

11/04/91 ALLEY VACATION - Between 5411
Zenith Av. So and 5408 York Av
SEELYS 1ST ADDITION TO
HAWTHORNE PARK

7/25/94

Per phone call from Steven Von Bargen
Munnegård 342-5381

New garage has been built per
supervision in field over gas line.
on public right of way -
either 5411 Zenith or 5408 York Av

for the following Planning matters:

- 1) Rezoning and Lot Division - Lots 3 and 4, Block 1, Indian Hills 3rd Addition
 - 2) Final Rezoning and Final Plat Approval - Parkwood Knolls 23rd Addition
- Motion carried on rollcall vote - five ayes.

***PUBLIC HEARING ON ALLEY VACATION BETWEEN 5411 ZENITH AV AND 5408 YORK AV CONTINUED INDEFINITELY** As requested by the petitioner, motion was made by Member Smith and seconded by Member Rice to continue indefinitely the public hearing on the request for alley vacation between 5411 Zenith Avenue and 5408 York Avenue. Motion carried on rollcall vote - five ayes.

SECOND READING GRANTED; ORDINANCE NO. 142-A2 (TO INCREASE AMOUNT OF CONTINUING BOND) ADOPTED Member Smith introduced Ordinance No. 142-A2 for Second Reading and moved adoption as follows:

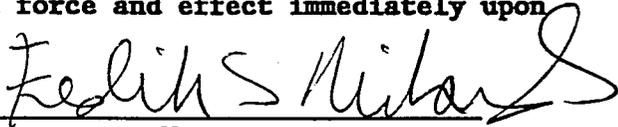
**ORDINANCE NO. 142-A2
AN ORDINANCE AMENDING ORDINANCE NO. 142
TO INCREASE THE AMOUNT OF THE CONTINUING BOND**

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. The first paragraph of Sec. 3 of Ordinance No. 142 is hereby amended to read as follows:

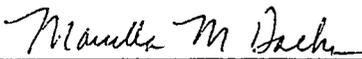
"Sec. 3. Bonds. Unless exempt by state law, every applicant for (i) a license registration for the carrying on within the City of the business of plumbing, water softener installing, well drilling or building moving, or (ii) a license pursuant to Ordinance Nos. 429, Part 1 (Oil Burner Installer), 429, Part 2 (Stoker Installer), 429, Part 3 (Steam and Hot Water Heating Installer), 429, Part 4 (Warm Air Heating and Air Conditioning Installer), 429, Part 5 (Refrigeration Installer), 431, Part 4 (Gas Fitter) and 1302 (Scavenger) shall file with such application a bond that is valid and in force and effect in the penal sum of at least \$5,000.00, with a corporate surety approved by the City Manager, which bond shall be conditioned that the applicant, as to all material and equipment furnished, and as to all business carried on or all work done, commenced or performed during the term of the license, license registration or renewal thereof shall:"

Sec. 2. This ordinance shall be in full force and effect immediately upon passage and publication.



Mayor

ATTEST:



City Clerk

Motion was seconded by Member Rice.

Rollcall:

Ayes: Kelly, Paulus, Rice, Smith, Richards
Ordinance adopted.

***BID AWARDED FOR FAIRWAY AERATOR** Motion was made by Member Smith and was seconded by Member Rice for award of bid for one fairway aerator to sole bidder, Cushman Motor Company, Inc., at \$17,368.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR 16 FOOT TRACTOR ROTARY MOWER** Motion was made by Member Smith and was seconded by Member Rice for award of bid for a 16 foot tractor rotary mower to sole bidder, MTI Distributing Co., at \$48,203.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR GOLF COURSE SAND RAKE** Motion was made by Member Smith and was

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL HELD AT CITY HALL
DECEMBER 16, 1991**

ROLLCALL Answering rollcall were Members Kelly, Paulus, Rice, Smith and Mayor Richards.

RESOLUTION OF APPRECIATION ADOPTED FOR JEAN RIFLEY Mayor Richards introduced the following resolution which was unanimously adopted:

RESOLUTION OF APPRECIATION

WHEREAS, Jean Rifley has served the residents of the City of Edina as Board Member of South Hennepin Human Services Council since 1985; and

WHEREAS, she has also served on the Human Services Coordinating Council, the Senior Community Services Board, the Edina Human Relations Commission; and

WHEREAS, Jean Rifley was the original Board Member of Friends of H.O.M.E. (Household and Outside Maintenance for the Elderly); and

WHEREAS, she has been particularly sensitive to the area of human services in Edina as evidenced by her activities in the various organizations in which she has been involved; and

WHEREAS, Jean Rifley is held in high esteem by the residents of the City of Edina, as well as Members of the City Council and City staff.

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council, the City staff and all the residents of Edina hereby express their thanks and appreciation to

JEAN RIFLEY

for her tireless efforts in and sincere dedication to making the City of Edina an outstanding community.

ADOPTED THIS 16th day of December, 1991.

CONSENT AGENDA ITEMS APPROVED Motion was made by Member Kelly and was seconded by Member Smith to approve and adopt the Council Consent Agenda items as presented.

Rollcall:

Ayes: Kelly, Paulus, Rice, Smith, Richards

Motion carried.

*MINUTES OF SPECIAL MEETINGS OF NOVEMBER 30 AND DECEMBER 4, 1991 AND REGULAR MEETING OF NOVEMBER 18, 1991 APPROVED Motion was made by Member Kelly and was seconded by Member Smith to approve the Council Minutes of the Special Meetings of November 30 and December 4, 1991, and the Regular Meeting of November 18, 1991.

Motion carried on rollcall vote - five ayes.

PUBLIC HEARING HELD ON IMPROVEMENT NO. BA-297 (YORK AV. - W. 54TH ST TO W. 55TH ST.) OR IMPROVEMENT NO. BA-297A (YORK AV. - W. 54TH ST. TO 200 FEET SOUTH)

Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Engineer Hoffman explained that, during a hearing for vacation of a portion of an alley west of York Avenue, the Council had received comments about the condition of York Avenue south of W. 54th Street. Council directed that a public hearing be conducted to present and discuss the neighborhood issues relating to public access.

Staff has sent letters and sketches to all residents on York Avenue between 54th and 55th Streets stating three alternatives: 1) Construct a typical road section comparable to current standards; 2) Develop a new cul-de-sac from W. 54th Street to approximately 200 feet south to remove the issue of non-conformance to our City ordinances as it relates to "improved" road frontage; or 3) Leave the current access issue as it is. Currently, all residents favor leaving the system

as it is. Assessment for the first alternative (BA-297) is estimated at \$112.97 per foot. Because of the change in grade level of the existing improved portion of York Avenue and the unimproved north section, retaining walls from three to six feet in height would be required. Assessment for the second alternative (BA-297A) is estimated at \$94.39 per foot. The proposed 20 foot wide cul-de-sac would be off-set to the east side of the right of way so as to save the larger trees.

Additionally, the Council tabled the alley vacation request in November and staff has spoken to both the owner and the potential buyer of 5411 Zenith Avenue about the issue. Staff made it clear that either the buyer or seller would need to appear before the Council if they wished to continue the discussion on the alley hearing. Staff would recommend continuation of the alley hearing to a date certain or denial of the request at this time.

Public Comment

Robert Christianson, representing M. J. Coyne of 5405 York Avenue, said he had discussed the alternatives with his client. In view of the cost in comparison with the benefit to be derived, Ms. Coyne did not feel either of the construction alternatives were viable. She would urge the Council to stay with the status quo but felt the City should maintain the unimproved right of way in proper fashion, i.e. preclude people from parking cars on it, clean it up, not allow dumping. The alternative would be to vacate the right of way (half would go to the property on the west and half would go to the property on the east). Those owners could then maintain it as they saw fit.

John Josephson, 5408 York Avenue, told the Council he is in the process of buying the property which he has rented for some 12 years. He said he cannot get a vehicle into his half of the garage which is shared with 5411 Zenith because of the way the garage is sited. Consequently, his family parks their four vehicles in front on the right of way because there is no place to park in the rear. He said he was opposed to any improvements to the area.

Also speaking in opposition to any improvements were Gary Huber, 5406 York Avenue; Tom Larson, 5400 York; Lyall Olson, 5441 York; Chet Curtis, 5421 York; Rebecca Speakes, owner of 5408 York; John Munsell, 5413 York; Gary Holman, prospective purchaser of 5411 Zenith; Kathy Knutson, 5445 York; Jeff Josephson 3113 W. 54th Street; and Eric Hand, 5425 York.

Council Comment/Action

Mayor Richards explained that the purpose of the public hearing was to get everyone together to discuss the issues on the table and to consider any options.

Member Rice said the best thing said tonight was that the area is a mess but a delightful mess. After personally viewing the area he had asked public works and public safety if the City has good access for emergencies because it is not up to City standards. Further, the City will maintain the right of way and enforce the ordinance prohibiting parking on the right of way which was one of the concerns expressed. He questioned if the issue of the parked cars might be referred to the West Suburban Mediation Services.

Member Paulus submitted that if the residents do not want York Avenue improved they must live with the ordinance provisions.

Mayor Richards observed that there seemed to be a consensus among the residents that the right of way area should be cleaned up and that this issue could be worked out between the individuals involved. He said he would support the third alternative to leave the current access as is, subject to the residents addressing the issues that have been identified within 30 days.

Member Kelly made a motion to maintain the status quo with no public improvements on York Avenue, subject to the issues being resolved within 30 days, or brought back to the Council on February 3, 1992, if not resolved. Motion was seconded by Member Smith.

Ayes: Kelly, Paulus, Rice, Smith, Richards
Motion carried.

PUBLIC HEARING ON VACATION OF ALLEY BETWEEN 5411 ZENITH AND 5408 YORK CONTINUED TO FEBRUARY 3, 1992

Engineer Hoffman recalled that the request to vacate a portion of the alleyway between 5411 Zenith Avenue and 5408 York Avenue was heard by the Council on November 4, 1991, and November 18, 1991. The hearing was continued to this meeting so that the issue of public access on York Avenue could be considered in a public hearing.

Public Comment

Gary Holman, prospective buyer of 5411 Zenith, said the subject alley has never been constructed. Further, the home has little yard area, is pressed against the creek and the unconstructed alley visually is part of the yard. He said the request to vacate that portion of the alley would clarify the property lines.

Rebecca Speakes, owner of 5411 Zenith, observed that portion of the alley proposed for vacation is part of the back yard. She added that it is unlikely that the alley would ever be put through.

Mike Menzel, 5410 York Avenue, asked if vacating the alley would allow for additional garage building space to alleviate the street right of way parking problem for Mr. Josephson. In response, Ms. Speakes said there is a permanent easement which provides access to the garage shared by 5411 Zenith and 5408 York.

Council Comment/Action

Mayor Richards said he was concerned about vacating a public alley right of way without knowing the full ramifications and that it would be premature to take any action until the access issues are resolved.

Member Paulus pointed out that if a portion of the alley is vacated, the interests of all other residents abutting the alley right of way are affected.

Member Rice said he would not support any action without the concurrence of the owners of 5400, 5404, 5408, 5410, 5412 York and 5411 Zenith, and without a recommendation from the City Engineer and the City Attorney.

Member Kelly made a motion to continue the public hearing on the request to vacate the alley between 5411 Zenith Avenue and 5408 York Avenue to February 3, 1992. Motion was seconded by Member Smith.

Ayes: Kelly, Paulus, Rice, Smith, Richards
Motion carried.

(Member Smith left the meeting at this point on the Agenda.)

PUBLIC HEARING HELD; TREE TRIMMING PROJECT TT-92/93 ORDERED Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Park Director

Director Kojetin explained that the Tree Trimming project TT-92/93 is proposed for an area bounded by Highway 100 on the East, Vernon Avenue on the South, Highway 169 on the West and the northern City boundary line on the North. The project would consist of the trimming of boulevard trees for a total estimated cost of \$77,900.00 proposed to be assessed against benefitted properties in the designated area. Trees would be trimmed to maintain a height of 13 feet above

Road; Paul Gauro, 302 Harrison Av. S., Donald Geesaman, 4606 Drexel Av.; Griffin J. Baker, 6312 St. Johns Av.; and Muriel Erickson, 4401 Parklawn #101, opposing any increase in property taxes to fund the proposed budget. Bob Ryder, 5509 Grove St., commended Council for only a 2% tax increase.

No further comment being heard, Mayor Richards announced that the hearing would be continued to December 4, 1991 at which time the 1992 Budget would be formally adopted.

CONSENT AGENDA ITEMS ADOPTED Motion was made by Member Smith and was seconded by Member Kelly to approve and adopt the Council Consent Agenda items as presented.

Rollcall:

Ayes: Kelly, Paulus, Smith, Richards

Motion carried.

PUBLIC HEARING ON VACATION OF ALLEY BETWEEN 5408 YORK AND 5411 ZENITH CONTINUED TO 12/16/91; HEARING DATE OF 12/16/91 SET FOR YORK AVENUE IMPROVEMENTS Engineer Hoffman recalled that the request to vacate a portion of unconstructed alley behind 5408 York Avenue was continued from the meeting of November 4, 1991, so that all affected property owners/residents could be noticed that the Council will look at all access options for that area.

Engineer Hoffman explained that all properties on the east side of York from West 55th to West 54th Street have an improved alley servicing their properties. York Avenue from West 55th Street north to the north property line of 5411 York has an improved street. The properties to the north of this point use an unimproved driveway on the York Avenue right of way to access their properties. West 54th Street until recently was a gravel roadway. This summer City crews took milled bituminous material from the 50th and France area and spread it on West 54th to somewhat improve the street. He showed a graphic outlining the flood plain boundary along Minnehaha Creek and pointed out that the property at 5411 Zenith is within the flood plain. If that house were to burn or be removed, it would be questionable whether a building permit for a new structure could be issued.

Other issues in the neighborhood include non-conforming lot sizes, setback problems and a garage that is partially located off the property. An expenditure of approximately \$40,000 to \$70,000 would bring the street system up to public standards, resulting in an estimated assessment of \$5,000 to \$10,000 per lot, depending upon the extent of the improvement. If the alley were vacated as requested, the City should retain the right to maintain the City's sanitary sewer line and also the right of the public utility companies to maintain their service lines.

Engineer Hoffman said given all the issues in the neighborhood, staff would recommend dealing with the vacation of the unconstructed alley west of York Avenue as one project, and to conduct public hearings on the public improvement issues as to York Avenue and West 54th Street if it so desired.

Mayor Richards reiterated that the specific issue is the vacation of the alley between 5408 York and 5411 Zenith and opened the hearing to public comment.

Public Comment

Bob Christianson, attorney, representing M.J. Coyne of 5405 York Avenue, said there are more issues in the area than just the vacation of the subject alleyway. He suggested that a public hearing be scheduled to deal with the entire area.

Tim and Cindy Mulnrennan, 5420 York Avenue, presented a petition signed by residents on the 5400 block of York Avenue stating that they opposed the possibility of making York Avenue a through street which would incur a

substantial assessment on their properties. They would like the area cleaned up (i.e. randomly parked vehicles) and want it to remain a quiet neighborhood.

Mike Menzel, 5410 York Avenue, also spoke to the petition in opposition to York Avenue becoming a through street. Further, that the problem of the randomly parked cars and/or abandoned car should be addressed. Chief Swanson responded that upon complaint questionable vehicles are investigated and the ordinance enforced if they are found to be inoperable.

Council Comment/Action

In response to Member Paulus, Attorney Erickson said that in order to vacate the alleyway, the City has to make an affirmative finding that it is no longer needed for a public purpose. The fact that the City has no foreseeable use for it does not mean it is abandoned. If the Council decides to open it, it could be used for a public street. It would maintain its legal status as a public easement even though it is not used. Member Paulus commented that she would not support vacating a small portion of the alley to serve an individual owner. It was noted that the proponent was not present to speak to the request.

Mayor Richards called for a motion on the request to vacate the alley between 5408 York and 5411 Zenith. No motion was offered. Mayor Richards then asked for Council comment on scheduling a public hearing for the purpose of considering improving York Avenue from 55th Street to 54th Street. Member Smith commented that it is not Council's responsibility to identify areas that need improvement. If residents in the area want to petition for a hearing they should do so. Mayor Richards observed that he would support a public hearing to consider improvements to York Avenue from West 55th to West 54th Street because it would get the residents in to talk about the subject area.

Member Smith introduced the following resolution and moved its adoption:

**RESOLUTION PROVIDING FOR PUBLIC HEARING ON
PERMANENT STREET SURFACING WITH CURB AND GUTTER
IMPROVEMENT NO. BA-297 - YORK AV. - W. 54TH ST. TO 55TH ST.
AND BA-297A - YORK AV. - W 54TH ST. TO 200 FEET SOUTH**

The City Engineer, having submitted to the Council a preliminary report as to the feasibility of the proposed Street Improvements described in the form of Notice of Hearing set forth below, and as to the estimated cost of such improvements, said report is hereby approved and directed to be placed on file in the office of the City Clerk.

This Council shall meet on Monday, December 16, 1991, at 7:00 P.M. in the Edina City Hall, to consider in public hearing the views of all persons interested in said improvements.

The City Clerk is hereby authorized and directed to cause notice of the time, place and purpose of said meeting to be published in the official newspaper once a week for two successive weeks, the second of which publication is to be not less than three days from the date of said meeting, and to mail notice to all affected properties in substantially the following form:

**(OFFICIAL PUBLICATION)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
PERMANENT STREET SURFACING
WITH CURB AND GUTTER
IMPROVEMENT NO. BA-297
YORK AVENUE - W. 54TH STREET TO W. 55TH STREET
IMPROVEMENT NO. BA-297A
YORK AVENUE - W. 54TH STREET TO 200' SOUTH**

The Edina City Council will meet at the Edina City Hall, on Monday, December 16,

1991, at 7:00 P.M., to consider the following proposed improvements to be constructed under the authority granted by Minnesota Statutes, Chapter 429. The approximate cost of said improvements are estimated by the City as set forth below:

	<u>ESTIMATED COST</u>
IMPROVEMENT NO. BA-297	
York Ave. - W. 54th St. to W. 55th St.	\$117,498.03
IMPROVEMENT NO. BA-297A	
York Ave. - W. 54th St. to 200' South	\$ 33,039.96

The areas proposed that may be assessed for the cost of the proposed improvements includes:

Lots 1 thru 15, Block 2, Seely's First Addition to Hawthorn and Lots 16 thru 30, Block 1, Seely's First Addition to Hawthorn.

Motion was seconded by Member Kelly.

Ayes: Kelly, Paulus, Smith, Richards

Motion carried.

ORDINANCE NO. 1122 (REPEALING CATV RELIEF ORDINANCE AND RELIEF ORDINANCE AMENDMENT) ADOPTED ON SECOND READING Member Kelly moved Second Reading and adoption of Ordinance No. 1122 as follows:

ORDINANCE NO. 1122

AN ORDINANCE REPEALING THE CATV RELIEF ORDINANCE,
ORDINANCE NO. 1121, AND CATV RELIEF ORDINANCE AMENDMENT,
ORDINANCE NO. 1121-A1, PROVIDING FOR THE CONTINUANCE
OF CERTAIN ASPECTS OF THE CATV RELIEF ORDINANCE,
AS AMENDED, AND RESTRUCTURING THE MANNER IN WHICH
LOCAL PROGRAMMING IS FUNDED.

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS AS FOLLOWS:

Section 1. Short Title. This Ordinance shall be known as the "Local Programming Restructuring Ordinance."

Sec. 2 Background and Purpose. In 1984, Grantee requested that the Southwest Suburban Cable Commission ("SWSCC") and Member Cities substantially restructure certain aspects of the Franchise in response to the serious financial difficulties experienced by the Grantee. The Member Cities enacted the CATV Relief Ordinance and the SWSCC and the Member Cities entered into the Performance Agreement in response to Grantee's request. The result was to reduce Grantee; Local Programming Obligations and Franchise Fee requirement, provide Grantee with an incentive to refinance its debt obligation and increase the involvement of the SWSCC and Member Cities in funding Local Programming Obligations and monitoring Grantee's performance. The CATV Relief Ordinance Amendment was enacted in 1988 as a part of the transfer of control of Grantee and resulted in the continuance of the CATV Relief Ordinance with some modification.

In 1990, Grantee petitioned SWSCC to extend the provisions of the CATV Relief Ordinance and CATV Relief Ordinance Amendment (collectively "Relief Ordinances") through the term of the franchise. The SWSCC and Grantee reviewed the request through a series of meetings of the SWSCC operating committee and commission. The SWSCC, Member Cities and Grantee concur that the implementation of the Relief Ordinances has contributed to the achievement of the original goal of the SWSCC and its Member Cities: stabilizing and improving the financial condition of the Grantee. As a result, certain SWSCC oversight responsibilities and reporting requirements imposed by the Relief Ordinances and Performance Agreement are no longer necessary.

The SWSCC and Grantee also concur that certain changes in the usage of channels on the cable system and the provision of access programming, community access programming and local origination programming (collectively "Local Programming") resulted in a channel line-up including more satellite programming services than originally proposed by Grantee, as well as focusing Local Programming channels so

11-14-91 Alley Vacation Hearing (Btwn 5408 & 5411
11-18-91 " " Zenith)
12-16-91 " " "
2-3-92 " " Hrg. continued indefinitely

PETITION OPPOSING THE EXTENSION OF YORK AVE

We, the undersigned names, oppose the possibility of making York Avenue a thru street between 55th and 54th streets. We understand that an improvement of this nature would incur a new and substantial assessment on the local neighborhood.

NAME	ADDRESS	DATE
Mike Mengel	5410 York Ave S	11-18-91
Cindy Muereman	5420 York Ave So	11-18-91
Chester W. Curtis	5421 York So	11-18-91
Golly Beck	5445 York So	11/18/91
August Postle	5402 Verdick So	11-18-91
Patricia L. Ruppel	5411 York Ave S	11-18-91
Monica L. Shaughnessy	5433 York Ave S.	11-18-91
Lynn J. Olson	5441 York Ave So	11-18-91
Esther Olson	5441 York Ave So	11-18-91
Jolanda Simier	5437 York Ave. So	11-18-91
Eric Hand	5425 York Ave. So.	11-18-91
Dorothy H. Ryhe	5412 York Ave So	11-18-91
Connie Ryhe	5412 York Ave S.	11-18-91

BY ADDING TO THE PLANNED RESIDENCE DISTRICT (PRD-2)
THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. Section 6 of Ordinance No. 825 of the City is amended by adding the following thereto:

"The extent of the Planned Residence District (Sub-District PRD-2) is enlarged by the addition of the following property:

Outlot B, Parkwood Knolls 20th Addition, Edina, Minnesota

That part of Outlot C, Parkwood Knolls 20th Addition that lies southerly of a line which bears North 61 degrees 47 minutes 31 seconds East from the Northeast corner of Outlot B, Interlachen Hills 3rd Addition, Edina, Minnesota

Harvey Lane (to be vacated) westerly of the westerly right of way line of Malibu Drive, Parkwood Knolls 20th Addition, Edina, Minnesota."

Sec. 2. This ordinance shall be in full force and effect upon its passage and publication.

Motion was seconded by Member Paulus.

Rollcall:

Ayes: Kelly, Paulus, Rice, Smith, Richards

First Reading granted.

Member Smith introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PRELIMINARY PLAT FOR
PARKWOOD KNOLLS 23RD ADDITION

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled "Parkwood Knolls 23rd Addition" platted by Parkwood Knolls Construction Company and the estate of Carl M. Hansen, and presented at the regular meeting of the City Council of November 4, 1991, be and is hereby granted preliminary plat approval.

Motion was seconded by Member Paulus.

Rollcall:

Ayes: Kelly, Paulus, Rice, Smith, Richards

Resolution adopted.

PUBLIC HEARING ON PROPOSED ALLEY VACATION (BETWEEN 5411 ZENITH AV. SO. AND 5408 YORK AV. SO.) CONTINUED TO 11/18/91 Affidavits of Notice were presented,

approved and ordered placed on file.

Presentation by Engineer

Engineer Hoffman presented the petition requesting the vacation of a portion of an unconstructed public alley located between 5411 Zenith Avenue South and 5408 York Avenue South in Seely's 1st Addition to Hawthorne Park. Staff would recommend vacation with reservation of a utility easement for both NSP and Minnegasco to maintain their equipment lines. Vacation of this portion of the alley would preclude any of the abutting properties from future petitioning for construction of a public alley to service the rear of their properties. From a City perspective, staff does not believe there is reason for a public alley as there have never been one in that location. The proposed alley vacation is not the only issue in the area as residents on York Avenue have contacted the City with concerns about the unimproved northerly portion of York Avenue.

Presentation by Proponent

Rebecca Speakes, 2254 Cleveland Street N.E., stated that she had owned all four properties, 5400, 5404 and 5408 York Avenue and 5411 Zenith, but had recently sold 5400 and 5404 York. The petition to vacate the alley right of way was made because the perspective buyers of 5411 Zenith requested that the subject alley segment become part of their property as it currently functions as part of the backyard.

Public Comment Bob Christianson, Best and Flanagan, and representing

M.J. Coyne, 5405 York Avenue, stated that Ms. Coyne opposes the proposed vacation at this time. He said he had hoped to present a petition to vacate a portion of York Avenue from 5405 York to 54th Street but that was not possible because of logistical problems. The purpose would be to call to the Council's attention the situation that currently exists with respect to that area. York Avenue from 5404 north to West 54th Street is an unimproved dirt track where residents randomly park cars, move earth around on the dedicated portion of the street, and the existing overall situation is an eyesore. Mr. Christianson said he felt it would be premature to vacate an area by bits and pieces. The City and those residents would be better served if the Engineer and Planner took a close look at the area to try to resolve the problem. He requested a continuance of the proposed vacation hearing so that an analysis could be made and an overall plan could be developed for that area.

Council Comment/Action

In response to Member Paulus, Engineer Hoffman said he would not support vacating the unimproved portion of the York Avenue right of way because it serves as access to some of those properties. He said he has had calls about that part of York Avenue but that the affected property owners might not support an improvement project as it would be an assessed project. Personally, he said he would like to see that portion improved with pavement and with curb and gutter.

Member Smith commented that he would like to get the affected residents in to talk about the area. Member Kelly said she agreed and if there was to be a hearing there should be an estimate of improvements costs. Member Rice concurred that the area needs some planning and maybe some improvement. Mayor Richards commented he felt the property owners involved should be the petitioners if something were to be done and that the Council should not be the initiator for any upgrading or vacating. Member Smith said he would propose looking at the public issues, i.e. W. 54th Street, York Avenue and the subject alley, but not in the format of a public hearing and that the residents who are affected should be notified of this.

Member Smith made a motion to: 1) Continue the public hearing on the proposed alley vacation to November 18, 1991, and 2) To notice all affected property owners/residents that the Council will look at all access options for the area of West 54th Street, York Avenue and the alley between York and Zenith. Motion was seconded by Member Kelly.

Ayes: Kelly, Paulus, Rice, Smith, Richards
Motion carried.

RESOLUTION ADOPTED; FIRST READING GRANTED FOR ORDINANCE NO. 1122 RELATING TO 1991 CABLE TV RELIEF EXTENSION Manager Rosland recalled that at the August 5, 1991, meeting he had informed the Council of the request by Paragon Cable for extension of the relief agreement that had been previously approved by member cities in 1985 and extended in 1988. Following an in-depth study of the issues involved, the Southwest Suburban Cable Commission (SWSCC) had recommended that the member cities approve Paragon's request.

In summary, the modifications to the franchise ordinances are as follows and as presented previously:

- 1) Franchise Fee - Full 5% franchise fee would be paid to the cities beginning August 1, 1992.
- 2) Local Programming Funding - Current formula (1% match between the cities and cable company) would remain in effect until July 31, 1992. Some additional modification would take place.
- 3) Local Programming Services - Paragon would continue to meet the service levels described in the Performance and Facilities contracts now in force.



REPORT/RECOMMENDATION

To: MAYOR AND COUNCIL	Agenda Item # <u>v.</u>
From: FRANCIS HOFFMAN CITY ENGINEER <i>FH</i>	Consent <input type="checkbox"/>
Date: FEBRUARY 3, 1992	Information Only <input type="checkbox"/>
Subject: ALLEY VACATION, PARKING/VEHICLES 54th & YORK AVENUE	Mgr. Recommends <input type="checkbox"/> To HRA <input checked="" type="checkbox"/> To Council
	Action <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Discussion

Recommendation:

Continue alley vacation on 54th Street and York Avenue indefinitely.

Info/Background:

The City Council on December 16, 1991, held a hearing on road improvements on York Avenue in the vicinity of West 54th Street. The Council action was to not approve any projects but require the neighbors to remove abandoned vehicles and park operating vehicles on their own property, not in the public right of way. The Police Department has occasionally monitored the situation and the neighbors appear to be in compliance with the parking issues.

Second, the neighbors are working on the alley vacation issue but have not completed any documents for private cross-use easements as yet. Craig Larsen and Fran Hoffman have been working with Gary Holman on the issue. The original requestor of the alley vacation has requested that the issue be continued indefinitely pending neighborhood resolution of the alley issue.

(over)

1/16/92

Dear Sirs:

Would you please delay indefinitely city council action on the vacation of the alley between 5411 Zenith So. and 5408 York So. Gary Hallman needs time to gather information for this process. Either he or I will contact you for rescheduling.

Thank you,
Rebecca Speakes

Rebecca Speakes
2254 Cleveland St NE
Mpls, MN 55418
788-3706
332-1089

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated 9/25/91

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

<input type="checkbox"/> Street	<input checked="" type="checkbox"/> Alley	<input type="checkbox"/> Utility Easement	
<input type="checkbox"/> Drainage Easement	<input type="checkbox"/> Other _____		TOTAL 100.00
			(describe)

09/27/91

Legal description of area proposed to be vacated:

The alley between 5411 Zenith^{So} (Seeleys 1st Addition to Hawthorne Park lot 027 Block 002 watershed 3) and 5408 York So. (Seeleys 1st Addition to Hawthorne Park lot 004 Block 002 watershed 3)

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

Signature Robert M. Spahn
 Address 2254 Cleveland NE Mpls, MN 55418
 Telephone 788-3706 332-1089

2) Review

CITY ENGINEER by _____ Acceptable Opposed Conditional
 Conditions _____

MINNEGASCO by _____ Acceptable Opposed Conditional
 Conditions _____

U.S. WEST by _____ Acceptable Opposed Conditional
 Conditions _____

N.S.P. by J. E. Fraser Acceptable Opposed Conditional
 Conditions subject to a 10 ft utility easement being granted to protect our existing overhead lines



City of Edina

NOTICE OF PUBLIC HEARING
ON VACATION OF RIGHT OF WAY FOR ALLEY PURPOSES
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

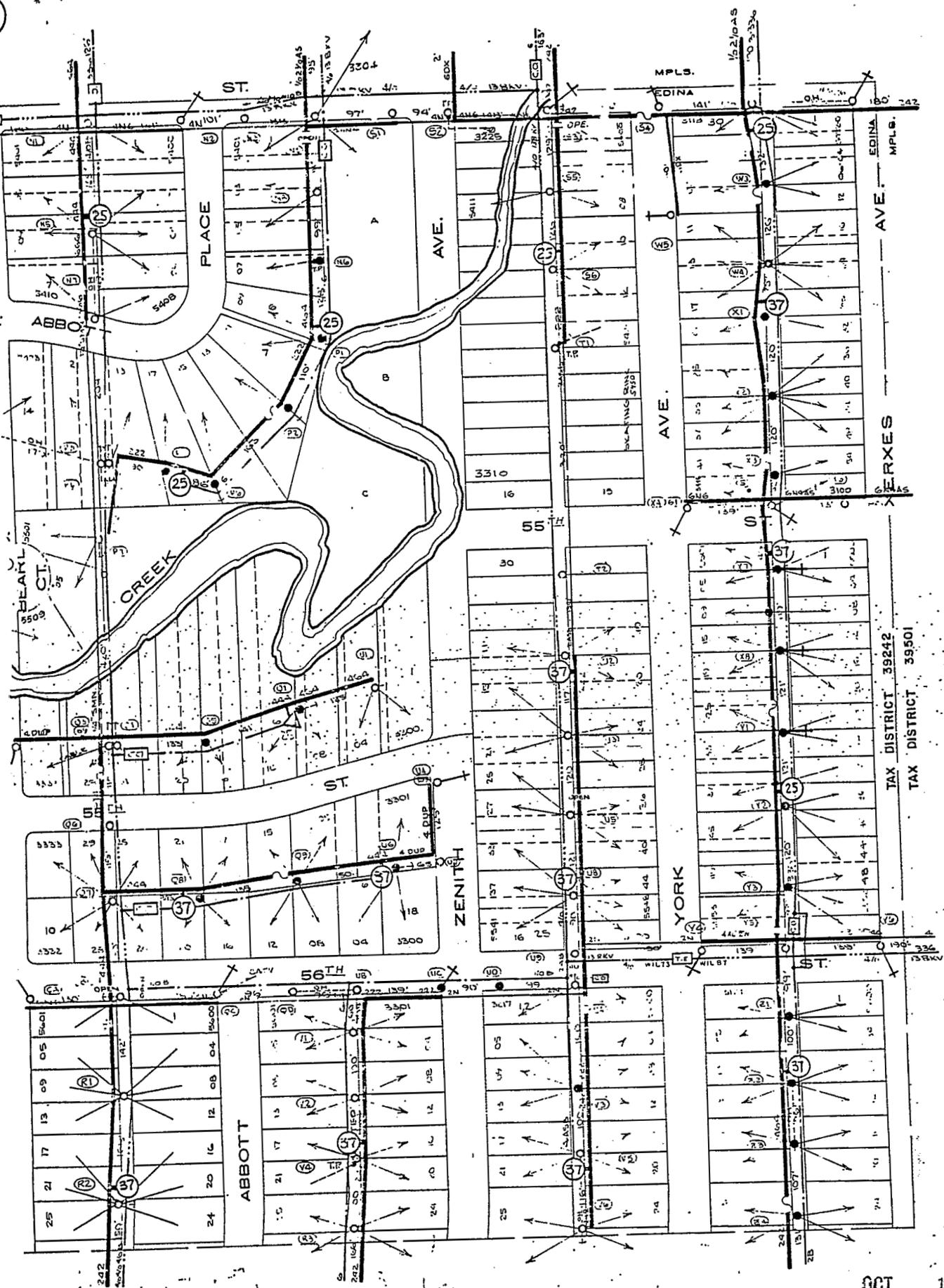
NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on November 4, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following right of way for alley purposes:

Alley right of way between Lot 027, Block 002, Watershed 3,
(5411 Zenith Avenue South) and Lot 004, Block 002, Watershed 3,
(5408 York Avenue South) SEELYS 1ST ADDITION TO HAWTHORNE PARK,
according to the recorded plat thereof, Hennepin County.

All persons who desire to be heard with respect to the question of whether or not the above proposed alley right of way 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 alley right of way 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, 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, 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
Marcella M. Daehn
City Clerk

10/18/91



TAX DISTRICT 39242
 TAX DISTRICT 39501

88

OCT 1990



PARAGON
CABLE

MINNESOTA

29 October 1991

City Of Edina
Office Of City Clerk
4801 West 50th Street
Edina, MN 55242-1394

PARAGON Cable has no equipment that would be affected by this proposed VACATION motion for the alley located between 5411 Zenith and 5408 York Avenue.

Sincerely,


Ronald Goodin
Verification Technician
520-6364 Direct

PARAGON Map No. L56-89



City of Edina, Minnesota
OFFICE OF THE CITY CLERK
 4801 West 50th Street • Edina, Minnesota 55424 • (612) 927-8861

TRANSMITTAL

DATE: 11/04/91

TO: Robert Christianson FAX 339-5897 *339-7121*

FROM: Marcella Daehn

RE: Application for Vacation or Public Right of Way

ITEM(S):	NO.	DESCRIPTION
	<u>1</u>	<u>Application form</u>
	_____	_____
	_____	_____
	_____	_____

PURPOSE:

- | | | | |
|----------|----------------------|-------|---------------------|
| <u>X</u> | As you requested | _____ | Review and return |
| _____ | For your information | _____ | Reply to sender |
| _____ | For your approval | _____ | Other (see remarks) |

REMARKS: 2 pages including cover

October 22, 1991

Marcella M. Daehn
City Clerk
4801 West 50th Street
Edina, MN. 55424

RE: Alley Vacation of Block 2,
Seely's 1st Addition to
Hawthorne Park

Dear Ms. Daehn:

With reference to the proposed alley vacation mentioned above, Minnegasco does have an existing natural gas service line in that portion of the alley proposed to be vacated.

Since this service line is necessary to serve 5411 Zenith Avenue South, we must object to this proposed vacation unless suitable easement rights are reserved to Minnegasco pursuant to MSA 160.29.

Please reserve an easement over the following described property:

That part of the alley which lies between Lot 4 and Lot 27, Block 2, Seely's 1st Addition to Hawthorne Park.

We may consider removing our objection should the petitioner wish to reimburse Minnegasco the cost of relocating the existing gas main. To discuss this and other options that may be available, please have the petitioner contact Rick Pilon, Senior Design Engineer at 342-5426.

Thank you for the advance notice and please send me a copy of the final action on this proposed vacation.

Sincerely,


Steven Von Barga
Real Estate Specialist
Minnegasco

cc: R. J. Pilon, Minnegasco

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated 9/25/91

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)

TOTAL 100.00

Legal description of area proposed to be vacated:

09/27/91

The alley between 5411 Zenith^{So} (Seelys 1st Addition to Hawthorne Park lot 027 Block 002 watershed 3) and 5408 York So. (Seelys 1st Addition to Hawthorne Park lot 004 Block 002 watershed 3)

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

Signature Rebecca M. Spahr
Address 2254 Cleveland NE Mpls, MN 55418
Telephone 788-3706 332-1089

2) Review

CITY ENGINEER by _____ Acceptable Opposed Conditional
Conditions _____

MINNEGASCO by _____ Acceptable Opposed Conditional
Conditions see letter dated 10-22-91

U.S. WEST by _____ Acceptable Opposed Conditional
Conditions _____

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



REPORT/RECOMMENDATION

To:	MAYOR & CITY COUNCIL	Agenda Item #	III. B.
From:	FRANCIS HOFFMAN CITY ENGINEER <i>FJH</i>	Consent	<input type="checkbox"/>
Date:	NOVEMBER 4, 1991	Information Only	<input type="checkbox"/>
Subject:	<u>VACATION OF ALLEY</u> <u>BETWEEN 5411 ZENITH</u> <u>(lot 27) AND 5408</u> <u>YORK (lot 4) IN</u> <u>SEELY'S 1ST ADDN. TO</u> <u>HAWTHORNE PARK, BLOCK</u> <u>2.</u>	Mgr. Recommends	<input type="checkbox"/> To HRA <input checked="" type="checkbox"/> To Council
		Action	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Discussion

Recommendation:

Vacate public alley with reservation of utility easement for public utility companies.

INFO/BACKGROUND

The petitioner requests vacation of an unconstructed public alley between 5411 Zenith Avenue and 5408 York Avenue. Staff would recommend vacation of the alley with a reservation of the alley as an utility easement, as both NSP and Minnegasco need to maintain their equipment lines. The attached sketch indicates the location for the alley vacation.

3301 3225

85 EAST
PART OF
LOT A
(134)
142.23
122.28
168.32
122.28
164.55
JAMES M. WILSON
1ST
201(LOT A)
(140)
50-16-54E
114 95

5411	5408	5410	5412	5420
29 (39)	27 (37)	25 (36)	24 (35)	22
127.84	127.84	127.86	127.87	127.88
5417	5418	5419	5421	5422
26 (30)	27 (31)	28 (32)	29 (33)	30 (34)
127.84	127.85	127.86	127.87	127.88
5413	5414	5415	5416	5417
21 (21)	22 (22)	23 (23)	24 (24)	25 (25)
127.88	127.89	127.90	127.91	127.92
5423	5424	5425	5426	5427
19 (19)	20 (20)	21 (21)	22 (22)	23 (23)
127.89	127.90	127.91	127.92	127.93
5428	5429	5430	5431	5432
18 (18)	19 (19)	20 (20)	21 (21)	22 (22)
127.90	127.91	127.92	127.93	127.94
5433	5434	5435	5436	5437
17 (17)	18 (18)	19 (19)	20 (20)	21 (21)
127.91	127.92	127.93	127.94	127.95
5438	5439	5440	5441	5442
16 (16)	17 (17)	18 (18)	19 (19)	20 (20)
127.92	127.93	127.94	127.95	127.96
5443	5444	5445	5446	5447
15 (15)	16 (16)	17 (17)	18 (18)	19 (19)
127.93	127.94	127.95	127.96	127.97
5448	5449	5450	5451	5452
14 (14)	15 (15)	16 (16)	17 (17)	18 (18)
127.94	127.95	127.96	127.97	127.98
5453	5454	5455	5456	5457
13 (13)	14 (14)	15 (15)	16 (16)	17 (17)
127.95	127.96	127.97	127.98	127.99

5403	5404	5405	5406	5407
27 (27)	28 (28)	29 (29)	30 (30)	31 (31)
127.84	127.85	127.86	127.87	127.88
5408	5409	5410	5411	5412
26 (26)	27 (27)	28 (28)	29 (29)	30 (30)
127.84	127.85	127.86	127.87	127.88
5413	5414	5415	5416	5417
25 (25)	26 (26)	27 (27)	28 (28)	29 (29)
127.85	127.86	127.87	127.88	127.89
5418	5419	5420	5421	5422
24 (24)	25 (25)	26 (26)	27 (27)	28 (28)
127.86	127.87	127.88	127.89	127.90
5423	5424	5425	5426	5427
23 (23)	24 (24)	25 (25)	26 (26)	27 (27)
127.87	127.88	127.89	127.90	127.91
5428	5429	5430	5431	5432
22 (22)	23 (23)	24 (24)	25 (25)	26 (26)
127.88	127.89	127.90	127.91	127.92
5433	5434	5435	5436	5437
21 (21)	22 (22)	23 (23)	24 (24)	25 (25)
127.89	127.90	127.91	127.92	127.93
5438	5439	5440	5441	5442
20 (20)	21 (21)	22 (22)	23 (23)	24 (24)
127.90	127.91	127.92	127.93	127.94
5443	5444	5445	5446	5447
19 (19)	20 (20)	21 (21)	22 (22)	23 (23)
127.91	127.92	127.93	127.94	127.95
5448	5449	5450	5451	5452
18 (18)	19 (19)	20 (20)	21 (21)	22 (22)
127.92	127.93	127.94	127.95	127.96
5453	5454	5455	5456	5457
17 (17)	18 (18)	19 (19)	20 (20)	21 (21)
127.93	127.94	127.95	127.96	127.97

5400	5401	5402	5403	5404
30 (40)	29 (39)	28 (38)	27 (37)	26 (36)
127.93	127.94	127.95	127.96	127.97
5405	5406	5407	5408	5409
25 (35)	24 (34)	23 (33)	22 (32)	21 (31)
127.98	127.99	128.00	128.01	128.02
5410	5411	5412	5413	5414
24 (34)	23 (33)	22 (32)	21 (31)	20 (30)
127.99	128.00	128.01	128.02	128.03
5415	5416	5417	5418	5419
23 (33)	22 (32)	21 (31)	20 (30)	19 (29)
128.00	128.01	128.02	128.03	128.04
5420	5421	5422	5423	5424
22 (32)	21 (31)	20 (30)	19 (29)	18 (28)
128.01	128.02	128.03	128.04	128.05
5425	5426	5427	5428	5429
21 (31)	20 (30)	19 (29)	18 (28)	17 (27)
128.02	128.03	128.04	128.05	128.06
5430	5431	5432	5433	5434
20 (30)	19 (29)	18 (28)	17 (27)	16 (26)
128.03	128.04	128.05	128.06	128.07
5435	5436	5437	5438	5439
19 (29)	18 (28)	17 (27)	16 (26)	15 (25)
128.04	128.05	128.06	128.07	128.08
5440	5441	5442	5443	5444
18 (28)	17 (27)	16 (26)	15 (25)	14 (24)
128.05	128.06	128.07	128.08	128.09
5445	5446	5447	5448	5449
17 (27)	16 (26)	15 (25)	14 (24)	13 (23)
128.06	128.07	128.08	128.09	128.10

5511	5512	5513	5514	5515
27 (37)	28 (38)	29 (39)	30 (40)	31 (41)
127.94	127.95	127.96	127.97	127.98
5516	5517	5518	5519	5520
26 (36)	27 (37)	28 (38)	29 (39)	30 (40)
127.94	127.95	127.96	127.97	127.98
5521	5522	5523	5524	5525
25 (35)	26 (36)	27 (37)	28 (38)	29 (39)
127.95	127.96	127.97	127.98	127.99
5526	5527	5528	5529	5530
24 (34)	25 (35)	26 (36)	27 (37)	28 (38)
127.96	127.97	127.98	127.99	128.00
5531	5532	5533	5534	5535
23 (33)	24 (34)	25 (35)	26 (36)	27 (37)
127.97	127.98	127.99	128.00	128.01

5501	5502	5503	5504	5505
30 (40)	29 (39)	28 (38)	27 (37)	26 (36)
127.92	127.93	127.94	127.95	127.96
5506	5507	5508	5509	5510
25 (35)	24 (34)	23 (33)	22 (32)	21 (31)
127.93	127.94	127.95	127.96	127.97
5511	5512	5513	5514	5515
24 (34)	23 (33)	22 (32)	21 (31)	20 (30)
127.94	127.95	127.96	127.97	127.98
5516	5517	5518	5519	5520
23 (33)	22 (32)	21 (31)	20 (30)	19 (29)
127.95	127.96	127.97	127.98	127.99
5521	5522	5523	5524	5525
22 (32)	21 (31)	20 (30)	19 (29)	18 (28)
127.96	127.97	127.98	127.99	128.00
5526	5527	5528	5529	5530
21 (31)	20 (30)	19 (29)	18 (28)	17 (27)
127.97	127.98	127.99	128.00	128.01

5500	5501	5502	5503	5504
30 (40)	29 (39)	28 (38)	27 (37)	26 (36)
127.92	127.93	127.94	127.95	127.96
5505	5506	5507	5508	5509
25 (35)	24 (34)	23 (33)	22 (32)	21 (31)
127.93	127.94	127.95	127.96	127.97
5510	5511	5512	5513	5514
24 (34)	23 (33)	22 (32)	21 (31)	20 (30)
127.94	127.95	127.96	127.97	127.98
5515	5516	5517	5518	5519
23 (33)	22 (32)	21 (31)	20 (30)	19 (29)
127.95	127.96	127.97	127.98	127.99
5520	5521	5522	5523	5524
22 (32)	21 (31)	20 (30)	19 (29)	18 (28)
127.96	127.97	127.98	127.99	128.00
5525	5526	5527	5528	5529
21 (31)	20 (30)	19 (29)	18 (28)	17 (27)
127.97	127.98	127.99	128.00	128.01

CITY OF EDINA SD NO 273

YORK AVE

8 55TH ST

8 55TH ST

8 55TH ST

HARTMAN

ZENITH AVE

3304 3300

Minnesota Suburban Newspapers AFFIDAVIT OF PUBLICATION

City of Edina

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON VACATION OF RIGHT OF WAY FOR
ALLEY 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 November 4, 1991, at 7:00 P.M.,
for the purpose of holding a public hearing on the
proposed vacation of the following right of way
for alley purposes:

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

Gregory Ptacin

, being duly sworn on an oath says that he/she

the publisher or authorized agent and employee of the publisher of the newspaper known

Edina Sun-Current

, and has full knowledge of the facts which

stated below.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week

for two successive weeks; it was first published on Wednesday, the 16 day

of October, 19 91, and was thereafter printed and published on every Wednesday to

and including Wednesday, the 23 day of October, 19 91; and printed below is

a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size

and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

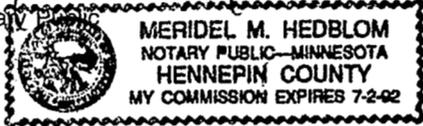
BY:

TITLE: General Manager

Acknowledged before me on this

23 day of October, 19 91.

Notary



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space
- (2) Maximum rate allowed by law for the above matter
- (3) Rate actually charged for the above matter

\$ 1.10 per line
(Line, word, or inch rate)

\$ 74.9¢ per line
(Line, word, or inch rate)

\$ 62¢ per line
(Line, word, or inch rate)

Alley right of way between Lot 027, Block 002, Watershed 3, (5411 Zenith Avenue South) and Lot 004, Block 002, Watershed 3, (5408 York Avenue South) SEELYS 1ST ADDITION TO HAWTHORNE PARK, according to the recorded plat thereof, Hennepin County.
All persons who desire to be heard with respect to the question of whether or not the above proposed alley right of way vacation is in the public interest and should be heard shall be heard at said time and place. The Council shall consider the extent to which such proposed alley right of way 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, 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, 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
MARCELLA M. DAEHN
City Clerk

(Oct. 16 & 23, 1991)-ED

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

NOTICE OF PUBLIC HEARING
ON VACATION OF RIGHT OF WAY FOR ALLEY 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 November 4, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following right of way for alley purposes:

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BY ORDER OF THE EDINA CITY COUNCIL
Marcella M. Daehn
City Clerk

Publish in the Edina Sun-Current on October 16 and 23, 1991.
Send two Affidavits of Publication.

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

CERTIFICATE OF POSTING NOTICE

I, the undersigned duly appointed and acting Police Officer for the City of Edina, County of Hennepin, State of Minnesota, do hereby certify that I have on this date posted copies of the attached notice of:

NOTICE OF PUBLIC HEARING ON VACATION OF RIGHT OF WAY
FOR ALLEY PURPOSES - NOVEMBER 4, 1991

at each of the official City bulletin boards, located at conspicuous places within the City as follows:

- 1) City Hall, 4801 West 50th Street
- 2) Municipal Liquor Store, 50th and France Business Area
- 3) Centennial Lakes Park Centrum, 7499 France Avenue South

Dated 10-21-91

Signed  #204

Signed and sworn to before me, a Notary Public
in and for Hennepin County, Minnesota, this
21st day of October, 1991.



NOTICE OF PUBLIC HEARING
ON VACATION OF RIGHT OF WAY FOR ALLEY 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 November 4, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following right of way for alley purposes:

Alley right of way between Lot 027, Block 002, Watershed 3,
(5411 Zenith Avenue South) and Lot 004, Block 002, Watershed 3,
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according to the recorded plat thereof, Hennepin County.

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BY ORDER OF THE EDINA CITY COUNCIL
Marcella M. Daehn
City Clerk

10/18/91

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated 9/25/91

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)

TOTAL 100.00

Legal description of area proposed to be vacated:

09/27/91

The alley between 5411 ZenithSt (Seelys 1st Addition to Hawthorne Park lot 027 Block 002 watershed 3) and 5408 York So. (Seelys 1st Addition to Hawthorne Park lot 004 Block 002 watershed 3)

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

Signature Robert M. Spink
Address 2254 Cleveland NE Minneapolis, MN 55418
Telephone 788-3706 332-1089

2) Review

CITY ENGINEER by _____ Acceptable Opposed Conditional
Conditions _____

MINNEGASCO by _____ Acceptable Opposed Conditional
Conditions _____

U.S. WEST by Carol Schmidt Acceptable Opposed Conditional
Conditions Request easement for aerial cable and pole line

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

Send to City of Edina 10-3800

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 October 17, 19 91, acting on behalf of said City I deposited in the United States mail copies of the attached NOTICE OF HEARING TO VACATE ALLEY - SEELEYS ADDITION OF HAWTHORNE PARK (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 at least 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 seal of said City this 17th day of October, 19 91.

Maurice M. Dachs
Edina City Clerk

Rebecca M. Speakes
2254 Cleveland St NE
Minneapolis MN 55418

20-028-24-21-0029,
0030, 0031, 0040,
0039, 0038, 0037.

Mailing list - Vacation of Alley
Seelys 1st Addition to Hawthorne
Park.

Mary Jo Hensen
5410 York Ave So
Edina MN 55410
Mike/Kathy Menzel

20-028-24-21-0032

David A. Myhre
5412 York Ave So
Edina MN 55410

0033

T Mulrennan/C Hayes
5420 York Ave So
Edina MN 55435

0034

Dorothy M. Josephson
3113 W 54th St
Edina MN 55410

0028,
0027

Mary Jeanne Coyne
5405 York Ave So
Minneapolis MN 55410

0026

Stuart E. Fraser
NSP Normandale Division
5309 W. 70th St.
Edina MN 55439

Pat Hopman
U.S. West Communications
6244 Cedar Ave. So.
Richfield MN 55423

Matt Haveland
Paragon Cable
801 Plymouth Ave. No.
Minneapolis, MN 55411

Steven Von Vargen
Minnegasco, Inc.
700 Linden Ave. W.
P.O. Box 1165
Minneapolis, MN 55440-1165

*mailed
attached info
10-15-91*

*Robert Christianson
representing
Mary Jeanne Coyne
5405 York Ave So,*

*Asked for Vacation Application
fixed to him - To vacate
York Av*

10-17-91



City of Edina

NOTICE OF PUBLIC HEARING
ON VACATION OF RIGHT OF WAY FOR ALLEY 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 November 4, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following right of way for alley purposes:

Alley right of way between Lot 027, Block 002, Watershed 3,
(5411 Zenith Avenue South) and Lot 004, Block 002, Watershed 3,
(5408 York Avenue South) SEELYS 1ST ADDITION TO HAWTHORNE PARK,
according to the recorded plat thereof, Hennepin County.

All persons who desire to be heard with respect to the question of whether or not the above proposed alley right of way 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 alley right of way 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, 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, 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
Marcella M. Daehn
City Clerk

10/18/91

SD NO 273

3301 3225

LOT A (134)

85 EAST

139

JAMES M. WILSON ADDN

1ST

OUTLOT A (140)

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LOT B

LOT C

(136)

(106)

(107)

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ZENITH AVE

YORK AVE

55TH ST W

CITY OF EDINA SD NO 273

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated 9/25/91

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)

TOTAL 100.00

Legal description of area proposed to be vacated:

09/27/91

The alley between 5411 Zenith^{So} (Seeleys 1st Addition to Hawthorne Park lot 027 Block 002 watershed 3) and 5408 York So. (Seeleys 1st Addition to Hawthorne Park lot 004 Block 002 watershed 3)

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

Signature Rebecca M. Spahn
Address 2254 Cleveland NE Mpls, MN 55418
Telephone 788-3706 332-1089

2) Review

CITY ENGINEER by _____ Acceptable Opposed Conditional
Conditions _____

MINNEGASCO by _____ Acceptable Opposed Conditional
Conditions _____

U.S. WEST by _____ Acceptable Opposed Conditional
Conditions _____

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

NOTICE OF PUBLIC HEARING
ON VACATION OF RIGHT OF WAY FOR ALLEY PURPOSES
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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according to the recorded plat thereof, Hennepin County.

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BY ORDER OF THE EDINA CITY COUNCIL
Marcella M. Daehn
City Clerk

10/18/91

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated 9/25/91

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

<input type="checkbox"/> Street	<input checked="" type="checkbox"/> Alley	<input type="checkbox"/> Utility Easement		
<input type="checkbox"/> Drainage Easement	<input type="checkbox"/> Other _____		TOTAL	100.00
			(describe)	

Legal description of area proposed to be vacated:

09/27/91

The alley between 5411 Zenith³⁰ (Seelys 1st Addition to Hawthorne Park lot 027 Block 002 watershed 3) and 5408 York So. (Seelys 1st Addition to Hawthorne Park lot 004 Block 002 watershed 3)

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

Signature *Robert M. Spink*
 Address 2254 Cleveland NE Minneapolis, MN 55418
 Telephone 788-3706 332-1089

2) Review

CITY ENGINEER by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			
MINNEGASCO by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			
U.S. WEST by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			
N.S.P. by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			

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

NOTICE OF PUBLIC HEARING
ON VACATION OF RIGHT OF WAY FOR ALLEY 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 November 4, 1991, at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following right of way for alley purposes:

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BY ORDER OF THE EDINA CITY COUNCIL
Marcella M. Daehn
City Clerk

Publish in the Edina Sun-Current on October 16 and 23, 1991.
Send two Affidavits of Publication.



REPORT/RECOMMENDATION

To: KEN ROSLAND, MANAGER	Agenda Item # <u>VII.A</u>
From: MARCELLA DAEHN, CLERK	Consent <input checked="" type="checkbox"/>
Date: OCTOBER 3, 1991	Information Only <input type="checkbox"/>
Subject: PETITION FOR VACATION OF PORTION OF ALLEY RIGHT OF WAY BETWEEN 5411 ZENITH AV SO AND 5408 YORK AV SO	Mgr. Recommends <input type="checkbox"/> To HRA <input type="checkbox"/> To Council
	Action <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Discussion

Recommendation:

Adoption of a resolution setting November 4, 1991 as hearing date on the petition requesting vacation of alley right of way between 5411 Zenith Avenue South and 5408 York Avenue So.

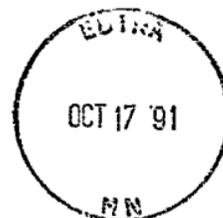
Info/Background:

A petition has been filed with the City requesting vacation of alley right of way between 5411 Zenith Avenue South and 5408 York Avenue South, in the plat of Seelys 1st Addition to Hawthorne Park.

Staff would recommend that November 4, 1991 be set as hearing date to consider the vacation petition. Copy of petition is attached.



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424



Mary Jo Hensen
5410 York Ave So
Edina MN 55410

*Returned 10/21/91. Mailed ltr. to
same day.* →

HENSEN 55410 1490 10/20/91
FORWARDING TIME EXPIRED
HENSEN
BASSWOOD RD
EDINA MN 55410
RETURN TO SENDER

To Fran
Date 10/31 Time 10:35 AM PM

WHILE YOU WERE OUT

M Mike or Kathy Menzel
of 5410 York Av
Phone () 929-2694
Area Code Number Extension

TELEPHONED	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>

PLEASE CALL	<input checked="" type="checkbox"/>
WILL CALL AGAIN	<input type="checkbox"/>
URGENT	<input type="checkbox"/>

RETURNED YOUR CALL

Message Re-Vacation of Alley -
wants to know impact
on their property if
alley is vacated as
requested.
Marc
Operator

(I explained best I could)

D2-23000S



612 546-4371
612 546-5633 FAX