the Southeast corner of said Lot 10 to a point in the Westerly line of said Lot 10, distant 25 feet Northerly of the Southwest corner thereof lying within a 20 foot wide strip of land, the centerline of which is described as follows: Beginning at a point on the West line of said Lot 10, which point is 33 feet North of the Southwest corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 10, which point is 70 feet (West) of the (Southeast) corner of said Lot 10; thence Southeasterly to a point on the East (line of Lot 8, Block 1, Cherokee Hills, which point is 37 feet South of the North-east corner of said Lot 8.

EAST

S.W.

The time of completion of proceedings and the effective date of said vacation is this date, December 20, 1976.

Dated this 20th day of December, 1976.

BY ORDER OF THE CITY COUNCIL,
City of Edina

Florence B. Hallberg
Florence B. Hallberg, City Clerk

*Doc 1199507
STORM SEWER
EASE. - NEW*

January 19, 1977

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

Dear Mr. Erickson:

Enclosed herewith are three certified copies of Notice of Completion of Proceedings on the vacation of a storm sewer easement located in part of Lots 9 and 10, Block 1, Cherokee Hills.

Will you please see that this document is filed?

Yours very truly,

City Clerk

cc: Wa. Schramm - Minnesota Gas Co.
W. A. Parlow - N. W. Bell Telephone Co.
Ray Steffens - Northern States Power Co.

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on December 20, 1976, adopted a Resolution Vacating Easement, 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 storm sewer purposes, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Lot 9 and that part of Lot 10, Block 1, Cherokee Hills lying Southerly of a line drawn from the Southeast corner of said Lot 10 to a point in the Westerly line of said Lot 10, distant 25 feet Northerly of the Southwest corner thereof lying within a 20 foot wide strip of land, the centerline of which is described as follows: Beginning at a point on the West line of said Lot 10, which point is 33 feet North of the Southwest corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 10, which point is 70 feet West of the Southeast corner of said Lot 10; thence Southeasterly to a point on the East line of Lot 8, Block 1, Cherokee Hills, which point is 37 feet South of the Northeast corner of said Lot 8.

The time of completion of proceedings and the effective date of said vacation is this date, December 20, 1976.

Dated this 20th day of December, 1976.

BY ORDER OF THE CITY COUNCIL,
City of Edina

Florence B. Hallberg, City Clerk

portion of for storm sewer purposes

Description of easement to be vacated by City of Edina:

That part of Lot 9, Block 1, Cherokee Hills, Hennepin County, Minnesota which lies northerly and northeasterly and within 3 feet of the Southerly and Southwesterly lines of the following described easement:

A 20 foot strip of land, the centerline of which is described as follows:
Beginning at a point on the west line of Lot 10, Block 1, Cherokee Hills, which point is 36.7 feet north of the Southwest corner corner of said Lot 10; thence southeasterly to a point on the South line of said Lot 10, which point is 55 feet West of the Southeast corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 9, which point is 12 feet West of the Southeast corner of said Lot 9, as shown in Document No. 1199507.

Also make vacate easement shown on plat described on title policy

RESIDENTIAL TITLE INSURANCE POLICY**SCHEDULE A**

Policy Date: April 17, 1990 at 10:01 a.m.

Policy Number: RO 204786

Policy Amount: \$275,000.00

File Number: A06-57474

1. Name of the insured: Richard N. Tice Jr. and Judi B. Tice
2. Your interest in the land covered by this Policy is: Fee simple
3. The land referred to in this Policy is described in Schedule C.

SCHEDULE B**EXCEPTIONS**

In addition to the Exclusions, you are not insured against loss, costs, attorney's fees, and expenses resulting from:

1. The lien of the General Taxes due and payable in the 2nd half of the year 1990, and thereafter.
2. Covenants, conditions, terms, restrictions, and easements contained in document dated December 13, 1959, recorded December 31, 1959, in Book 2243 of Deeds, page 612; which does not include a forfeiture or reversionary clause (Restrictions, if any based on race, color, religion, or national origin, are deleted).
3. Utility easement over the Rear and side 5 feet, as shown in Book 2243 of Deeds, page 612.
4. The following Recital appears in the body of the Certificate of Title, and will be carried forward to any new Certificate of Title: Subject to the effect of an Ordinance of the village of Edina, a certified copy of which is recorded in Book 641 of Miscellaneous Records, page 45.
4. Storm sewer easement over a 20 foot wide strip of land, the centerline of which is described as follows: Beginning at a point on the West line of said Lot 10, which point is 36.7 feet North of the Southwest corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 10, which point is 55 feet West of the Southeast corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 9, which point is 12 feet West of the Southeast corner of said Lot 9, as shown in Doc. No. 1199507.

EXCEPTIONS CONTINUED ON FOLLOWING PAGE



SCHEDULE B (Continued)

File No. A06-57474

Policy No RO 204786

- 5. Easement for drainage purposes over a strip of land 20 feet in width the centerline of which is described as follows: Beginning at a point on the West line of Lot 10, which point is 32 feet, more or less, Northerly of the Southwesterly corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 10, which point is 70 feet, more or less, Easterly of the Southwesterly corner of said Lot 10; thence Southeasterly to a point on the South line of Lot 9, which point is 20 feet, more or less, Westerly of the Southeasterly corner of said Lot 9, as shown on the recorded plat.
- 6. Easement for utility purposes over the Easterly 5 feet, as shown on the recorded plat.
- 7. Mortgage executed by Richard N. Tice, Jr. and Judi B. Tice, husband and wife, as mortgagor, to Investors Savings Bank, F.S.R., as mortgagee, dated April 4, 1990, recorded April 17, 1990, as Document No. 2089732, on Certificate No. 745561, files of the Registrar of Titles, Hennepin County, Minnesota, securing the original amount of \$186,250.00 and any other amounts which may become due and payable under the terms thereof.
- 8. Mortgage executed by Richard N. Tice, Jr. and Judi B. Tice, husband and wife, as mortgagor, to Investors Savings Bank, F.S.B., as mortgagee, dated April 4, 1990, recorded April 17, 1990, as Document No. 2089733, on Certificate No. 745561, files of the Registrar of Titles, Hennepin County, Minnesota, securing the original amount of \$20,000.00 and any other amounts which may become due and payable under the terms thereof.

**EASEMENT
TO BE VACATED**

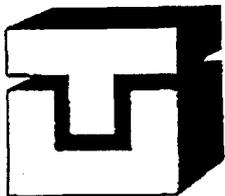
Richard N. Tice, Jr.
Authorized Signature

File No. A06-57474

SCHEDULE C

The land herein referred to is situated in the County of Hennepin, State of Minnesota and is described as follows:

Lot 9, and that part of Lot 10 lying Southerly of a line drawn from the Southeast corner of said Lot 10 to a point in the Westerly line of said Lot 10, distant 25 feet Northerly of the Southwesterly corner thereof, all in Block 1, in Cherokee Hills.



universal title
insurance company

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

**NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE PURPOSES
AND PARTIAL VACATION OF EASEMENT FOR STORM SEWER PURPOSES
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on October 4, 1993, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage purposes, all as platted and of record in the office of the Register of Titles in and for Hennepin County:

That part of Lot 9 and that part of Lot 10, Block 1, Cherokee Hills, lying Southerly of a line drawn from the Southeast corner of said Lot 10 to a point on the Westerly line of said Lot 10, distant 25 feet Northerly of the Southeast ^{or East} corner thereof, lying within a 20 foot wide strip of land the centerline of which is described as follows: Beginning at a point on the West line of Lot 10, which point is 32 feet, more or less, Northerly of the Southwesterly corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 10, which point is 70 feet, more or less, Easterly of the Southwesterly corner of said Lot 10; thence Southeasterly to a point on the South line of Lot 9, which point is 20 feet, more or less, Westerly of the Southeasterly corner of said Lot 9.

and on the proposed vacation of a portion of an easement for storm sewer purposes described as follows:

That part of Lot 9, Block 1, Cherokee Hills, Hennepin County, Minnesota which lies northerly and northeasterly and within 3 feet of the Southerly and Southwesterly lines of the following described easement: A 20 foot strip of land, the centerline of which is described as follows: Beginning at a point on the west line of Lot 10, Block 1, Cherokee Hills, which point is 36.7 feet north of the Southwest corner of said Lot 10; thence southeasterly to a point on the South line of said Lot 10, which point is 55 feet West of the Southeast corner of said Lot 10; thence Southeasterly to a point on the South line of said Lot 9, which point is 12 feet West of the Southeast corner of said Lot 9, as shown in Document No 1199507.

All persons who desire to be heard with respect to the question of whether or not the above proposed 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

6509 Navaho - Willmore

Lot 9 & that part of Lot 10 lying
Sly of a line running from the
SEly cor of Lot 10 to a pt
in the Wly line of Lot 10 dis
25 ft Nly from SW cor
thereof

6505 Navaho - Emmer

That part Lot 10 lying Nly of
a line running from SE cor of
Lot 10 to pt in Wly line Lot 10
Dis 25 ft N from SW cor
thereof

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

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR STORM SEWER PURPOSES
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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 December 20, 1976, at 7:00 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for storm sewer purposes:

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BY ORDER OF THE CITY COUNCIL.

Florence B. Hallberg
City Clerk

December 3, 1976

V-2

Description for Vacation of Storm Sewer Easement
6509 Navaho Trail

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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 Dec 3, 19 76, acting on behalf of said City I deposited in the United States mail copies of the attached

Notice of Public Hearing - Basement 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 10 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 3rd day of Dec, 19 76.

Shirley S. Healey
Edina City Clerk

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

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR STORM SEWER PURPOSES
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE CITY COUNCIL.

Florence B. Hallberg
City Clerk

December 3, 1976

Notice of Public Hearing
Stump Sewer Easement Vacation
December 20, 1976

L9, Pt of 10. Blk Cherokee Hills
Bert L. Willmore 6509 Nausch Tr

Wm. Schramm
Minn. Dss Co
739 Marquette Ave 55402

W. A. Paulsen
N.W. Bell Telephone Co.
5532 Co. Rd. 18 So. Hopkins 55343

Ray Steffens
N'dale Division, N.S.P.
5309 W. 70th St 55435

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

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

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 Dec 3, 1976, he posted the notice of hearing on vacation of easement(s) to be held on Dec 20, 1976, 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:

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Police Patrolman

Subscribed and sworn to before me,
this 3rd day of Dec., 1976.

Clarence B. Haggard
Notary Public, Hennepin County, Minnesota
My commission expires:

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

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BY ORDER OF THE CITY COUNCIL.

Florence B. Hallberg
City Clerk

December 3, 1976

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT
FOR STORM SEWER PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

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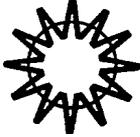
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BY ORDER OF THE CITY COUNCIL.

FLORENCE B. HALLBERG
City Clerk
(Dec. 1 & 8, 1976)—ED



SUN NEWSPAPERS

AFFIDAVIT OF PUBLICATION

EDINA SUN

6601 W. 78th St.

Bloomington, Minnesota

State of Minnesota }
County of Hennepin } ss.

J. R. RITCHAY, being duly sworn, on oath says he is and during all times here stated has been the vice 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 hearing

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 2 successive weeks;

that it was first so published on Wed. the 1 day of December, 19 76

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

Wed. the 8 day of Dec., 1976 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

J. Ritchay

Subscribed and sworn to before me this 8 day of December, 1976

Muriel L. Geist
MURIEL L. GEIST
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires July 23, 1978

(Official Publication)

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

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Lot 9 and Part of Lot 10, Block 1, Cherokee
Hills

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BY ORDER OF THE CITY COUNCIL.

Florence B. Hallberg
City Clerk

Please publish in the Edina Sun on December 1 and 8, 1976.
Please send us two Affidavits of Publication.

(Official Publication)

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4801 W. 50TH STREET
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Florence B. Hallberg
City Clerk

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Cecilia - In accordance with our telephone conversation, will you please delete the legal description "Lot 9 and Part of Lot 10, Block 1, Cherokee Hills" and SUBSTITUTE THE ABOVE TWO PARAGRAPHS.

Thanks so much.

12/3/76

That part of Lot 9 and that part of Lot 10, Block 1, Cherokee Hills lying Southerly of a line drawn from the Southeast corner of said Lot 10 to a point in the Westerly line of said Lot 10, distant 25 feet northerly of the Southwest corner thereof lying within a 20 foot wide strip of land, the centerline of which is described as follows:

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BY ORDER OF THE CITY COUNCIL.

Florence B. Hallberg
City Clerk

Easement vacation is acceptable to
Minnegasco.

By W. M. J. Schram

Date 12-5-76

December 3, 1976

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated _____

1) I hereby petition the City Council of the City of Edina to vacate all of the following described public right-of-way:

- Street Alley Utility Easement
 Drainage Easement Other _____
(describe)

Description of area proposed to be vacated:

Attach copy of scaled drawing showing in full detail the proposed vacation.

Signature _____

Address _____

Telephone _____

2) Review

CITY ENGINEER by _____ Acceptable Opposed Conditional
 Conditions _____

MINNEGASCO by _____ Acceptable Opposed Conditional
 Conditions _____

N.W. BELL by *LB Tacheny* Acceptable Opposed Conditional
 Conditions _____

N.S.P. by _____ Acceptable Opposed Conditional
 Conditions _____

CITY OF EDINA
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Florence B. Hallberg
City Clerk

December 3, 1976