

6/27/55

ALLEY VACATION  
BETWEEN FRANCE & EWING AVES.  
AND W. 57TH & W. 58TH STS.

CONTINUATION OF JUNE 27 PUBLIC HEARING ON PETITION TO VACATE N-S ALLEY BETWEEN FRANCE AND EWING AVENUES AND BETWEEN W. 57TH AND W. 58TH STS. An agreement was presented, granting to Mr. O.M. Holt, 5740 Ewing Ave., access to his garage. Agreement was reviewed and approved by Village Attorney Windhorst; and Fronk offered the following Resolution and moved its adoption:

**RESOLUTION VACATING ALLEY  
N-S ALLEY BETWEEN FRANCE AND  
EWING AVES. AND BETWEEN W. 57TH  
AND W. 58TH STREETS**

WHEREAS, a majority of the owners of the land abutting on that North-South Alley lying between France and Ewing Avenues and between W. 57th and W. 58th Streets, as platted in Block Four of Brookline First Addition, Block Four of Abercrombie's Addition, and Block Four of Gouldsmith's Addition, Hennepin County, Minnesota, have petitioned for the vacation of said alley; and

WHEREAS, one week's published notice and posted notice of a hearing to be had on said petition on June 27, 1955, at 7:30 P.M., has been given and made, and a hearing has been had thereon by the Village Council:

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

"That certain alley running in a northerly and southerly direction and lying between France and Ewing Avenues and between W. 57th and W. 58th Streets, in Block Four of Brookline First Addition, in Block Four of Abercrombie's Addition, and in Block Four of Gouldsmith's Addition, as the same are recorded in the office of the Register of Deeds of Hennepin County, Minnesota, is hereby vacated; provided that said Village excepts from this vacation proceedings and reserves unto itself and its assigns an easement for all public utility purposes, including, without limiting the general nature of said reservation, an easement for electric, gas, sewer, water, and telephone equipment on, over and under the center ten feet in width of the alley hereby vacated."

Motion for adoption of Resolution was seconded by Bredesen; and on Rollcall there were four ayes and no nays, as follows: Bredesen, aye; Danens, aye; Fronk, aye; Tupa, absent; Erickson, aye; and the Resolution was adopted.

ATTEST:

Christopher S. Alden  
Village Clerk

R. T. Erickson  
Mayor

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

CERTIFICATE OF CITY CLERK

I, the undersigned, being the duly qualified and acting City Clerk of the City of Edina, Minnesota, do hereby certify that I have compared the attached and foregoing photo copy of an extract of Minutes with the original Minutes on file and of record in my office, and that the same is a full, true, and correct photo copy of said extract of Minutes of a meeting of the Edina Village Council of said City duly called and held on the 22nd day of August, 1955.

WITNESS my hand and seal of said City this 8th day of June, 1993.

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Marcella M. Daehn  
City Clerk

6/27/55

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Next Public Hearing was that on PETITION OF MR. PHILIP BAILEY FOR PERMIT TO PLAT "MELODY KNOLLS FIFTH ADDN." INTO FOUR LOTS HAVING DEPTH OF 117 FT. Affidavit of Mailed Notice was submitted, approved as to form, and ordered placed on file. Mr. Hyde reported the Planning Commission's recommendation favorable. There were no objections filed. Fronk moved for approval of plat. Motion seconded by Bredesen and carried.

PUBLIC HEARING ON PETITION TO VACATE ALLEY BETWEEN FRANCE AND EWING AND BETWEEN W. 57TH AND W. 58TH STREETS was held pursuant to Published and Posted Notice, affidavit for which was approved as to form and ordered placed on file. Mr. and Mrs. O.M. Holt, 5740 Ewing Ave. So., objected to vacation because they have entrance to their garage from alley. Mr. Bruce Osbourne, sponsor of petition, explained that he wishes to cause no hardship to any neighbor, but that most of the neighbors have sodded back into the alley and want it vacated. Suggestion made that Mr. Holt contact his neighbor to the West for dedication of that portion of alley which he would receive from vacation; and it seemed unsatisfactory to him. Bredesen moved that matter be tabled until next regular meeting, to allow time for Mr. Osbourne and Mr. Holt to consult with Mr. Holt's neighbor concerning possible transfer of property. Motion seconded by Fronk and carried.

BUILDING PERMIT FOR GARAGE ONE FOOT FROM LOT LINE-5620 ZENITH AVE.

Mr. C.H. Kroning, 5620 Zenith Ave. So., requested permit to build garage within one foot of his lot line, stating that two large shade trees would have to be destroyed if he were to keep the standard five-foot setback. He reminded Council that they have allowed other permits in similar circumstances. Letter was submitted, from Mr. Almars, 5624 Zenith Avenue, assenting to construction of garage not closer than two feet from lot line; and, after some discussion, Fronk moved for allowance of permit not closer than two feet to lot line. Motion seconded by Bredesen and carried.

BUILDING PERMITS - ELMWOOD TERRACE.

Mr. R. A. Rossman requested permit to construct single dwelling on Lot 9, Block 2, Elmwood Terrace. Council was informed that, because of complaint against Elmwood Terrace by Attorney Nat. Johnson, Building Inspector has not been authorized to issue permits in this plat. Mr. Rossman reminded Council that permit has been issued on lot next door. Bredesen's motion, that permit be granted, was seconded by Fronk and carried.

Bredesen then moved, authorizing Building Inspector to issue permits in Elmwood Terrace without Council action. Motion seconded by Fronk and carried.

SANITARY SEWER AND WATER-W. 58TH ST., TINGDALE TO CODE

Mr. J.W. Bruke was spokesman for delegation supporting supplementary petition for Sanitary Sewer and Watermain in W. 58th St. between Tingdale and Code Aves. this year. Council reiterated its former statements that every possible consideration would be given toward completion of this work this year, even though original petition had been presented after April 15 deadline.

Mr. Scroggins of Rees-Thomson-Scroggins was present to request that bids be taken for Sanitary Sewer, Watermains and Storm Sewer in Woodhill before August 1. After some discussion on this matter, Fronk offered the following Resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR  
PROPOSED SANITARY SEWER, WATERMAIN AND STORM SEWER  
IMPROVEMENTS IN WOODHILL ADDITION, AND DIRECTING  
ADVERTISEMENT FOR BIDS

BE IT RESOLVED by the Village Council of the Village of Edina:

1. The plans and specifications for the proposed Sanitary Sewer, Watermain and Storm Sewer Improvements set forth in the following Advertisement for Bids form, heretofore prepared by the Village Engineer and now on file in the office

CA985

*Between Ewing & France  
from 57 to 58th*

RESOLUTION VACATING ALLEY

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Adopted by the Village Council this 27th day of June, 1955.

ATTEST:

JAMES E. DORSEY  
JOSEPH H. COLMAN  
DAVID E. BRONSON  
KENNETH M. OWEN  
LELAND W. SCOTT  
LEAVITT R. BARKER  
HUGH H. BARBER  
DONALD WEST  
WALDO F. MARQUART  
JOHN W. WINDHORST  
HENRY HALLADAY  
JULE M. HANNAFORD  
ARTHUR B. WHITNEY  
JOHN G. DORSEY  
RUSSELL W. LINDQUIST  
DAVID R. BRINK  
HORACE E. HITCH  
VIRGIL H. HILL  
ROBERT V. TARBOX  
DEFOREST SPENCER  
ROBERT J. JOHNSON  
MAYNARD B. HASSELQUIST  
PETER DORSEY  
GEORGE P. FLANNERY  
CURTIS L. ROY  
ARTHUR E. WEISBERG  
GREGG S. ORWOLL

DORSEY, COLMAN, BARKER, SCOTT & BARBER

ATTORNEYS AT LAW

October 12, 1955

FIRST NATIONAL-500 LINE BUILDING  
MINNEAPOLIS 2, MINNESOTA  
TELEPHONE MAIN 3351

Mrs. Gretchen S. Alden  
Village of Edina  
4801 West 50th Street  
Minneapolis 10, Minnesota

Re: Vacation of Alley Between France and Ewing  
Avenues and West 57th and West 58th Streets.

Dear Mrs. Alden:

This is to inform you that the resolution of the Village of Edina vacating the above alley has been registered with the Registrar of Titles as Document No. 476910. The copy of the resolution which you sent us has been delivered to the County Auditor so that you may want to keep this letter in your files as evidence of the registration of this resolution.

Yours very truly,

*Duane E. Joseph*

DEJ:jat

DORSEY, OWEN, BARBER, MARQUART & WINDHORST

LAW OFFICES

FIRST NATIONAL BANK BUILDING  
MINNEAPOLIS 2, MINNESOTA

FEDERAL # 3381

March 20, 1961

OF COUNSEL  
LEAHY R. BARBER  
LELAND B. SCOTT

JAMES I. DORSEY 1888-1958  
DAVID E. BRIMMON  
KENNETH H. OWEN  
MURRY H. BARBER  
DONALD B. ST  
WALDO F. MARQUART  
JOHN W. WINDHORST  
HENRY HALLADAY  
JULIE H. HANNAFORD  
ARTHUR S. SMITH  
JOHN S. BOWEN  
RUSSELL G. LINDHURST  
DAVID R. BROWN  
HORACE E. HITCH  
VIRGIL H. HILL  
ROBERT V. TARBOR  
DEFOREST SPENCER  
ROBERT J. JOHNSON  
MAYNARD S. HASSELGOURT  
PETER BOBBLEY  
GEORGE F. FLANNERY  
L. ARTIS, JR.  
ARTHUR E. BRISBERG  
DEANE E. JOSEPH  
JOHN W. JONES  
JAMES S. WEDGLEY  
CHARLES S. WINDSOR  
WILLIAM A. BRITTON  
NOMAS H. BRIDGES  
ORNELIUS J. BRIDGEMAN  
THOMAS S. FRANKSON  
LEONARD J. SCHWARTZBAUER  
MICHAEL E. BRIDGES  
FRANK G. ZERBY

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

RE: Vacation of alley between France and Ewing Avenues

Dear Mrs. Alden:

This is in response to your letter of March 17, 1961.

We have examined Certificate of Title No. 154923 in the office of the Registrar of Titles for Hennepin County, Minnesota. The certificate shows title to be in Kenneth O. Parke and Harriet May Parke, husband and wife, to property legally described as Lot 8 and the South 32 feet of Lot 9, Block 4, "Abercrombie Addition to Minneapolis". The resolution vacating the alley to the west of those lots was memorialized on the certificate as Document No. 476910 on October 7, 1955. Also memorialized on October 7, 1955, was a quit claim deed dated September 7, 1955 from Kenneth O. Parke and Harriet May Parke, husband and wife, to Oscar M. Holt and Pearl Holt, husband and wife, conveying a perpetual easement for driveway purposes over the west one half of the alley adjacent to the Parke premises, as described above. That document has been registered as Deeds Document No. 476911.

The Holt property legally described as Lots 6 and 7 Block 4, "Abercrombie Addition to Minneapolis", is abstract property. The tract index in the office of the Register of Deeds shows no easement conveyed by the Holts to the Parkes.

As noted above the easement to Mr. and Mrs. Holt appears to be in good order and valid and subsisting at the present time.

DORSEY, OWEN, BARBER, MARQUART & WINDHORST

Mrs. Gretchen S. Alden

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March 20, 1961

If Mr. Holt desires a record of the easement, he may order a certified copy thereof from the Registrar of Titles at a cost of approximately \$2.00.

Very truly yours,

DORSEY, OWEN, BARBER, MARQUART & WINDHORST

BY



Donald R. Herbert

DRH:jj

cc: Mr. O. M. Holt  
5740 Ewing Avenue South  
Minneapolis, Minnesota