

11/1/99 VACATION OF UTILITY EASEMENT
LOT 6, BLK 1, HAWKES LAKE
5811 VERNON LANE

COPY

OFFICE OF THE REGISTRAR
OF TITLES
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FIELD ON

DEC - 8 1999
12^m

BY _____
REGISTRAR OF TITLES
DEPUTY

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on November 1, 1999, adopted a Resolution Vacating the Easement for Drainage and Utility Purposes after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for utility and drainage purposes:

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1 OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number 2828064 on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLD VERNON; thence North 63 degrees 20 minutes 06 seconds West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning

Said vacation did not affect, and there was continued, reserved, and retained, by the said resolution ordering the vacation, the following existing easements and authority in, on and under the above vacated area:

(a) The authority of Northern States Power Company, US West Communications, Paragon Cable Minnesota, or Minnegasco to enter upon the above vacated area for the maintenance, replacement, repair and removal of and for otherwise attending to, underground conduit, manholes, cables, wires and poles required for utility service now in, on or under the above vacated area.

The time of completion of proceedings and the effective date of said vacation is 1st day of November, 1999,

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Debra A. Mangen
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this 30th day of NOVEMBER, 1999.

This document was drafted by:
City of Edina
4801 West 50th Street
Edina, MN 55424

Darlene R. Wallin
DARLENE R. WALLIN Notary Public
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Jan. 31, 2000

HENNEPIN COUNTY RECORDER

Minneapolis, Minn., 12-8 19 99

Please charge against our deposit with you for the record of the following instruments: ACCOUNT NUMBER 27

Dock No.	Inst.			
		file Notice of Completion ... on Vacation...		
		7136-94802-168		
		for de ETT Allen		
		Torrens lot 6, Block 2 Old Vernon		

HC 1034

Dorsey & Whitney
(FIRM NAME)

TOTAL . . .

20 50

By _____



City of Edina

November 30, 1999

Mr. Jerry Gilligan
Dorsey & Whitney
220 South 6th Street
Minneapolis, MN 55402-1498

RE: Notice of Completion for utility vacations 4617 Townes Road and 5811
Vernon Lane

Dear Jerry:

I am enclosing two Notices of Completion for two vacations the City Council approved on October 5 and November 1, 1999, respectively, for the above mentioned vacations.

Please have the Notices of Completion entered in the transfer record of the county Auditor and filed with the County Recorder and then return the recorded documents to me.

Sincerely,

Debra A. Mangen
City Clerk

HENNEPIN COUNTY RECORDER

Minneapolis, Minn., Oct. 28 1999

Please charge against our deposit with you for the record of the following instruments: ACCOUNT NUMBER 27

Dock No.	Inst.		
		7136 - 94802 - 168	
		copy of doc. 2828064 Hyde Eth Allen	

HC 1034

TOTAL . . .

8 00

Darrell Whitney
(FIRM NAME)

By

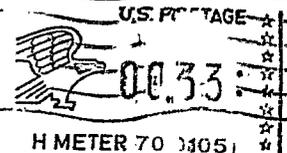
[Signature]



City of Edina

4801 WEST 50TH STREET
EDINA, MINNESOTA 55424-1394

Edina
Recycles



Cudd

32-117-21-24-0076

~~Olde Vernon LLC~~

1802 Wooddale Drive

Woodbury, MN 55125

CUDD802 551252519 1798 11 10/29/99
FORWARD TIME EXP RTN TO SEND
: CHARLES CUDD LLC
275 MARKET ST #139
MINNEAPOLIS MN 55405-1627

55125-2402 11



(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on November 1, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

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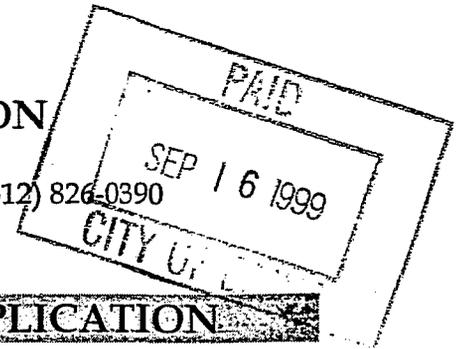
All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements 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 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 such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk
Dated: September 30, 1999



City Of Edina, Minnesota
 DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant STEVE LICHT - CHARLES CUDD CO., L.L.C.
 Print Name

Address SUITE 445, 275 MARKET ST. MINNEAPOLIS MN 55405
 Street City/State Zip

Telephone No. 612-359-1716 Fax No. 612-335-5071

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

- Street Alley Utility Easement
 Drainage Easement Other "OPEN SPACE"

Legal description of the area proposed to be vacated:

SEE ATTACHED
(PROPERTY OWNER = LEE HEUTMAKER)

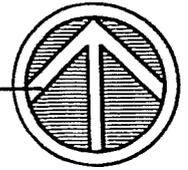
Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9-13-99 Signature Steve Licht

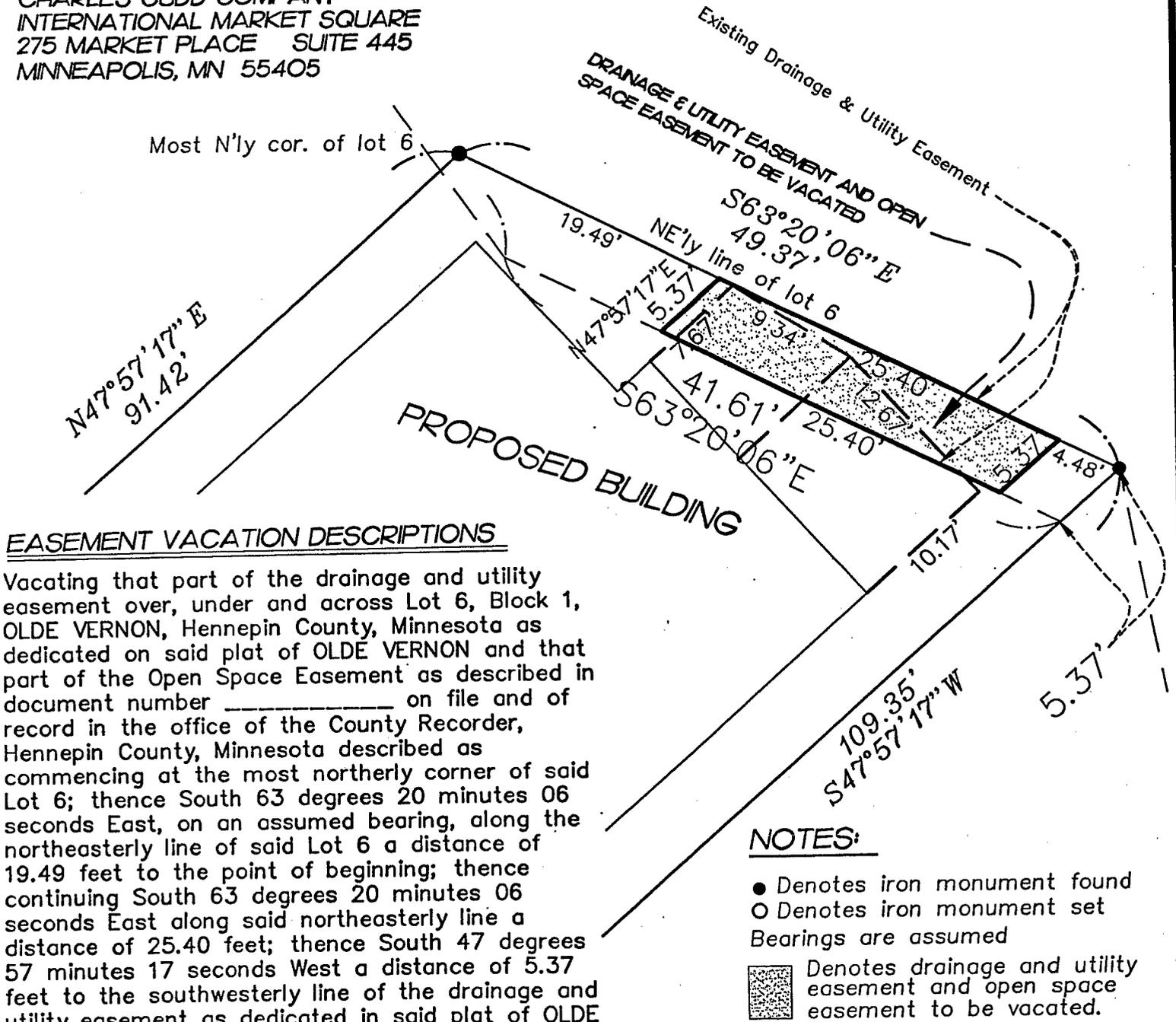
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



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NOTES:

- Denotes iron monument found
- Denotes iron monument set
- Bearings are assumed
-  Denotes drainage and utility easement and open space easement to be vacated.

DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999
By: [Signature]
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING
332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
Drawn By: RPA Disc No. _____

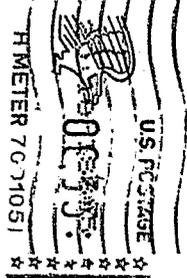
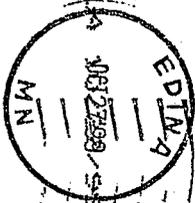


City of Edina

4801 WEST 50TH STREET
EDINA, MINNESOTA 55424-1394

Edina
Recycles

Cudd



32-117-21-24-0074
Olde Vernon LLC
1802 Wooddale Drive
Woodbury, MN 55125

CUDD0002 TIME 551252519 1798 11 10/29/99
FORWARD TIME EXP RTN TO SEND
: CHARLES CUBD LLC
275 MARKET ST #139
MINNEAPOLIS MN 55405-1627

88125-2982 11



(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL

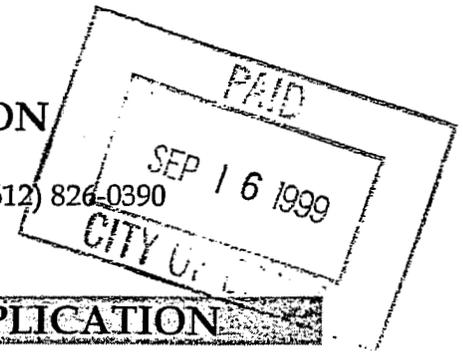
Debra Mangen, City Clerk
Dated: September 30, 1999



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION

4801 West 50th Street, Edina, Minnesota 55424-1394

Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant STEVE LICHT - CHARLES CUDD CO., L.L.C.
Print Name

Address SUITE 445, 275 MARKET ST. MINNEAPOLIS MN 55405
Street City/State Zip

Telephone No. 612-359-1716 Fax No. 612-335-5071

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

- Street
- Alley
- Utility Easement
- Drainage Easement
- Other "OPEN SPACE"

Legal description of the area proposed to be vacated:

SEE ATTACHED

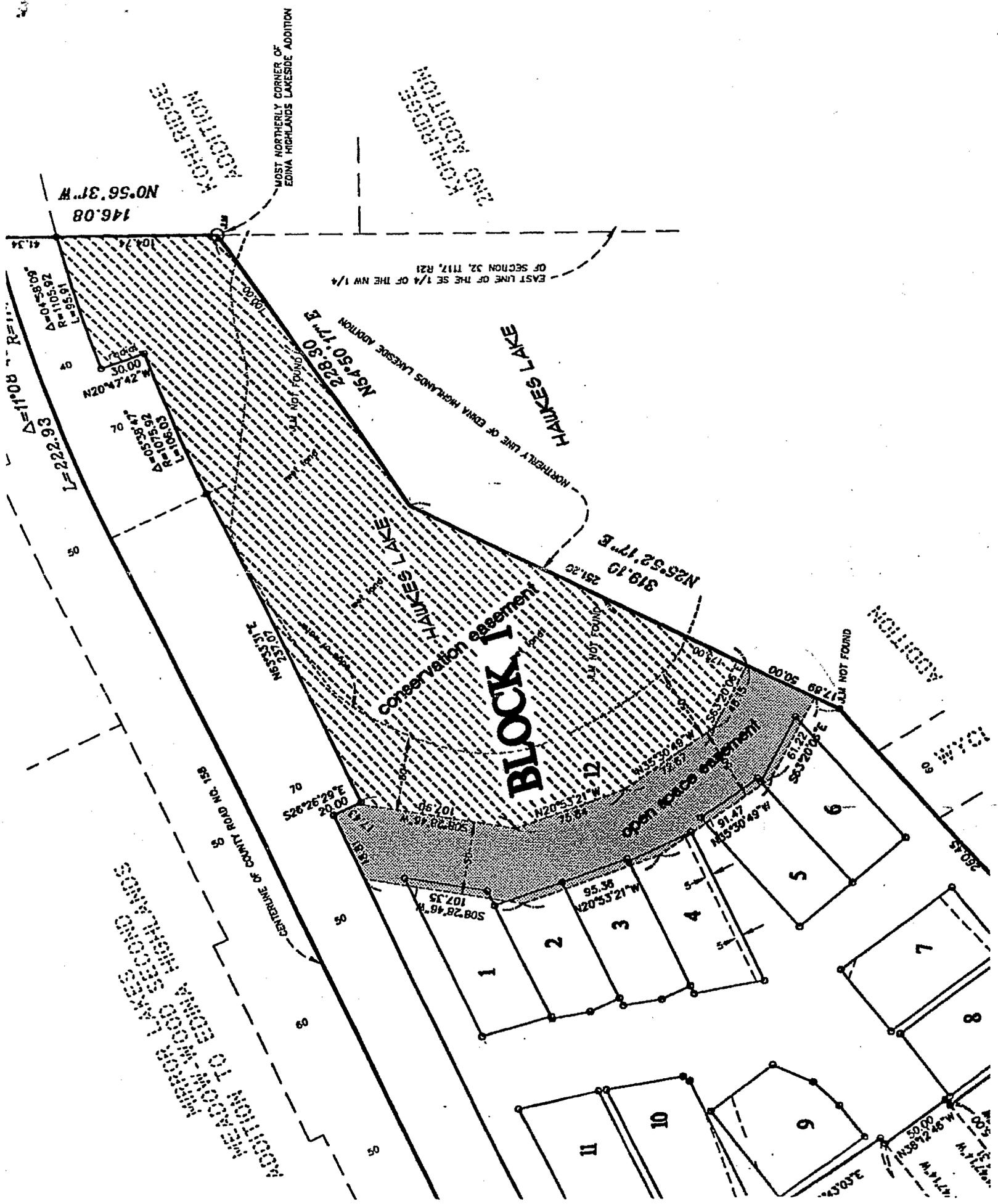
(PROPERTY OWNER = LEE HEUTMAKER)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9-13-99 Signature Steve Licht



ADDITION TO EDINA HIGHLANDS
 APPROX TO WORD LINES SECOND

CONSERVATION EASEMENT
BLOCK I

OPEN SPACE EASEMENT

1

2

3

4

5

6

7

8

11

10

9

6

5

4

3

2

1

HAWKES LAKE
 ADDITION

MOST NORTHERLY CORNER OF
 EDINA HIGHLANDS LAKESIDE ADDITION

EAST LINE OF THE SE 1/4 OF THE NW 1/4
 OF SECTION 32, T117, R21

NORTH LINE OF EDINA HIGHLANDS LAKESIDE ADDITION

N25°32'17"E 319.19

S83°20'04"E 31.22

N12°52'02"E 95.35

N20°55'21"E 75.84

N20°55'21"E 75.84

N20°55'21"E 75.84

N20°55'21"E 75.84

N108°03'17"E 107.56
 N107°56'36"E 107.56
 A=303°39'17"
 L=108.03
 30.00
 N20°47'42"W

Δ=11°08' R=11'
 L=222.93
 A=10°56'31"W
 R=1105.92
 L=90.88

146.08
 N0°56'31"W

N53°31'21"E 33.20

N26°28'29"E 20.00

N107°56'36"E 107.56

S08°26'48"W 107.35

N25°30'48"W 30.55

N91°47'49"E 91.47

N83°30'49"W 83.30

N83°30'49"W 83.30

N83°30'49"W 83.30

N83°30'49"W 83.30

N7°09'50"E 17.89

LINE NOT FOUND

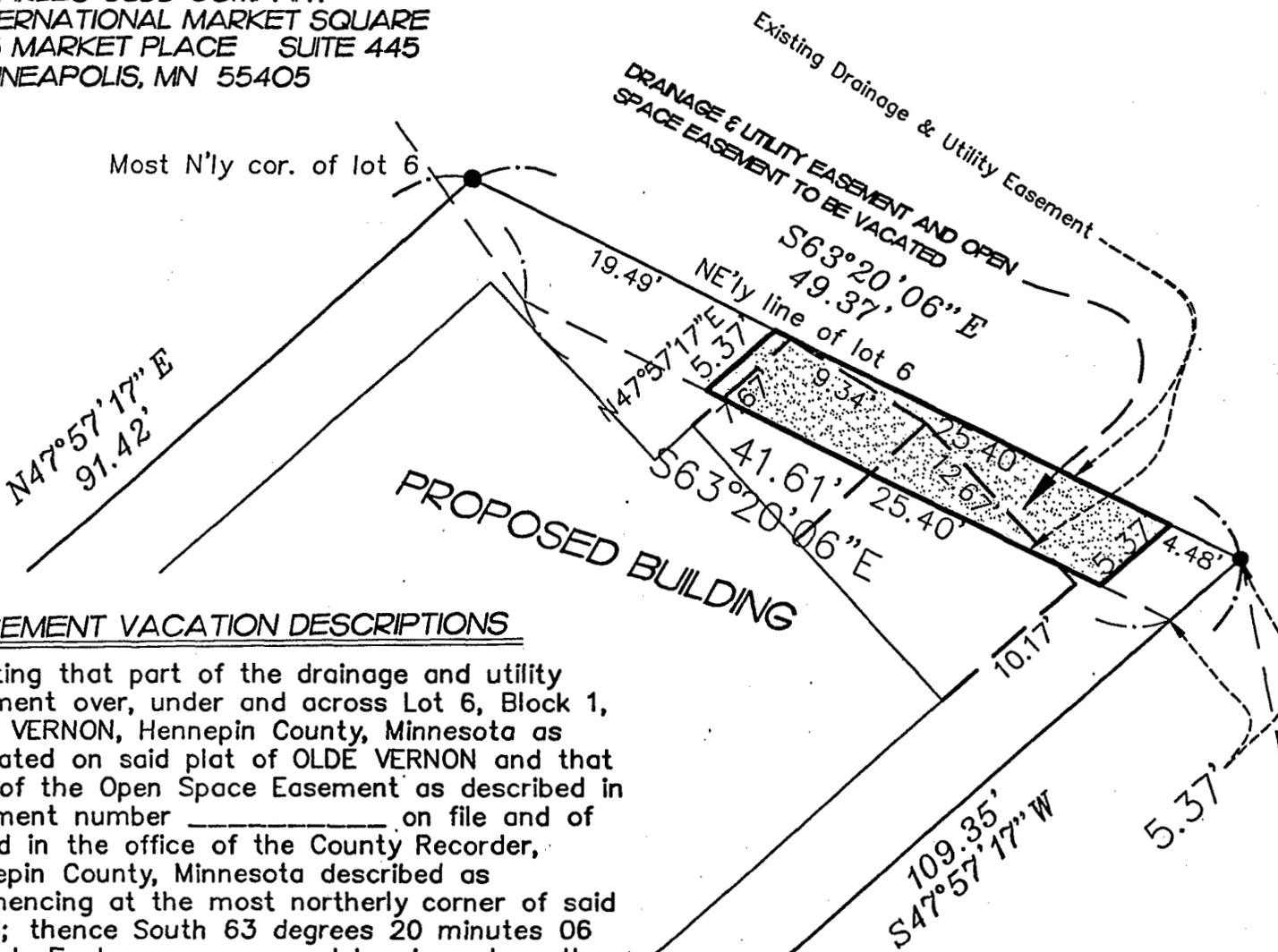
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

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DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

By: [Signature]
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING

332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
Drawn By: RPA Disc No. _____



REPORT/RECOMMENDATION

<p>To: Mayor & City Council</p> <p>From: Craig Larsen, Francis Hoffman <i>HL</i> City Planner, City Engineer</p> <p>Date: 1 November, 1999</p> <p>Subject: 5811 Vernon Lane - Request to Vacate Utility, Drainage and Open Space Easement</p>	<p style="text-align: right;">Agenda Item # <u>II. A.</u></p> <p style="text-align: center;">Consent <input type="checkbox"/></p> <p style="text-align: center;">Information Only <input type="checkbox"/></p> <p style="text-align: center;">Mgr. Recommends <input type="checkbox"/> To HRA</p> <p style="text-align: center;"><input checked="" type="checkbox"/> To Council</p> <p style="text-align: center;">Action <input type="checkbox"/> Motion</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Resolution</p> <p style="text-align: center;"><input type="checkbox"/> Ordinance</p> <p style="text-align: center;"><input type="checkbox"/> Discussion</p>
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Recommendation:

Vacate easements as requested and permit encroachment into the conservation restriction, subject to the drainage overflow along the south side of the lot in the common area being restored to the approved Watershed and City grading plan.

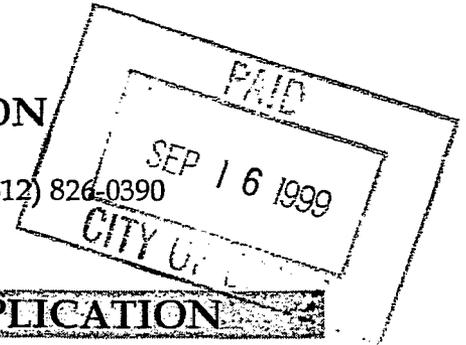
Info/Background:

A petition has been filed with the City requesting vacation of a portion of the drainage, utility and open space easement located approximately 5 feet upland from the rear lot line of Lot 6, Block 1, Olde Vernon. The purpose of the vacation is to allow a deck and three season porch to extend up to the rear lot line. These improvements would encroach approximately five feet into the 100 foot conservation restriction area along Hawkes Lake.

The property owners began construction of their home in July, 1999. The owners revised their plans during construction to include a deck and porch, all of which would be located on the subject lot although both would overlap into the easement area. Setbacks are not imposed on the individual platted lots, however, no structure may be located in an easement.



City Of Edina, Minnesota
 DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



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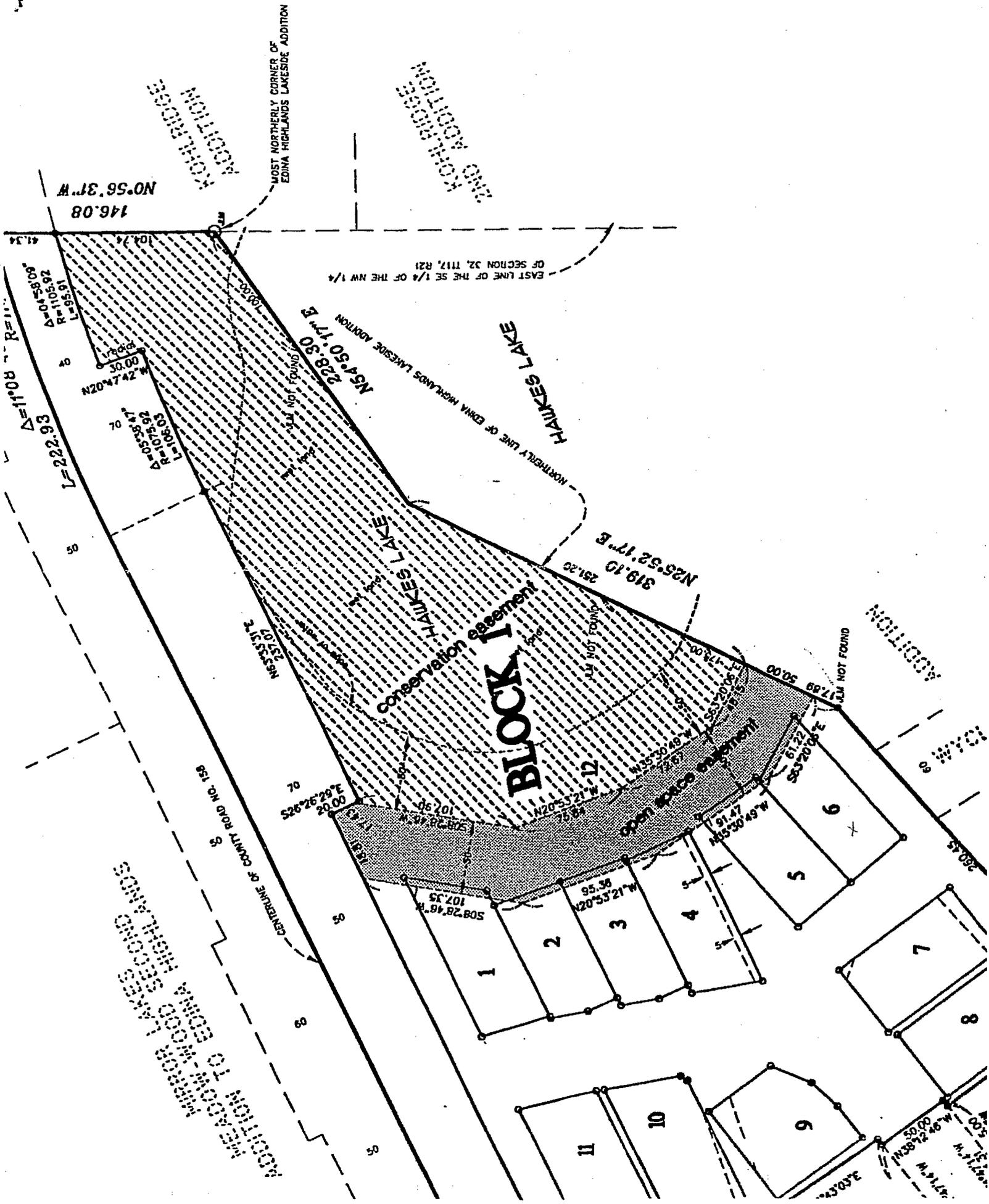
SEE ATTACHED
5811 Vernon Lane
(PROPERTY OWNER = LEE HEUTMAKETZ)

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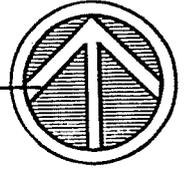
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Date Initiated 9-13-99 Signature Steve Licht



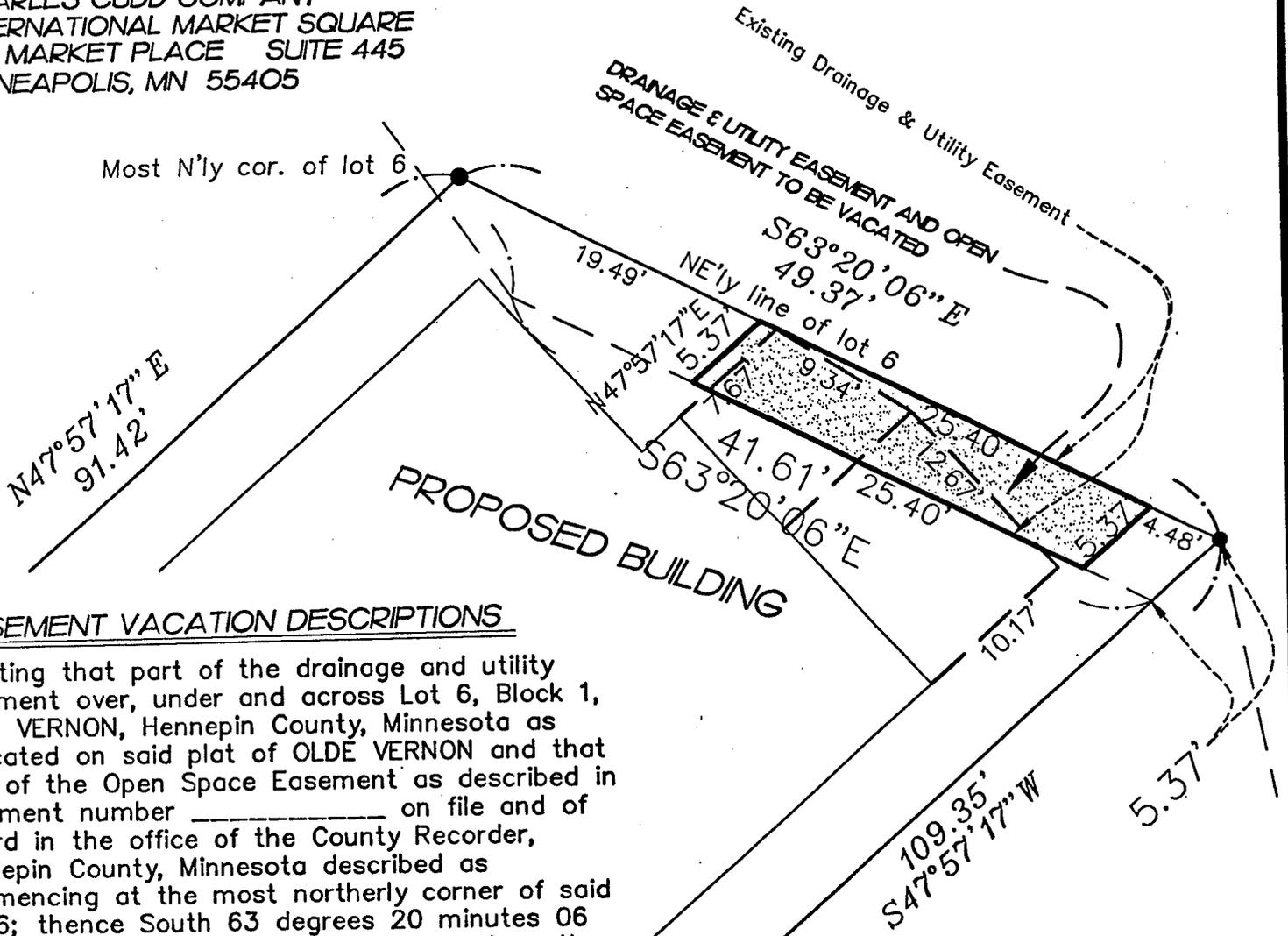
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
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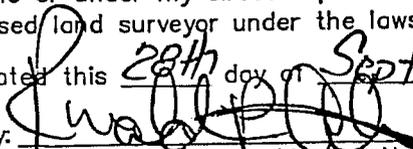
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Dated this 28th day of Sept., 1999

By: 
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING

332 COUNTY ROAD D
LITTLE CANADA, MN 55117

(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'

Drawn By: RPA Disc No. _____



BOULAY, HEUTMAKER, ZIBELL & CO. P.L.L.P.
 CERTIFIED PUBLIC ACCOUNTANTS & CONSULTANTS



MEMBER OF
 THE INTERNATIONAL GROUP
 OF ACCOUNTING FIRMS
 WITH OFFICES
 IN PRINCIPAL CITIES

MEMBER OF
 SEC AND PRIVATE COMPANIES
 PRACTICE SECTIONS OF THE
 AMERICAN INSTITUTE OF
 CERTIFIED PUBLIC ACCOUNTANTS

J.A. BOULAY (1990-1974)
 J. AUSTIN BOULAY (1928-1992)
 DENNIS L. PETERSON (1935-1992)

DONALD F. ZIBELL (RETIRED)
 CHUCK TSCHIMPERLE (RETIRED)

LEE HEUTMAKER, CPA
 BERNIE H. BEAVER, CPA
 ROBERT J. FRANKE, CPA
 RICHARD J. BURROCK, CPA
 NICHOLAS P. BASIL, CPA
 MARK J. DENUGGI, CPA
 DAVID E. BREMER, CPA
 JAMES F. WARNER, CPA
 JAMES E. SNYDER, CPA
 JAMES C. DALEIDEN, CPA
 JEROME J. PULTS, CPA
 GREGORY M. MARGARIT, CPA
 STEVEN J. BEHRNS, CPA
 THOMAS B. JOHNSON, CPA
 PATRICIA KALLI MARGARIT, CPA
 JAMES L. MYOTT, CPA
 RONALD K. OVERSON, CPA
 BRADLEY W. SCHLATTER, CPA
 CAROL E. DONBROSKI, CPA
 CATHERINE O. BERNARD, CPA
 PAUL A. HATTOUNI, CPA
 CYNTHIA A. JACOBSON, CPA
 JOSEPH P. MEYER, CPA
 CAROL A. MACKAY, CPA
 KATHERINE K. DEHLER, CPA
 RICHARD H. LEHMAN, CPA
 KIMBERLY A. ESS, CPA
 LEANNE K. HANSEN, CPA
 GEOFFREY W. GOUDY, CPA
 STEPHANIE A. BEHRENDT, CPA

ERIK L. ALLEN, CPA
 PAUL H. KOENIG, CPA
 BRETT R. TIBODEAU, CPA
 CHRISTOPHER R. REVAK, CPA
 CHERI L. WELCH, CPA
 SHIRLEY F. MURPHY, CPA
 EILEEN J. O'BRYNE, CPA
 MARY E. LEVOIR, CPA
 MARGARET L. NICKLOW, CPA
 DORIS M. BUTLER, CPA
 LYNN M. BEMIS, CPA
 KENT M. JOHNSON, CPA
 SHANNON M. DUNLEAVY, CPA
 CARMEN M. RUEHMELE, CPA
 CHRISTOPHER M. MIHM, CPA
 ANNETTE M. RAINS, CPA
 JANE M. BORTNEM, CPA
 MICHAEL J. BELKNAP, CPA
 PHILLIP L. KELLY, CPA
 SANDRA K. HARDER, CPA
 KENNETH M. FRANZWA, CPA
 ROBERT L. ENHRS, CPA
 STACY J. KOLAND, CPA
 W. ALAN WILLIAMS, CPA
 DANIEL W. FLEISCHACKER, CPA
 CINDY J. KRAEMER, CPA
 TIFANI S. LORENZEN, CPA
 JESSICA H. GALLIPEAU, CPA
 PAUL M. CROKE, CPA
 STACEY A. PAULING, CPA

October 25, 1999

Dear Council Member Dennis Maetzold:

Lee and Addie Heutmaker have purchased a lot from Charles Cudd Co. and are in the process of building a new home at 5811 Vernon Lane in Edina. We have asked Charles Cudd to screen in our lower patio located on the southeast side of our home. Supposedly in checking with your planning department, we find that we have an easement or a variance issue that we need to get resolved in order for us to build the screen porch. It is my understanding that the city planning officials have reviewed this and secured the approval from the parties involved. We would appreciate your support on this matter which I understand will be coming before the council at your meeting on November 1, 1999. Since Addie and I will be out of town and will not be able to attend the meeting, Mr. Steve Licht, a representative of Charles Cudd Co., will attend the meeting on our behalf and answer any questions you may have.

If you have any questions for me prior to this meeting, please call me at my office at 612-893-3802. I appreciate your consideration on this matter.

Sincerely,

Lee Heutmaker

cc: Gordon Hughes, City of Edina

F:\ADMIN\MECKERT\LHEU\1999\N101001.doc

Gardie -

*I mailed this letter to all
 five council members today - I
 appreciate your support also.
 If you have any questions
 call me*

*Lee
 I'll be in Florida for a few weeks
 at 941-566-3716 - if you need to
 call me*



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
4801 West 50th Street, Edina, Minnesota 55424-1394
Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Minnegasco by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
NSP by <u><i>Steph Depina</i></u>	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
U.S. West by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: _____

Location: _____

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
4801 West 50th Street, Edina, Minnesota 55424-1394
Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Minnegasco by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
NSP by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
U.S. West by <u>Jan Polander</u>	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: Unopposed by USWEST

Location: _____

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390

*Received 10-27-99
Returned 10-28-99*



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

City Engineer by _____ Acceptable Opposed Conditional

Reliant Energy
 Minnegasco by Steve Barger Acceptable Opposed Conditional
10-28-99

NSP by _____ Acceptable Opposed Conditional

Paragon Cable by _____ Acceptable Opposed Conditional

U.S. West by _____ Acceptable Opposed Conditional

Location:

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
 City of Edina
 4801 W. 50th Street
 Edina, MN 55424
 Telephone: 826-0408
 Fax: 826-0390



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
4801 West 50th Street, Edina, Minnesota 55424-1394
Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

City Engineer by [] Acceptable [] Opposed [] Conditional
Minnegasco by [] Acceptable [] Opposed [] Conditional
NSP by [] Acceptable [] Opposed [] Conditional
Paragon Cable by [X] Acceptable [] Opposed [] Conditional
U.S. West by [] Acceptable [] Opposed [] Conditional

Conditions: []

Location: []

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390

FAX

Date: 10/27/99

Number of pages including cover sheet: 7

To:

Patrick Cline
NSP

Phone: 612-829-4500

Fax phone: 612-829-4558

CC: _____

From:

Debra Mangen

Phone: 612-826-0408

Fax phone: 612-826-0390

REMARKS: Urgent For your review Reply ASAP Please comment

Patrick,

I am faxing you copies of a letter and utility review request, I thought I had mailed October 4th. The Edina Council will hear the request Monday, November 1st. I apologize for this mistake and ask that you review the attached and respond by fax as soon as possible. If you have questions please feel free to contact me at 826-0408. Thanks for your assistance.



City of Edina

October 4, 1999

Mr. Patrick Cline
Norther States Power Company
5309 West 70th Street
Edina, MN 55435

Re: Vacation of Utility Easement 5811 Vernon Lane

Dear Patrick:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on November 1, 1999. I would very much appreciate your response by Tuesday October 26, 1999, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mangen
City Clerk

Enclosures



City Of Edina, Minnesota
 DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

- | | | | |
|------------------------|-------------------------------------|----------------------------------|--------------------------------------|
| City Engineer by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Minnegasco by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| NSP by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Paragon Cable by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| U.S. West by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |

Conditions: _____

Location: _____

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
 City of Edina
 4801 W. 50th Street
 Edina, MN 55424
 Telephone: 826-0408
 Fax: 826-0390

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on November 1, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1 OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number 2828064 on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLD VERNON; thence North 63 degrees 20 minutes 06 seconds West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning

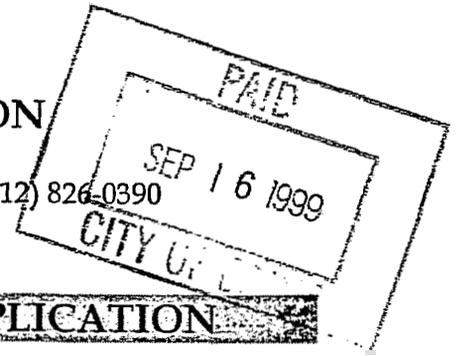
All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements 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 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 such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk
Dated: September 30, 1999



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant STEVE LICHT - CHARLES CUDD CO., L.L.C.
 Print Name

Address SUITE 445, 275 MARKET ST. MINNEAPOLIS MN 55405
 Street City/State Zip

Telephone No. 612-359-1716 Fax No. 612-335-5071

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

- Street Alley Utility Easement
 Drainage Easement Other "OPEN SPACE"

Legal description of the area proposed to be vacated:

SEE ATTACHED

(PROPERTY OWNER = LEE HEUTMAKER)

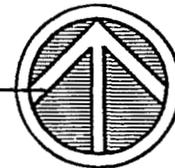
Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9-13-99 Signature Steve Licht

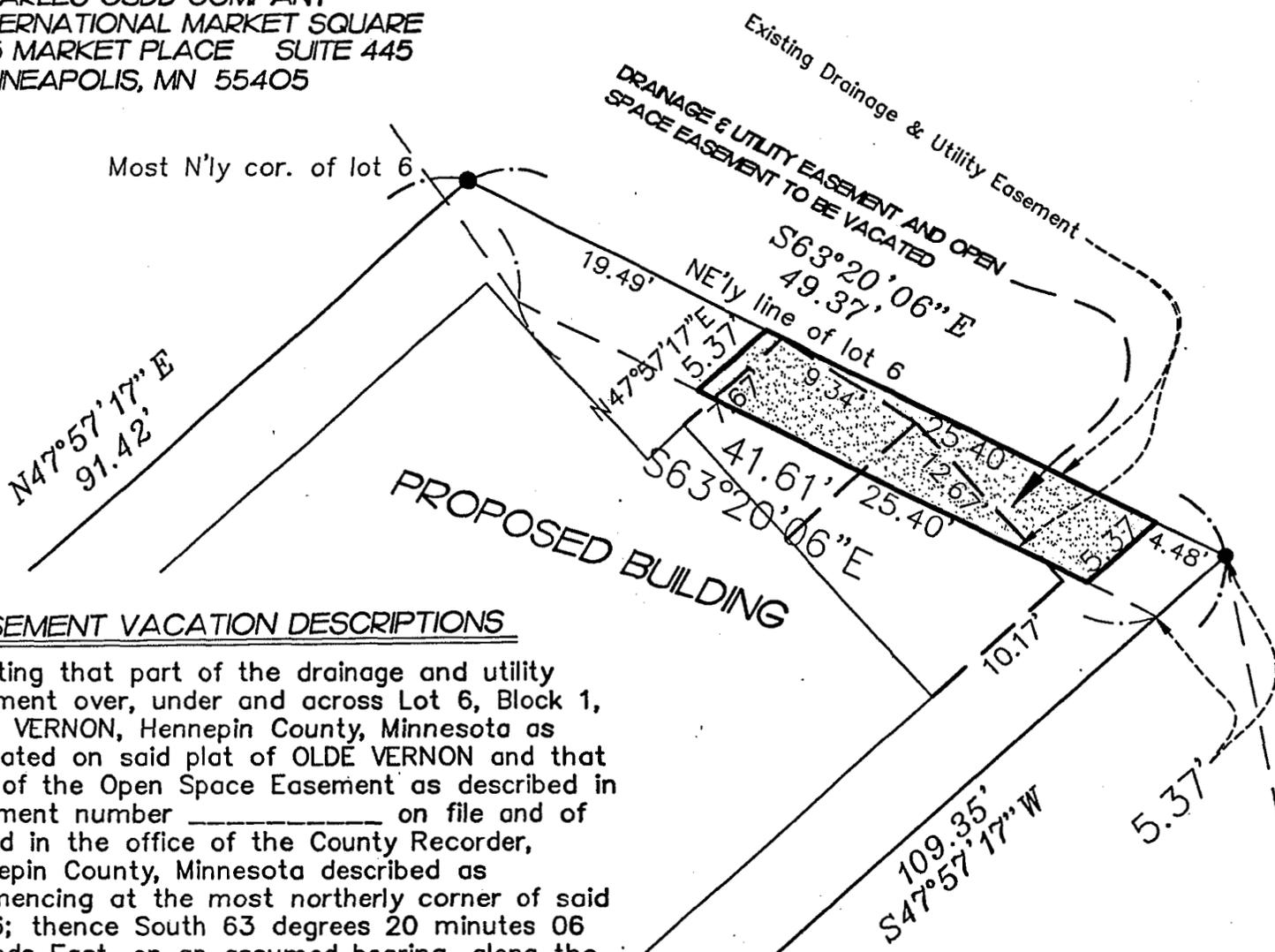
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1, OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number _____ on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLDE VERNON; thence North 63 degrees 20 minutes 06 second West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning.

NOTES:

- Denotes iron monument found
- Denotes iron monument set
- Bearings are assumed
- Denotes drainage and utility easement and open space easement to be vacated.

DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

By: [Signature]
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING
332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1-20'
Drawn By: RPA Disc No. _____

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

3. Article Addressed to:

Mr. Jim Bloemenbal
 DNR Real Estate Management
 1200 Warner Road
 St. Paul, MN 55106

4a. Article Number

2 DAYTONS BLUFFS STA 695
 775 0710

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

OCT 1 1999

7. Date of Delivery

OCT 05 1999

5. Received By: (Print Name)

x MARY A. TURNER

6. Signature (Addressee or Agent)

x MARY A. TURNER

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

FAX

Date: 10/27/99
 Number of pages including cover sheet: 7

To: Andrew Dols
Time Warner Cable

 Phone: 612-287-3607
 Fax phone: 612-941-9206
 CC: _____

From: Debra Mangen

 Phone: 612-826-0408
 Fax phone: 612-826-0390

REMARKS: Urgent For your review Reply ASAP Please comment

Andy,
 I am faxing you copies of a letter and utility review request, I thought I had mailed October 4th. The Edina Council will hear the request Monday, November 1st. I apologize for this mistake and ask that you review the attached and respond by fax as soon as possible. If you have questions please feel free to contact me at 826-0408. Thanks for your assistance.



City of Edina

October 4, 1999

Mr. Andrew Dols
Paragon Cable
10210 Crosstown Circle
Eden Prairie, MN 55435-3377

Re: Vacation of Utility Easement 5811 Vernon Lane

Dear Andrew:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on November 1, 1999. I would very much appreciate your response by Tuesday October 26, 1999, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mangen
City Clerk

Enclosures



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
4801 West 50th Street, Edina, Minnesota 55424-1394
Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Minnegasco by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
NSP by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
U.S.West by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: _____

Location: _____

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on November 1, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1 OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number 2828064 on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLD VERNON; thence North 63 degrees 20 minutes 06 seconds West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning

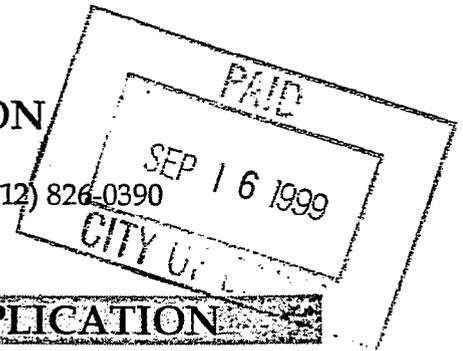
All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements 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 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 such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk
Dated: September 30, 1999



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant STEVE LIGHT - CHARLES CUDD CO., L.L.C.
 Print Name

Address SUITE 445, 275 MARKET ST. MINNEAPOLIS MN 55405
 Street City/State Zip

Telephone No. 612-359-1716 Fax No. 612-335-5071

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

- Street
- Alley
- Utility Easement
- Drainage Easement
- Other "OPEN SPACE"

Legal description of the area proposed to be vacated:
SEE ATTACHED

(PROPERTY OWNER = LEE HEUTMAKER)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9-13-99 Signature Steve Light

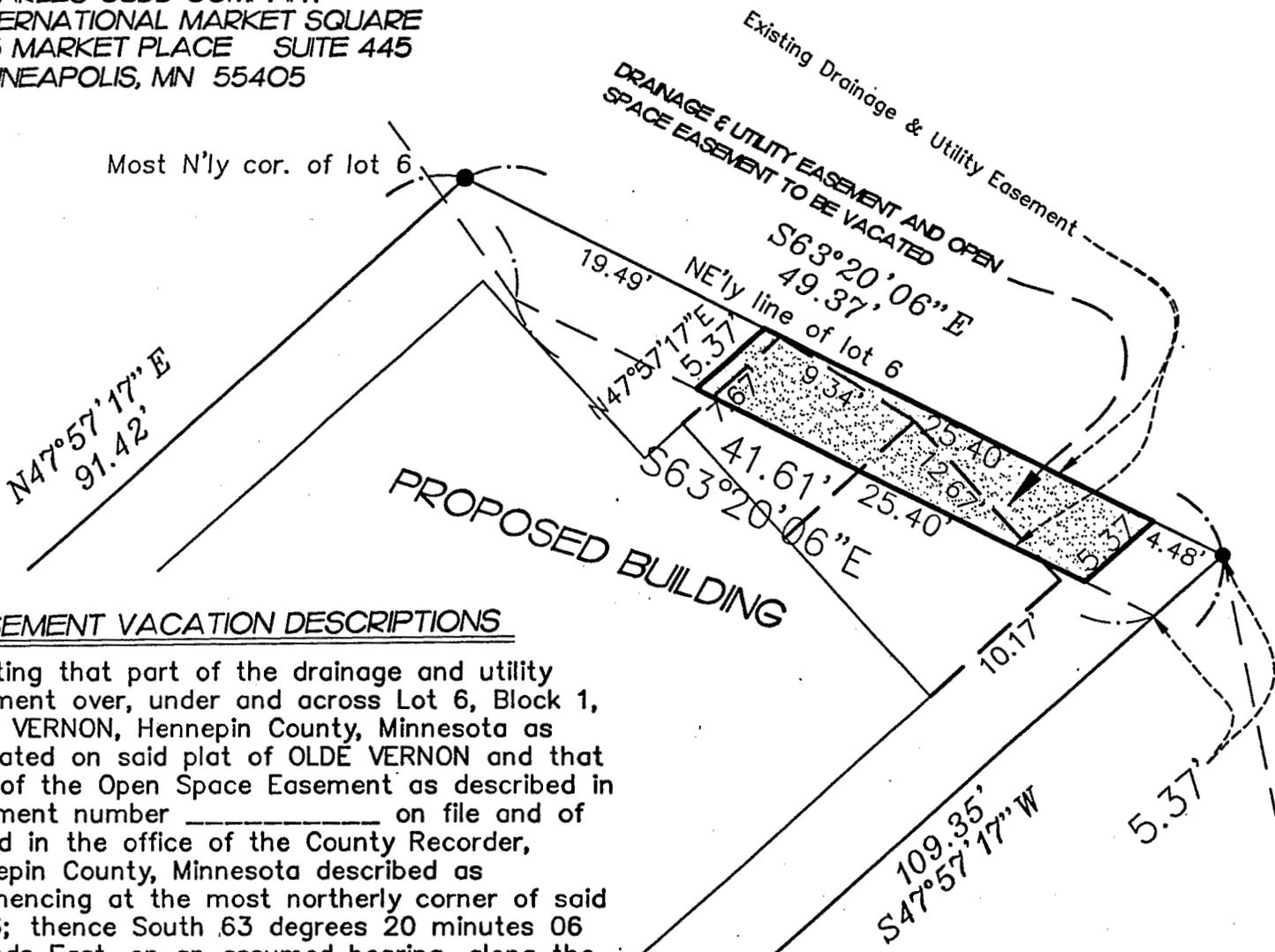
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

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NOTES:

- Denotes iron monument found
- Denotes iron monument set
- Bearings are assumed
- Denotes drainage and utility easement and open space easement to be vacated.

DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

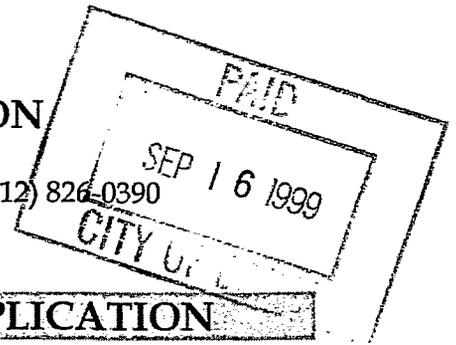
By:
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING
332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
Drawn By: RPA Disc No. _____



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant STEVE LICHT - CHARLES CUDD CO., L.L.C.
 Print Name

Address SUITE 445, 275 MARKET ST. MINNEAPOLIS MN 55405
 Street City/State Zip

Telephone No. 612-359-1716 Fax No. 612-335-5071

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 Drainage Easement Other "OPEN SPACE"

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(PROPERTY OWNER = LEE HEUTMAKER)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9-13-99 Signature Steve Licht

FAX

Date: 10/27/99

Number of pages including cover
sheet: 7

To:

Steve Von Barga
Reliant Energy
Minnegasco

Phone: 612-321-5381

Fax phone: 612-321-5480

CC: _____

From:

Debra Mangen

Phone: 612-826-0408

Fax phone: 612-826-0390

REMARKS: Urgent For your review Reply ASAP Please comment

Thanks for your help with this. I appreciate your cooperation.



City of Edina

October 4, 1999

Mr. Steven Von Bargaen
Minnegasco, Inc.
P.O. Box 1165
Minneapolis, MN 55440-1165

Re: Vacation of Utility Easement 5811 Vernon Lane

Dear Steven:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on November 1, 1999. I would very much appreciate your response by Tuesday October 26, 1999, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mangen
City Clerk

Enclosures



City Of Edina, Minnesota
 DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

- | | | | |
|------------------------|-------------------------------------|----------------------------------|--------------------------------------|
| City Engineer by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Minnegasco by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| NSP by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Paragon Cable by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| U.S. West by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |

Conditions: _____

Location: _____

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
 City of Edina
 4801 W. 50th Street
 Edina, MN 55424
 Telephone: 826-0408
 Fax: 826-0390

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on November 1, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1 OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number 2828064 on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLD VERNON; thence North 63 degrees 20 minutes 06 seconds West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning

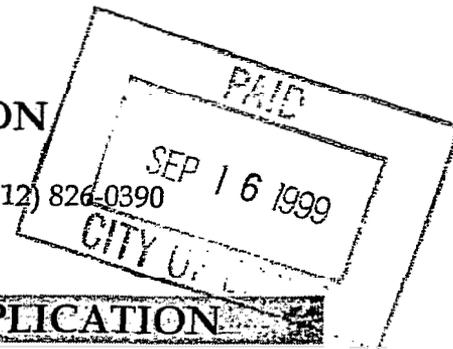
All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements 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 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 such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk
Dated: September 30, 1999



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant STEVE LICHT - CHARLES CUDD CO., L.L.C.
 Print Name

Address SUITE 445, 275 MARKET ST. MINNEAPOLIS MN 55405
 Street City/State Zip

Telephone No. 612-359-1716 Fax No. 612-335-5071

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

- Street Alley Utility Easement
 Drainage Easement Other "OPEN SPACE"

Legal description of the area proposed to be vacated:

SEE ATTACHED

(PROPERTY OWNER = LEE HEUTMAKERT)

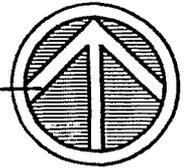
Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9-13-99 Signature Steve Licht

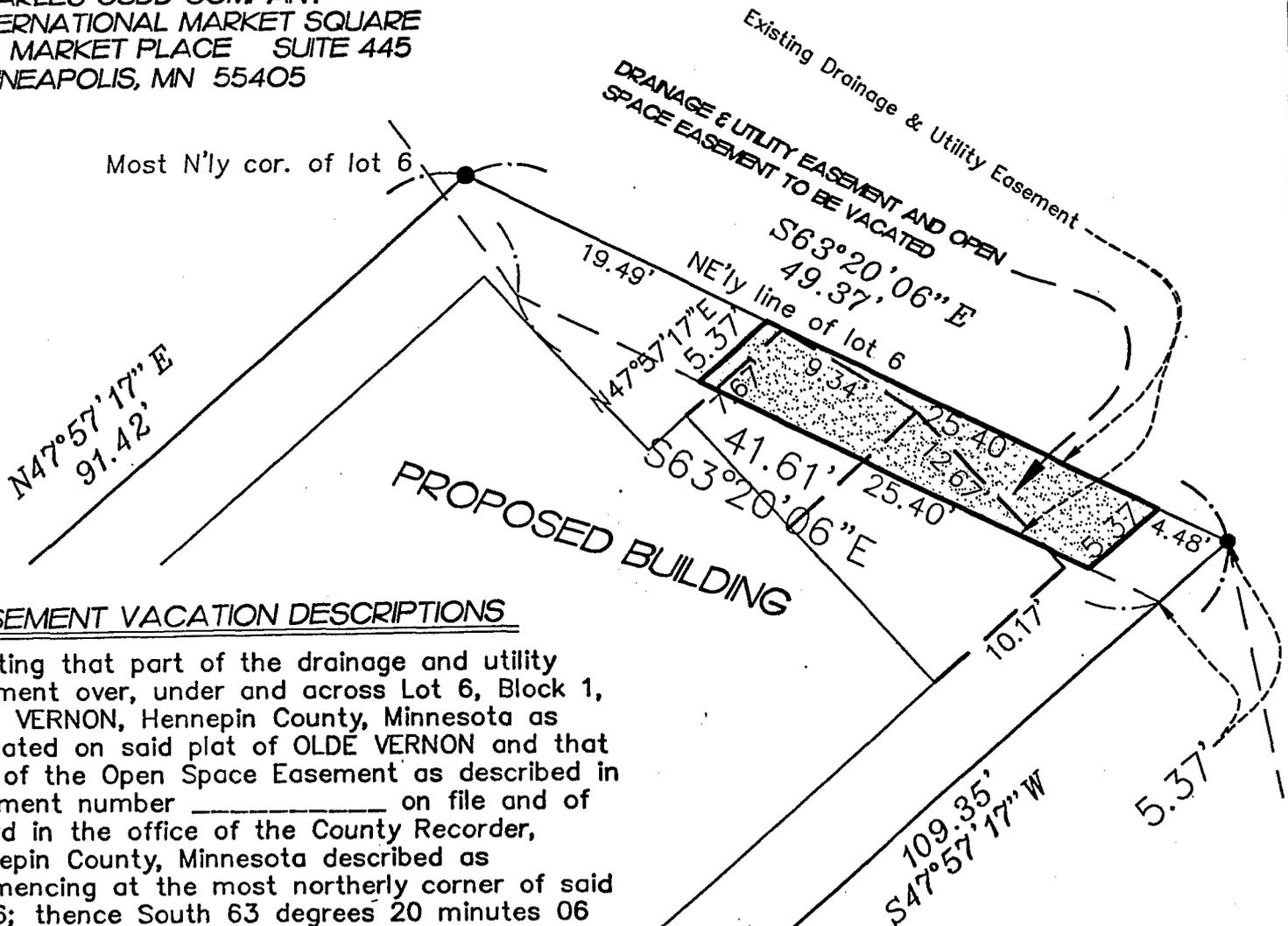
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1, OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number _____ on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLDE VERNON; thence North 63 degrees 20 minutes 06 second West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning.

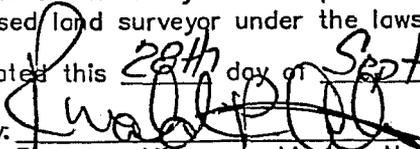
NOTES:

- Denotes iron monument found
- Denotes iron monument set
- Bearings are assumed
-  Denotes drainage and utility easement and open space easement to be vacated.

DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

By: 
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING

332 COUNTY ROAD D
LITTLE CANADA, MN 55117

(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'

Drawn By: RPA Disc No. _____

FAX

Date: 10/27/99

Number of pages including cover sheet: 7

To:

Darrell Perkins

U.S. West

Phone: 612-861-8158

Fax phone: 612-861-8173

CC:

From:

Debra Mangen

Phone: 612-826-0408

Fax phone: 612-826-0390

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

Darrell,

I am faxing you copies of a letter and utility review request, I thought I had mailed October 4th. The Edina Council will hear the request Monday, November 1st. I apologize for this mistake and ask that you review the attached and respond by fax as soon as possible. If you have questions please feel free to contact me at 826-0408. Thanks for your assistance.



City of Edina

October 4, 1999

Mr. Darrell Perkins
U.S. West Communications
6244 Cedar Avenue So.
Richfield, MN 55423

Re: Vacation of Utility Easement 5811 Vernon Lane

Dear Darrell:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on November 1, 1999. I would very much appreciate your response by Tuesday October 26, 1999, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mangen
City Clerk

Enclosures



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
4801 West 50th Street, Edina, Minnesota 55424-1394
Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: 5811 Vernon Lane

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Minnegasco by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
NSP by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
U.S. West by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: _____

Location: _____

Please sign and return indicating receipt of notice. Thank you for your cooperation.

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424
Telephone: 826-0408
Fax: 826-0390

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

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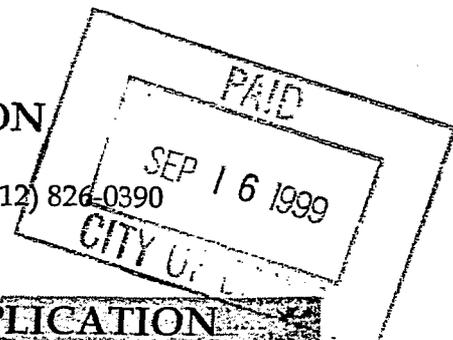
All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements 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 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 such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk
Dated: September 30, 1999



City Of Edina, Minnesota
DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
 Phone • (612) 927-8861 TDD • (612) 826-0379 Fax • (612) 826-0390



PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant STEVE LICHT - CHARLES CUDD CO., L.L.C.
 Print Name

Address SUITE 445, 275 MARKET ST. MINNEAPOLIS MN 55405
 Street City/State Zip

Telephone No. 612-359-1716 Fax No. 612-335-5071

I hereby petition the City Council of the City of Edina to vacate all of the following described public right of way pursuant to M.S. 412.851 and Edina Code Section 820:

- Street Alley Utility Easement
 Drainage Easement Other "OPEN SPACE"

Legal description of the area proposed to be vacated:

SEE ATTACHED
(PROPERTY OWNER = LEE HEUTMAKER)

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

Please note if the area requested to be vacated terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition is served by certified mail upon the commissioner of natural resources by the City of Edina thirty days before any Council action.

Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.

Date Initiated 9-13-99 Signature Steve Licht

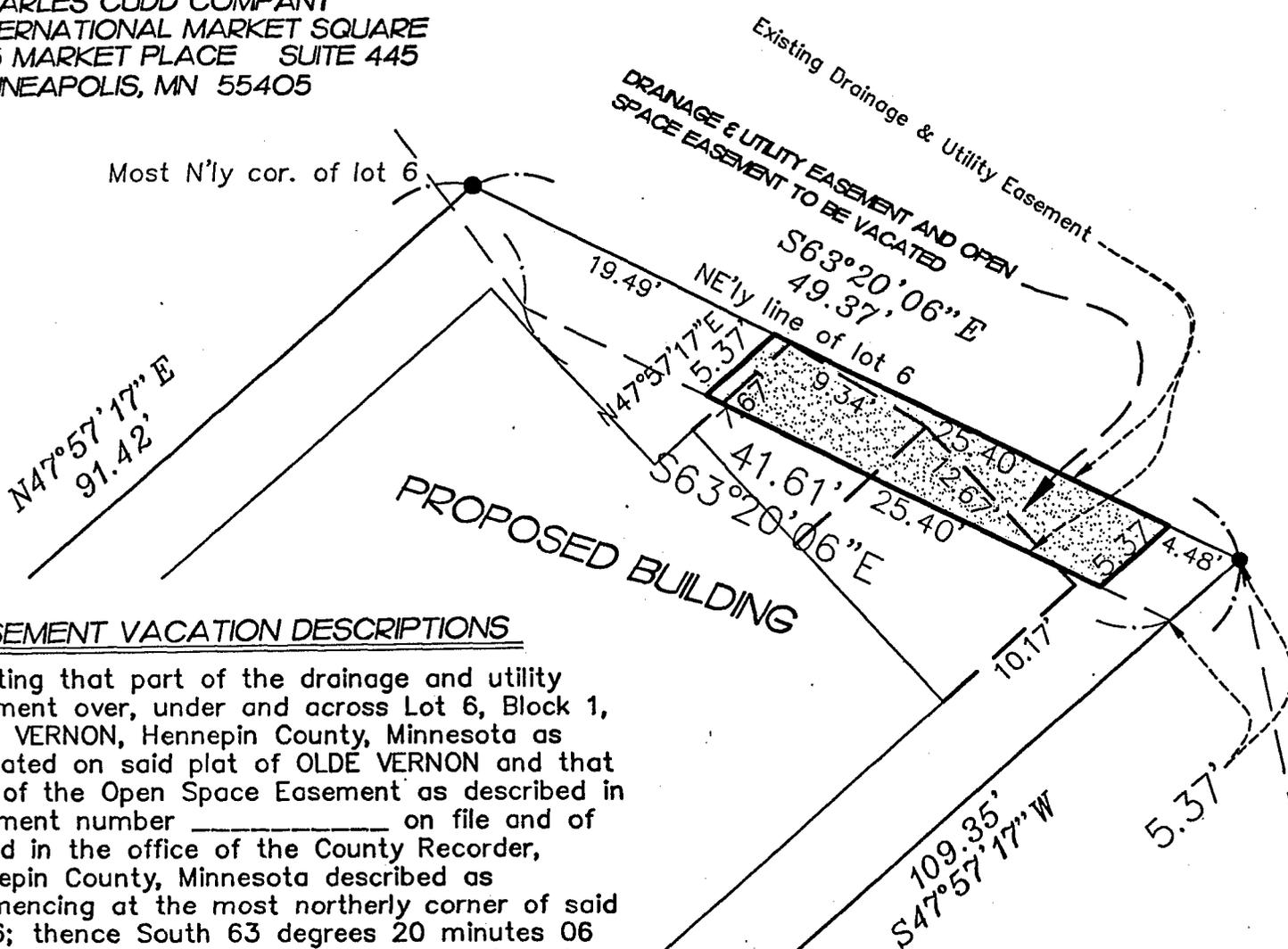
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1, OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number _____ on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLDE VERNON; thence North 63 degrees 20 minutes 06 second West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning.

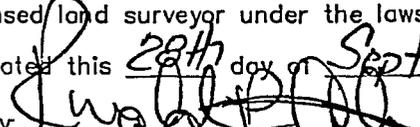
NOTES:

- Denotes iron monument found
- Denotes iron monument set
- Bearings are assumed
-  Denotes drainage and utility easement and open space easement to be vacated.

DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

By: 
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING

332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
Drawn By: RPA Disc No. _____

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL

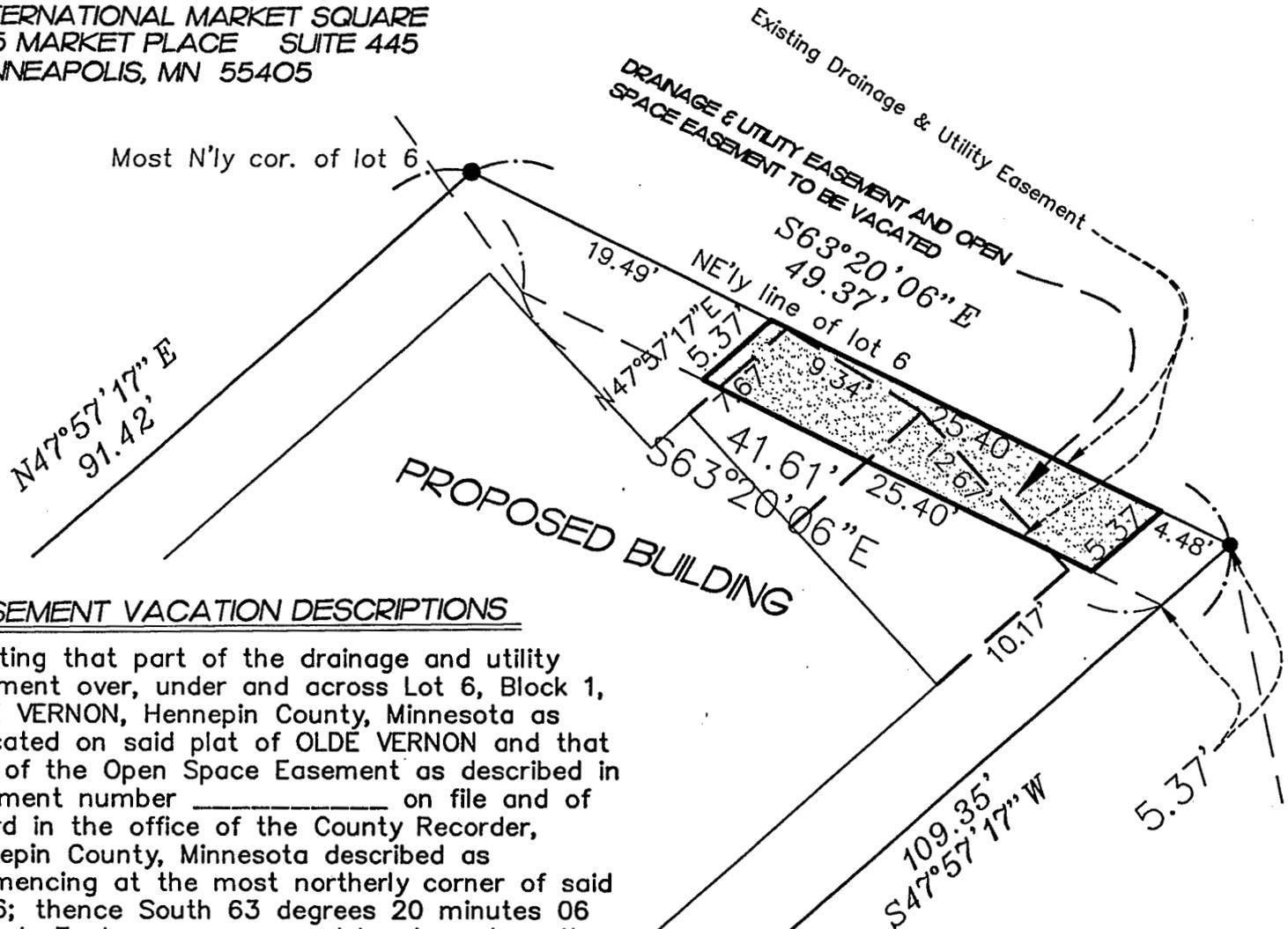
Debra Mangen, City Clerk
Dated: September 30, 1999

SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:
 CHARLES CUDD COMPANY
 INTERNATIONAL MARKET SQUARE
 275 MARKET PLACE SUITE 445
 MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

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NOTES:

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DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

By: [Signature]
 Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING
 332 COUNTY ROAD D
 LITTLE CANADA, MN 55117
 (651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
 Drawn By: RPA Disc No. _____



City of Edina

September 30, 1999

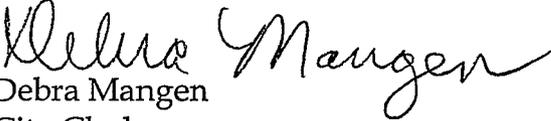
Mr. Jim Bloemenbal
DNR Real Estate Management
1200 Warner Road
St. Paul, MN 55106

Re: Vacation of Utility Easement 5811 Vernon, Edina, MN

Dear Mr. Bloemenbal:

I am sending copies of the public hearing notice and exhibits from the petitioner, for the above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on November 1, 1999. This notice is being sent to you as required by Minnesota Statutes. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mangen
City Clerk

Enclosures

C. Ceil Strauss, DNR Waters

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 26, 1999, acting on behalf of said City I deposited in the United States mail copies of the attached: Notice of Public Hearing - Vacation of Public Utility Easement (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 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.

WITNESS my hand and seal of said City this 26th day of October, 1999.


Edina City Clerk

CITY OF EDINA

4301 WEST 50TH ST
EDINA, MN 55424

Trn: 003005 Reg: 001 07.13.99 09:14
Cashier: 417

RECEIPT PRINTED ON REQUEST

ENGINEERING FEES	300.00
Subtotal	300.00
TOTAL	300.00
CHECK	300.00

Item Count: 1

THE NEXT COUNCIL MEETING IS
SCHEDULED FOR TUESDAY, SEPT 21ST
AT 7:00 PM IN THE COUNCIL
CHAMBERS

Thank You!

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
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BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk
Dated: September 30, 1999

32-117-21-24-0075
Linus Heutmaker
6429 Margarets Lane
Edina, MN 55439

32-117-21-24-0075
Linus Heutmaker

32-117-21-24-0075
Linus Heutmaker
5811 Vernon Lane
Edina, MN 55436

32-117-21-24-0074
Olde Vernon LLC
5809 Vernon Lane
Edina, MN 55436

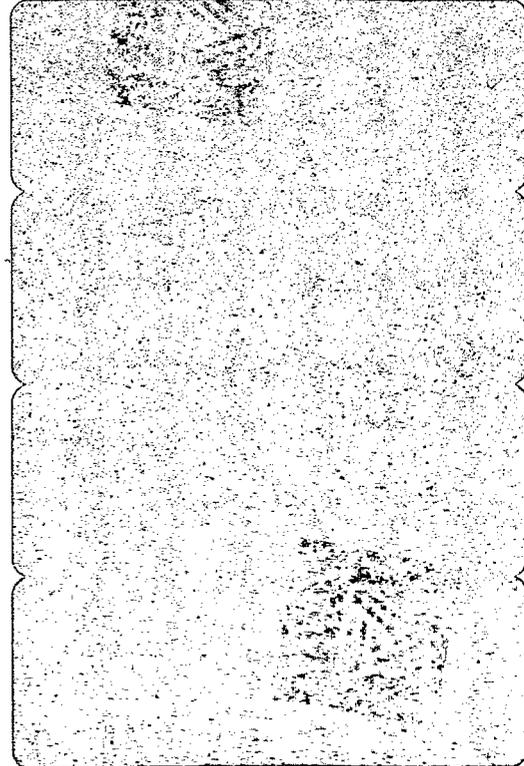
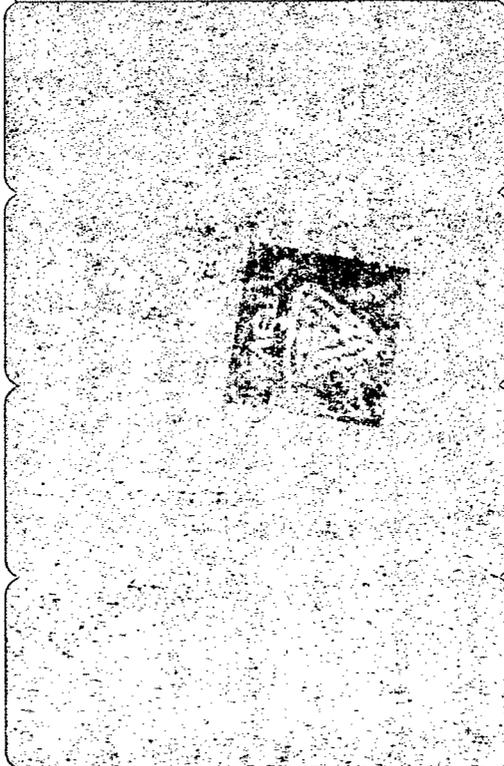
32-117-21-24-0074
Olde Vernon LLC
1802 Wooddale Drive
Woodbury, MN 55125

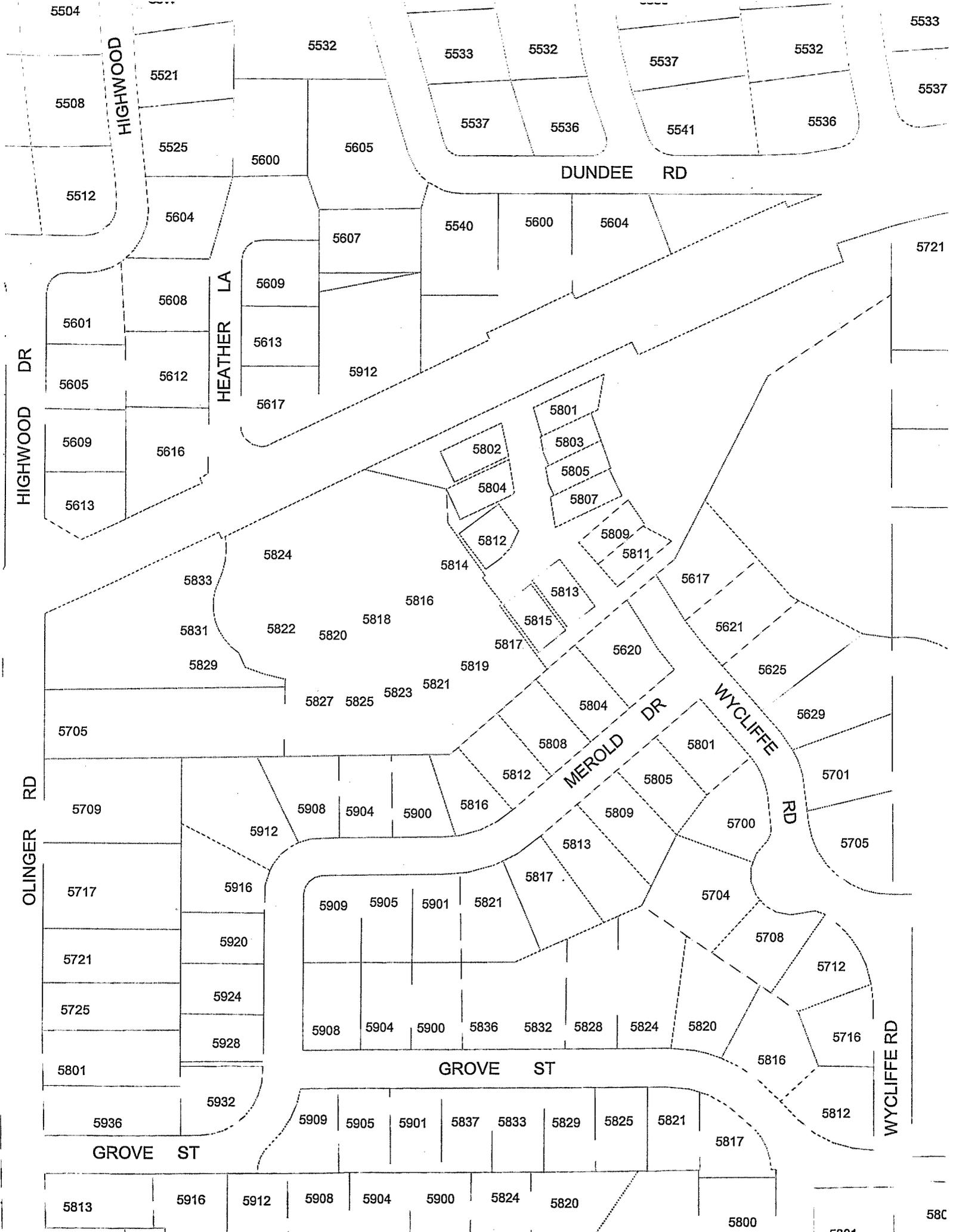
32-117-21-24-0076
Olde Vernon LLC
5813 Vernon La
Edina, MN 55436

32-117-21-24-0076
Olde Vernon LLC
1802 Wooddale Drive
Woodbury, MN 55125

32-117-21-24-0012
Jacob & Julia Mirman
5620 Wycliffe Rd
Edina, MN 55436

32-117-21-24-0006
John & Mary Manning
5617 Wycliffe Rd
Edina, MN 55436





5504

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HIGHWOOD

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5512

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DUNDEE RD

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HEATHER LA

5609

5601

5608

5613

5912

HIGHWOOD DR

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5617

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MEROLD DR

WYCLIFFE RD

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OLINGER RD

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GROVE ST

GROVE ST

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REPORT/RECOMMENDATION

<p>To: Mayor & City Council</p> <p>From: Craig Larsen, Francis Hoffman <i>HL</i> City Planner, City Engineer</p> <p>Date: 1 November, 1999</p> <p>Subject: 5811 Vernon Lane - Request to Vacate Utility, Drainage and Open Space Easement</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Agenda Item #</td> <td style="width: 5%;">II.</td> <td style="width: 5%;">A.</td> <td style="width: 30%;"></td> </tr> <tr> <td>Consent</td> <td><input type="checkbox"/></td> <td></td> <td></td> </tr> <tr> <td>Information Only</td> <td><input type="checkbox"/></td> <td></td> <td></td> </tr> <tr> <td>Mgr. Recommends</td> <td><input type="checkbox"/></td> <td></td> <td>To HRA</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/></td> <td></td> <td>To Council</td> </tr> <tr> <td>Action</td> <td><input type="checkbox"/></td> <td></td> <td>Motion</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/></td> <td></td> <td>Resolution</td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td></td> <td>Ordinance</td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td></td> <td>Discussion</td> </tr> </table>	Agenda Item #	II.	A.		Consent	<input type="checkbox"/>			Information Only	<input type="checkbox"/>			Mgr. Recommends	<input type="checkbox"/>		To HRA		<input checked="" type="checkbox"/>		To Council	Action	<input type="checkbox"/>		Motion		<input checked="" type="checkbox"/>		Resolution		<input type="checkbox"/>		Ordinance		<input type="checkbox"/>		Discussion
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	<input checked="" type="checkbox"/>		Resolution																																		
	<input type="checkbox"/>		Ordinance																																		
	<input type="checkbox"/>		Discussion																																		

Recommendation:

Vacate easements as requested and permit encroachment into the conservation restriction, subject to the drainage overflow along the south side of the lot in the common area being restored to the approved Watershed and City grading plan.

Info/Background:

A petition has been filed with the City requesting vacation of a portion of the drainage, utility and open space easement located approximately 5 feet upland from the rear lot line of Lot 6, Block 1, Olde Vernon. The purpose of the vacation is to allow a deck and three season porch to extend up to the rear lot line. These improvements would encroach approximately five feet into the 100 foot conservation restriction area along Hawkes Lake.

The property owners began construction of their home in July, 1999. The owners revised their plans during construction to include a deck and porch, all of which would be located on the subject lot although both would overlap into the easement area. *Setbacks are not imposed on the individual platted lots, however, no structure may be located in an easement.*

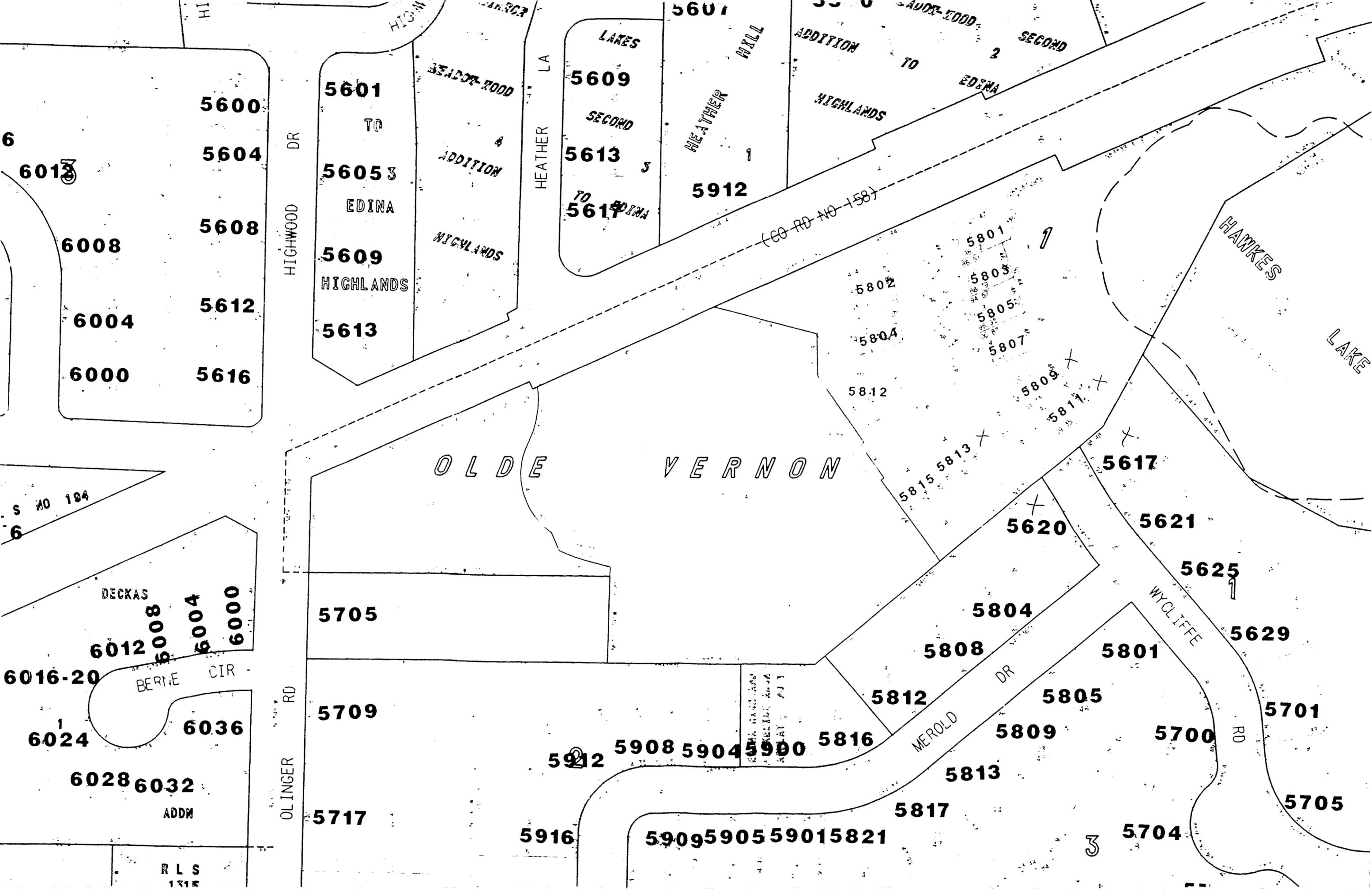
Report/Recommendation
Agenda Item II.A.

Page Two

The utility companies and City engineering staff have no opposition to the vacation of the utility portion of the easement. The attached graphics indicate the requested area for vacation and footprint of the deck and porch. However, during field review staff discovered an unapproved storm sewer pipe installed in the common area which if plugged, would compromise drainage to Lots 7 through 11 on the last exhibit. This open swale (overflow) was designed to prevent flooding on homes to the west.

The City Engineer and Nine Mile Creek Watershed Engineer have jointly inspected the site and come to the same conclusion. Staff expects the builder's representative of Charles Cudd Co. to be present at the Council meeting.

Staff recommends the request, subject to restoration of the drainage overflow on the common area immediately southwest of Lot 6 on the Exhibit.



5600
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5601
TO
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EDINA
5609
HIGHLANDS
5613

5609
SECOND
5613
TO
5617

5912

OLDE VERNON

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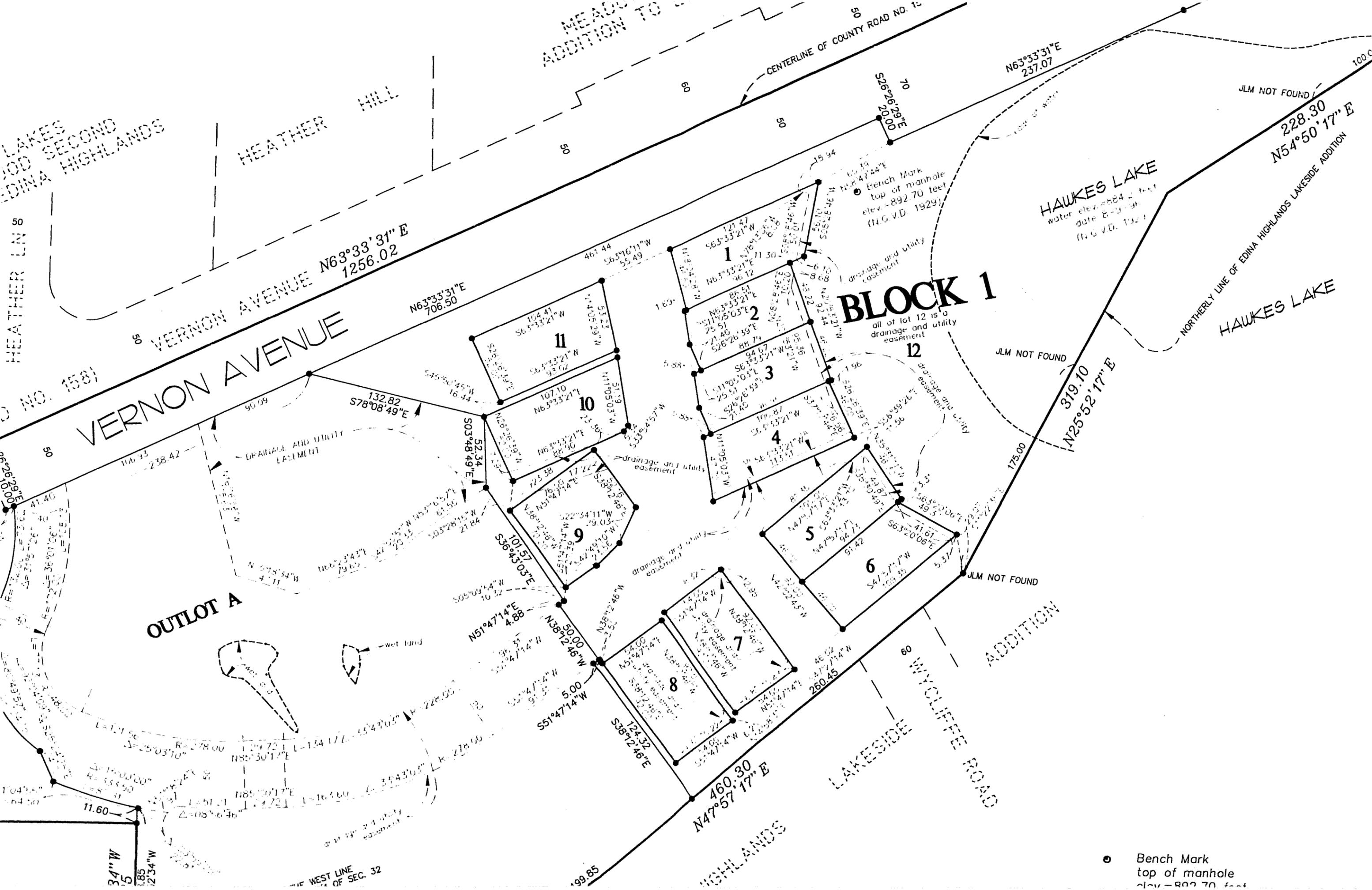
6016-20
BERNE CIR

6024
6036

R L S
1315

(CO RD NO 158)

3



EDINA HIGHLANDS
 EDINA HIGHLANDS
 EDINA HIGHLANDS

HEATHER HILL

MEADOWS
 ADDITION TO

CENTERLINE OF COUNTY ROAD NO. 15

N63°33'31"E
 237.07

JLM NOT FOUND

228.30
 N54°50'17" E

HAWKES LAKE
 water elev. = 884.2 feet
 date 8-9-94
 (H.G.V.D. 1929)

HAWKES LAKE
 NORTHERLY LINE OF EDINA HIGHLANDS LAKESIDE ADDITION

VERNON AVENUE
 N63°33'31" E
 1256.02

BLOCK 1
 all of lot 12 is a
 drainage and utility
 easement

JLM NOT FOUND
 319.10
 N25°52'17" E

OUTLOT A

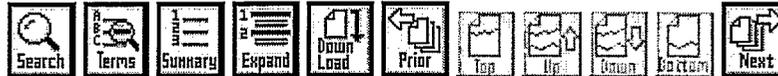


HIGHLANDS
 WYCLIFFE ROAD

● Bench Mark
 top of manhole
 elev. = 892.70 feet

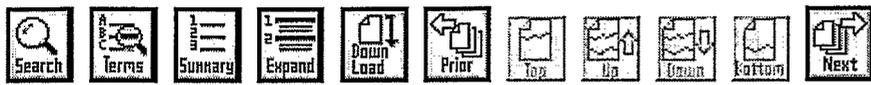


Minnesota Statutes 1998 Display Document 2 of 4

**Chapter Title:** STATUTORY CITIES**Section:** 412.851**Text:** 412.851 Vacation of streets.

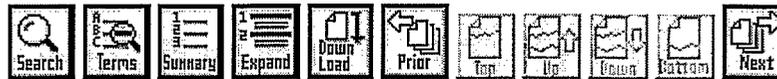
The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. ~~In addition, if the street, alley, public grounds, public way, or any part thereof terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition or proposed resolution is served by certified mail upon the commissioner of natural resources at least 30 days before the hearing on the matter. The notice to the commissioner of natural resources is for notification purposes only and does not create a right of intervention by the commissioner.~~ After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be filed with the county recorder. Any failure to file the notice shall not invalidate any such vacation proceedings.

HIST: 1949 c 119 s 102; 1953 c 735 s 12; 1957 c 383 s 1; 1967 c 289 s 15; 1969 c 9 s 85; 1973 c 123 art 2 s 1 subd 2; 1973 c 494 s 11; 1976 c 181 s 2; 1986 c 444; 1989 c 183 s 4; 1990 c 433 s 2





Minnesota Statutes 1998 Display Document 3 of 4

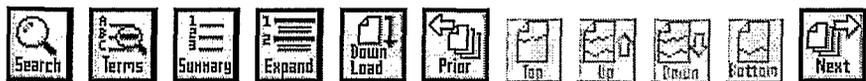
**Chapter Title:** PLATS; COORDINATES; SURVEYS**Section:** 505.14**Text:**

505.14 Vacation.

Upon the application of the owner of land included in any plat, and upon proof that all taxes assessed against such land have been paid, and the notice hereinafter provided for given, the district court may vacate or alter all, or any part, of such plat, and adjudge the title to all streets, alleys, and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots or providing access for the public to any public water, shall not be vacated between such lots, blocks, or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. ~~If any part of a street, alley, or public ground proposed for vacation terminates at or abuts upon any public water, the petitioner shall serve notice of the petition by certified mail upon the commissioner of natural resources at least 30 days before the term at which it shall be heard. The notice under this subdivision is for notification purposes only and does not create a right of intervention by the commissioner of natural resources.~~ The petitioner shall cause two weeks published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard; and the petitioner shall also serve personally, or cause to be served personally, notice of such application, at least ten days before the term at which the application shall be heard, upon the mayor of the city, the president of the statutory city, or the chair of the town board of the town where such land is situated. The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor,

and recorded by the county recorder. The district court shall not vacate or alter any street, alley, or public ground dedicated to the public use in or by any such plat in any city or town organized under a charter or special law which provides a method of procedure for the vacation of streets and public grounds by the municipal authorities of such city or town.

HIST: (8244) RL s 3369; 1909 c 503 s 1; 1917 c 38 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1986 c 444; 1989 c 183 s 7





Minnesota Statutes 1998 Display Document 4 of 4

**Chapter Title:** REGISTRATION WITHOUT COURT PROCEEDINGS**Section:** 508A.73**Text:**

508A.73 Eminent domain; reversion; vacation.

Subdivision 1. Registration filing; new CPT; memorials; reversion. If the land of a registered owner, or any right, title, interest, or estate in it is taken by eminent domain, the state or body politic, or other authority which exercises the right, shall file for registration a certified copy of a final certificate or a certified copy of a court order transferring title pursuant to section 117.042 together with an instrument containing a description of the land taken, together with the name of each owner of it, and referring to each CPT by its number and place of registration in the register of titles, and stating what estate or interest in the land is taken, and for what purpose. A memorial of the right, title, interest, or estate thus taken shall be made upon each CPT by the registrar. If the fee is taken, a new CPT shall be entered in the name of the owner for the land remaining to the owner after the taking. A new CPT may not be entered except by order of the district court or upon the written certification of the examiner of titles as to the legal sufficiency of the final certificate or court order pursuant to section 117.042 and other instruments presented for filing for the purpose of issuance of a new CPT. If the owner has a lien for damages upon the land thus taken, this fact shall be stated in the memorial of registration. All fees on account of any memorial of registration or entry of new CPTs for land thus taken shall be paid by the state or body politic or other authority which takes the land. If land which was taken for public use reverts, by operation of law, to the owner or to heirs or assigns, the district court, upon the application of the person entitled to the benefit of the reversion, and after due notice and hearing, may order the entry of a new CPT to the person entitled to it.

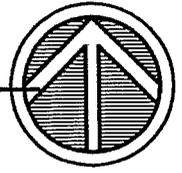
Subd. 2. **Vacation** **of** **street** or alley; legal description. Upon the filing of a certified copy of a

resolution or ordinance by a city vacating an adjoining street or alley that was dedicated to the public in a plat, a registered owner is entitled to have added to the legal description on the CPT that part of the vacated street or alley that accrues to it, provided the vacation occurred after the land was originally registered. The vacated street or alley may be added to the CPT by order of the district court or by a written directive from the examiner of titles.

HIST: 1982 c 396 s 66; 1986 c 444; 1992 c 463 s 24



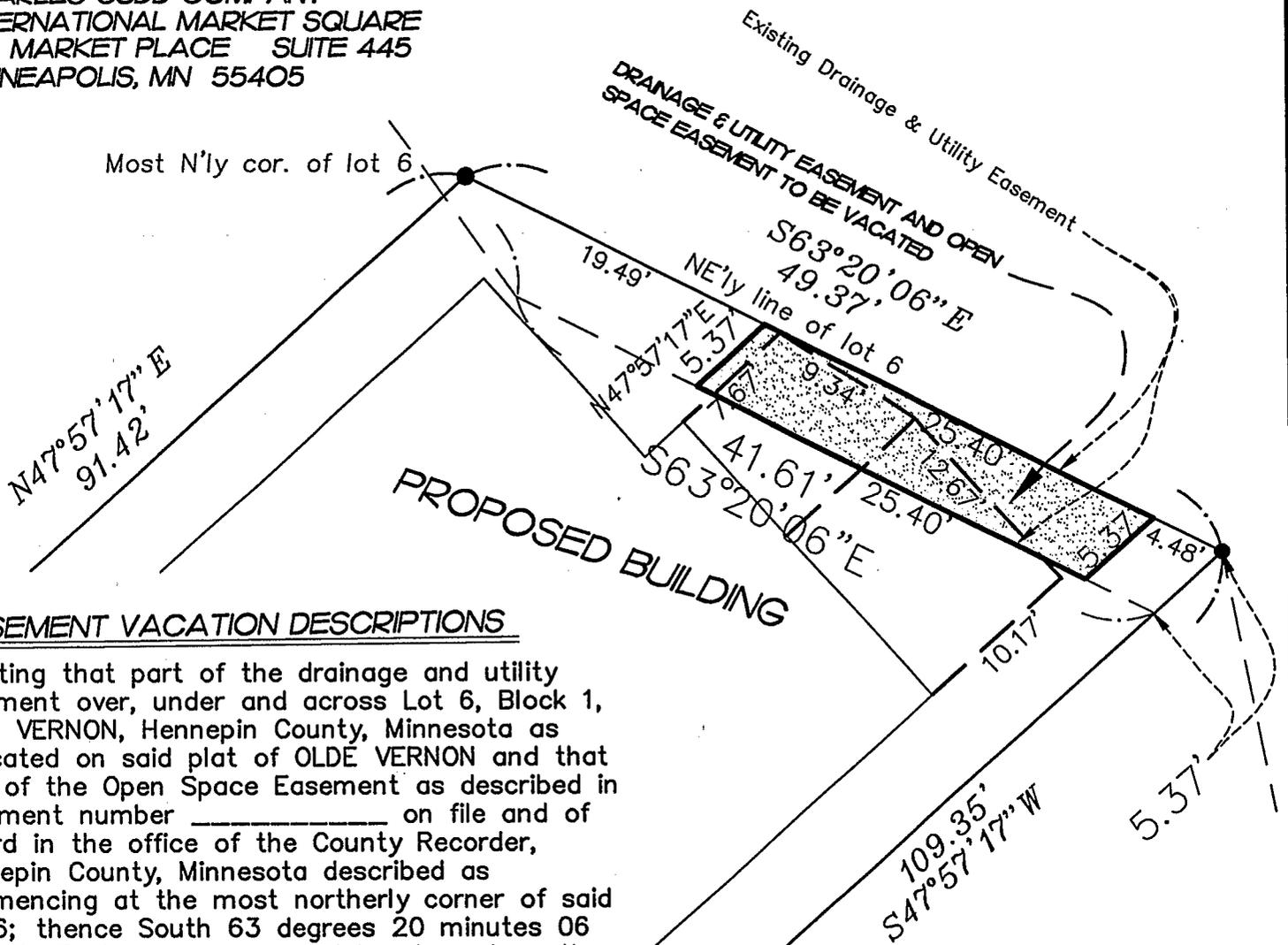
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1, OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number _____ on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLDE VERNON; thence North 63 degrees 20 minutes 06 second West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning.

NOTES:

- Denotes iron monument found
- Denotes iron monument set
- Bearings are assumed
- Denotes drainage and utility easement and open space easement to be vacated.

DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

By: [Signature]
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING
332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
Drawn By: RPA Disc No. _____

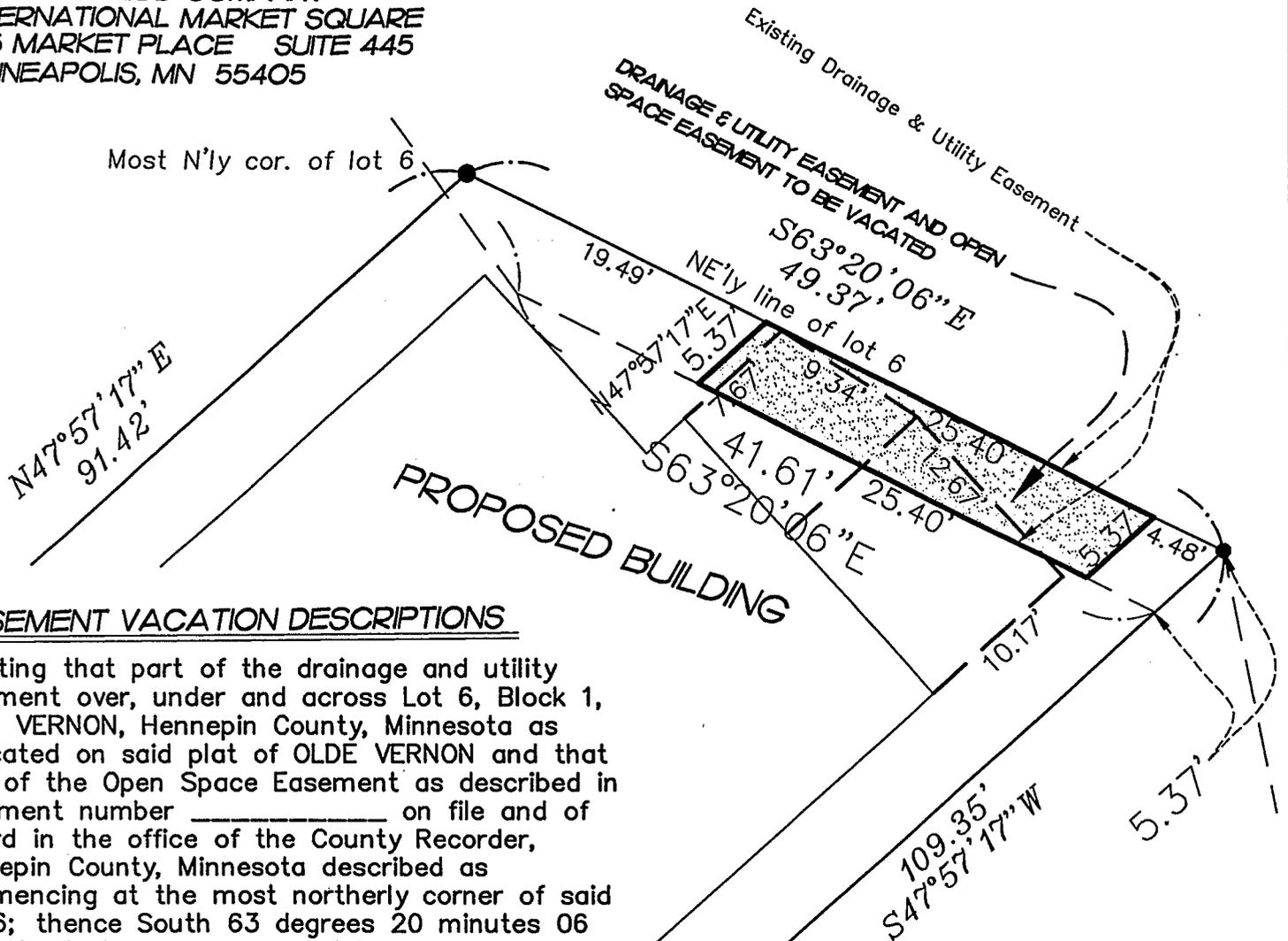
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



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By: [Signature]
Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING
332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
Drawn By: RPA Disc No. _____

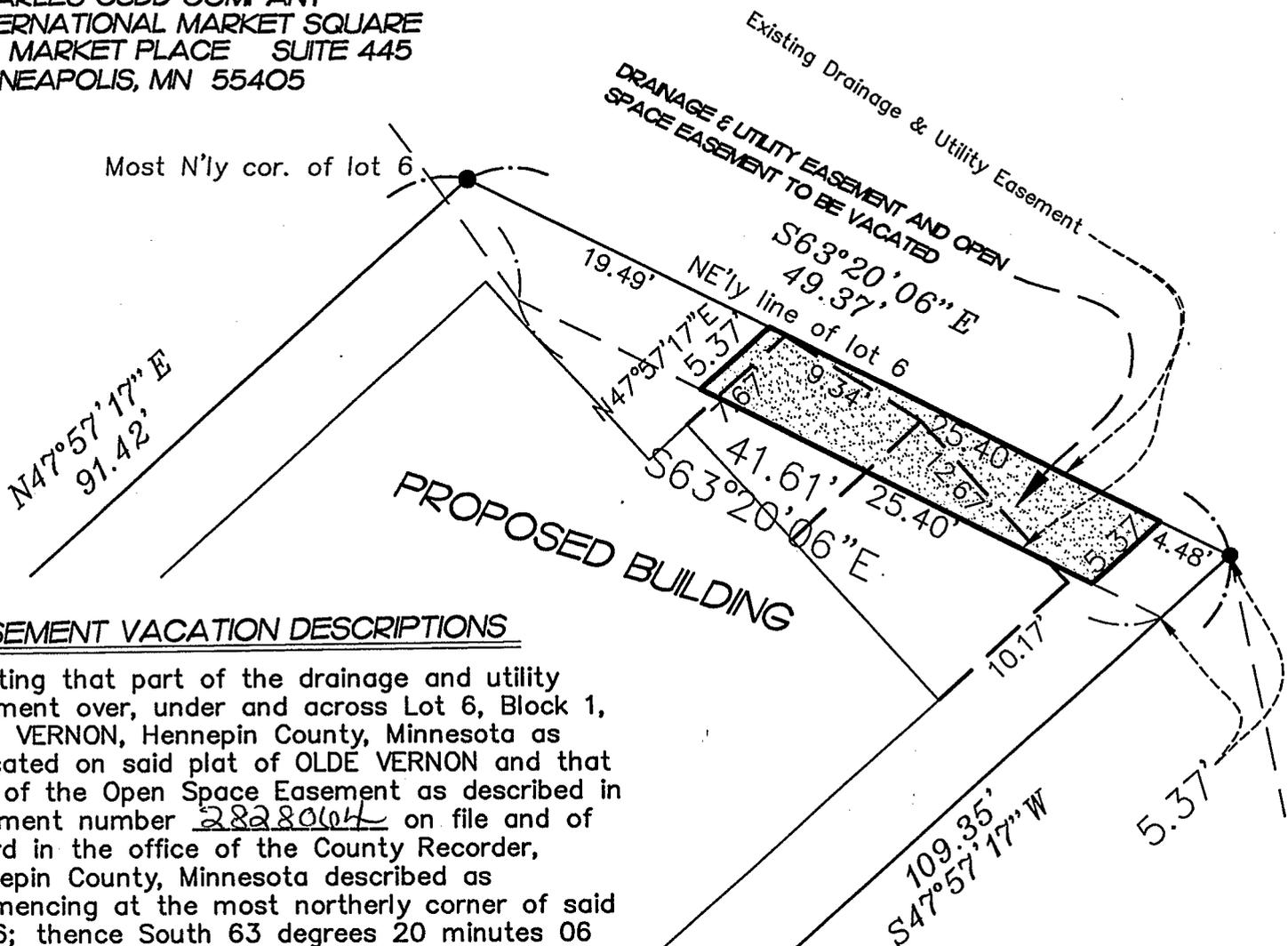
SKETCH AND DESCRIPTION



OF: PROPOSED EASEMENT REVISIONS

FOR:

CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE SUITE 445
MINNEAPOLIS, MN 55405



EASEMENT VACATION DESCRIPTIONS

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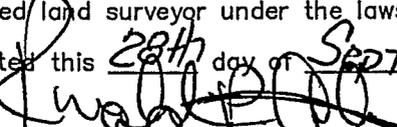
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- Bearings are assumed
-  Denotes drainage and utility easement and open space easement to be vacated.

DESCRIPTION: Lot 6, Block 1, OLDE VERNON, HENNEPIN County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 28th day of Sept., 1999

By:  Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING

332 COUNTY ROAD D
LITTLE CANADA, MN 55117
(651)766-0112 FAX: 766-0612

Job No. 170.012 Scale: 1"=20'
Drawn By: RPA Disc No. _____



September 13, 1999

Easements to be vacated across lot 6, block 1, Olde Vernon.

OPEN SPACE EASEMENT TO BE VACATED

That part of lot 6, block 1, Olde Vernon, according to the recorded plat thereof, Hennepin County, Minnesota which lies within a strip of land 50.00 feet in width which lies southerly of Vernon Avenue and the easterly line of said strip is described as

Commencing at the most northerly corner of Edina Highlands Lakeside Addition according to the recorded plat thereof, Hennepin County Minnesota; thence on an assumed bearing of South 54 degrees 50 minutes 17 seconds West along the northerly line of said Edina Highlands Lakeside Addition a distance of 228.30 feet; thence South 25 degrees 52 minutes 17 seconds West along the northerly line of said Edina Highlands Lakeside Addition a distance of 251.20 feet to the point of beginning of the line to be described; thence North 63 degrees 20 minutes 06 seconds West 48.15 feet; thence North 35 degrees 30 minutes 49 seconds West 72.67 feet; thence North 20 degree 53 minutes 21 seconds West 75.84 feet; thence North 08 degrees 28 minutes 46 seconds East 140.00 feet and said line there terminating, the side lines of said easement are to be lengthened or shortened to terminate on the northerly and southerly line of the above described property.

Also

DRAINAGE & UTILITY EASEMENTS TO BE VACATED

Vacating the drainage and utility easement over under and across said lot 6, block 1, Olde Vernon as dedicated in the said plat of Olde Vernon.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

METRO LAND SURVEYING & ENGINEERING, L.L.C.

Ronald P. Alwin, Land Surveyor
Minnesota Registration No. 17765

Sept. 13, 1999
Date

6. Review the school bus safety options with the Lochmere Terrace and Glasgow Drive residents prior to any construction of the West 78th Street right-of-way.
7. Evaluate the Gleason Road/West 78th Street signal warrants using projected DPS traffic being added to the system. If the projected DPS traffic potentially justifies a traffic signal, then complete signal justification report for MnDOT review.
8. Work with Kraus-Anderson (DPS contractor) to minimize construction traffic impact on Edina neighbors and roadways.

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

*FINAL DEVELOPMENT PLAN FOR EDINA PROPERTIES (3917-3929 WEST 50TH STREET) CONTINUED TO MAY 5, 1997 Motion made by Member Kelly and seconded by Member Maetzold to continue the final development plan for Edina Properties, 3917-3929 West 50th Street to May 5, 1997.

Motion carried on rollcall vote - five ayes.

cc 4/21/97
APPROVED FINAL REZONING R-1 SINGLE DWELLING UNIT DISTRICT TO PRD-1, PLANNED RESIDENCE DISTRICT AND FINAL PLAT APPROVED OLDE VERNON (SOUTH OF VERNON AVENUE AND EAST OF OLINGER ROAD) - PHILIP STEPHEN COMPANY Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen stated the City Council granted Preliminary Rezoning for a 26 unit townhouse development on this property October 7, 1996. The developer revised the plan and January 21, 1997, presented Council the revision depicting 26 detached units, whereas, the preliminary plan had illustrated all two unit buildings. The development plan continues the townhouse concept with individual ownership of house pads and common ownership of all other areas including the private road.

Planner Larsen noted the proposed Final Plans conform to all requirements of the Zoning and Subdivision Ordinances. The proposed landscaping plan exceeds ordinance requirements in both the size and amount of plantings. He pointed out the developer, in response to Council concern added on-street guest parking for 18 vehicles.

Planner Larsen reported the Planning Commission recommends Final Rezoning and Final Plat approval subject to:

1. Developers Agreement with security,
2. Landscaping Bond, and
3. Acceptance as Subdivision Dedication of a Conservation Restriction over all land within one hundred (100) feet of Hawkes Lake and over all land north and east of the lake.

Council briefly discussed various aspects of the proposed development including: the limited architectural styles, on street parking limited to the south side of the street and the final disposition of the property on the northwest portion of the site.

Phil Dommer, representing the developer briefly reviewed the architectural styles and exterior finishing materials proposed for the development. He explained the developer's hope that by limiting the designs and exterior finishes a harmonious feeling can be achieved throughout the development. Mr. Dommer agreed to place "No Parking" signs on the north side of the private street.

Member Kelly moved approval of First Reading and waiver of Second Reading of Ordinance No. 850 A-9 approving the rezoning of the property known as Olde Vernon:

ORDINANCE NO. 850-A9

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)
BY REZONING PROPERTY TO PLANNED RESIDENIAL DISTRICT 1 (PRD-1)
FROM SINGLE DWELLING DISTRICT (R-1)**

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

Section 1. Subsection 850.06 of Section 850 of the Edina City Code is amended by adding the following thereto:

“The extent of the Planned Residential District (PRD-1) is enlarged by the addition of the following property:

That part of the Southeast Quarter of the Northwest Quarter, Section 32, Township 117, Range, 21, Hennepin County, Minnesota, described as follows: Beginning at a point on the northerly line of EDINA HIGHLANDS LAKESIDE ADDITION distant 406.15 feet East along said northerly line from the west line of said Southeast Quarter of the Northwest Quarter, said northerly line is marked by Judicial Landmarks set pursuant to Torrens Case No. 14146; thence North, parallel with the west line of said Southeast Quarter of the Northwest Quarter, 107.25 feet; thence West, parallel with said northerly line, 406.15 feet to said West line; thence North along said West Line 144.86 feet, more or less to the center line of County Road No. 158; thence northeasterly along said center line to the East line of said Southeast Quarter of the Northwest Quarter; thence South along said East line to the most northerly corner of EDINA HIGHLANDS LAKESIDE ADDITION; thence southwesterly and westerly along the northerly line of said addition, which line was determined in Torrens Case No. 14146, to the point of beginning.

The extent of the Single Dwelling District (R-1) is reduced by removing the property described above from the R-1 District.”

Section 2. This ordinance shall be in full force and effect upon its passage and publication. Motion seconded by Member Hovland

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Ordinance adopted.

Member Kelly introduced the following resolution and moved its adoption with the three conditions as recommended by the Planning Commission:

**RESOLUTION APPROVING FINAL PLAT
FOR THE OLDE VERNON ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, “OLDE VERNON, platted by the Philip Stephen Companies, a Minnesota corporation and presented at the regular meeting of the City Council on April 21, 1997, be and is hereby granted final plat approval. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

AMENDED FINAL REZONING APPROVED - PRD-3, PLANNED RESIDENCE DISTRICT TO PRD-4 PLANNED RESIDENCE DISTRICT (5120 AND 5124 FRANCE AVENUE) - HANS KUHLMAN Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
AMENDMENT TO CONSERVATION RESTRICTION AND
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
5811 VERNON LANE
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on November 1, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

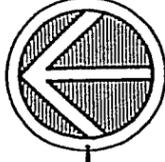
Vacating that part of the drainage and utility easement over, under and across Lot 6, Block 1 OLDE VERNON, Hennepin County, Minnesota as dedicated on said plat of OLDE VERNON and that part of the Open Space Easement as described in document number 2828064 on file and of record in the office of the County Recorder, Hennepin County, Minnesota described as commencing at the most northerly corner of said Lot 6; thence South 63 degrees 20 minutes 06 seconds East, on an assumed bearing, along the northeasterly line of said Lot 6 a distance of 19.49 feet to the point of beginning; thence continuing South 63 degrees 20 minutes 06 seconds East along said northeasterly line a distance of 25.40 feet; thence South 47 degrees 57 minutes 17 seconds West a distance of 5.37 feet to the southwesterly line of the drainage and utility easement as dedicated in said plat of OLD VERNON; thence North 63 degrees 20 minutes 06 seconds West, along said southwesterly line a distance of 25.40 feet; thence North 47 degrees 57 minutes 17 seconds East a distance of 5.37 feet to the point of beginning

All persons who desire to be heard with respect to the question of whether or not the 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 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 such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk
Dated: September 30, 1999

CERTIFICATE OF SURVEY



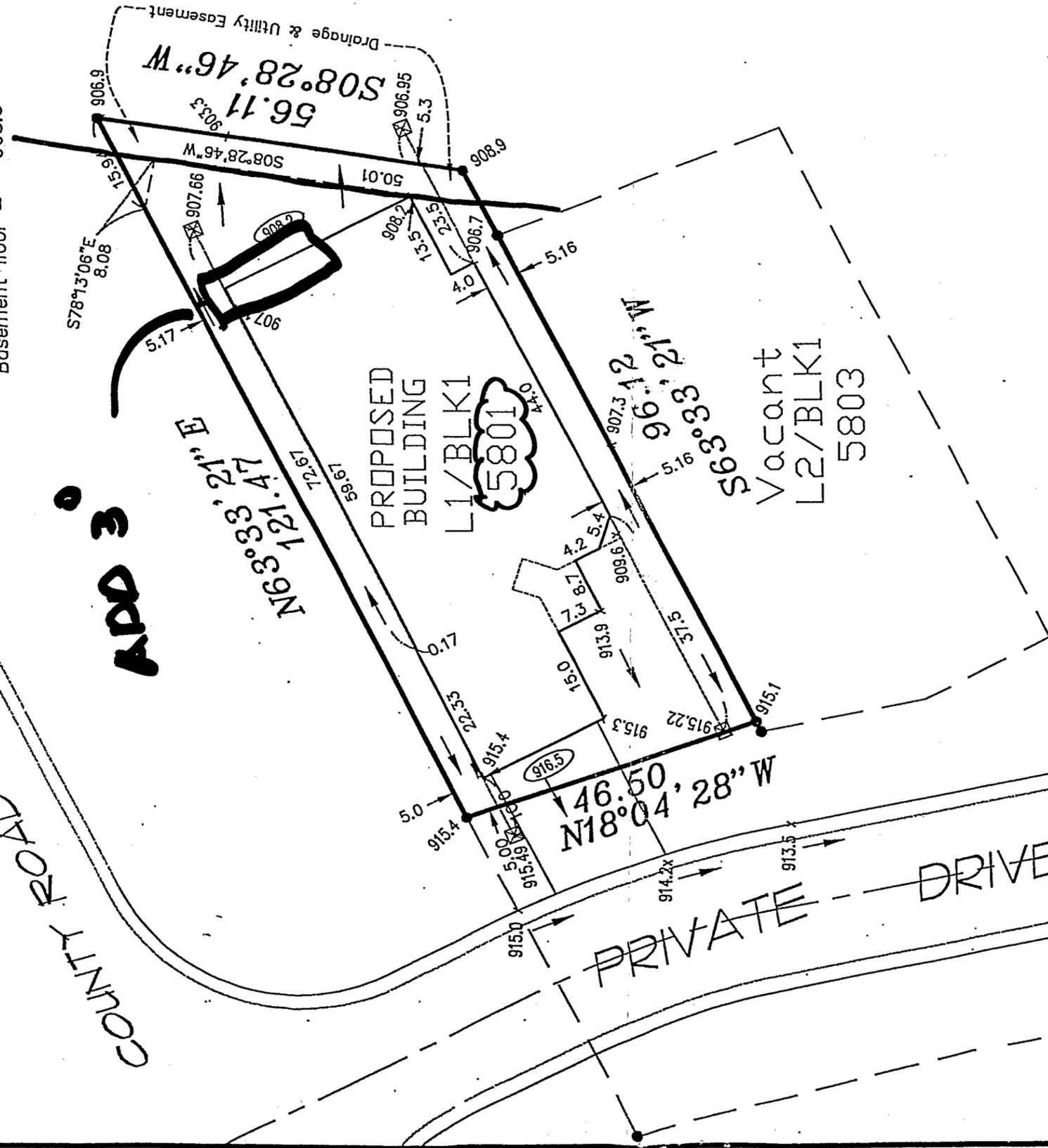
FOR: CHARLES CUDD COMPANY
INTERNATIONAL MARKET SQUARE
275 MARKET PLACE
MINNEAPOLIS, MN 55405

VERNON AVENUE

PROPOSED BUILDING ELEVATIONS:
Top of block = 917.5 (9ft. poured walls)
Garage floor = 916.8
Basement floor = 908.5

COUNTY ROAD 158

ADD 3
N63°03'33.21"E
121.47
7.21
38.19



PROPOSED BUILDING
L1/BLK1
5801

Vacant
L2/BLK1
5803

NOTES:

- Denotes iron monument found
 - Denotes iron monument set
 - ⊠ Denotes 10 ft. offset hub
 - ↖ Denotes direction of proposed surface drainage.
 - ⊙(935.0) Denotes proposed elevation
 - ⊙(935.0) Denotes existing elevation
 - NGVD Vertical Datum
 - Bearings are assumed
- Diagonal: 35.84 x 105.00 = 110.95 4

DESCRIPTION: Lot 1, Block 1, OLDE VERNON, Hennepin County, Minnesota.

METRO LAND SURVEYING & ENGINEERING

312 COUNTY ROAD D
LITTLE CANADA, MINNESOTA 55117
TEL (651) 766-012 FAX 766-062 EMAIL: survey@metropls.com

Job No. 170.015 Scale: 1"=20'
Drawn by: TMH Disc No. _____

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 9th day of Sept 1999

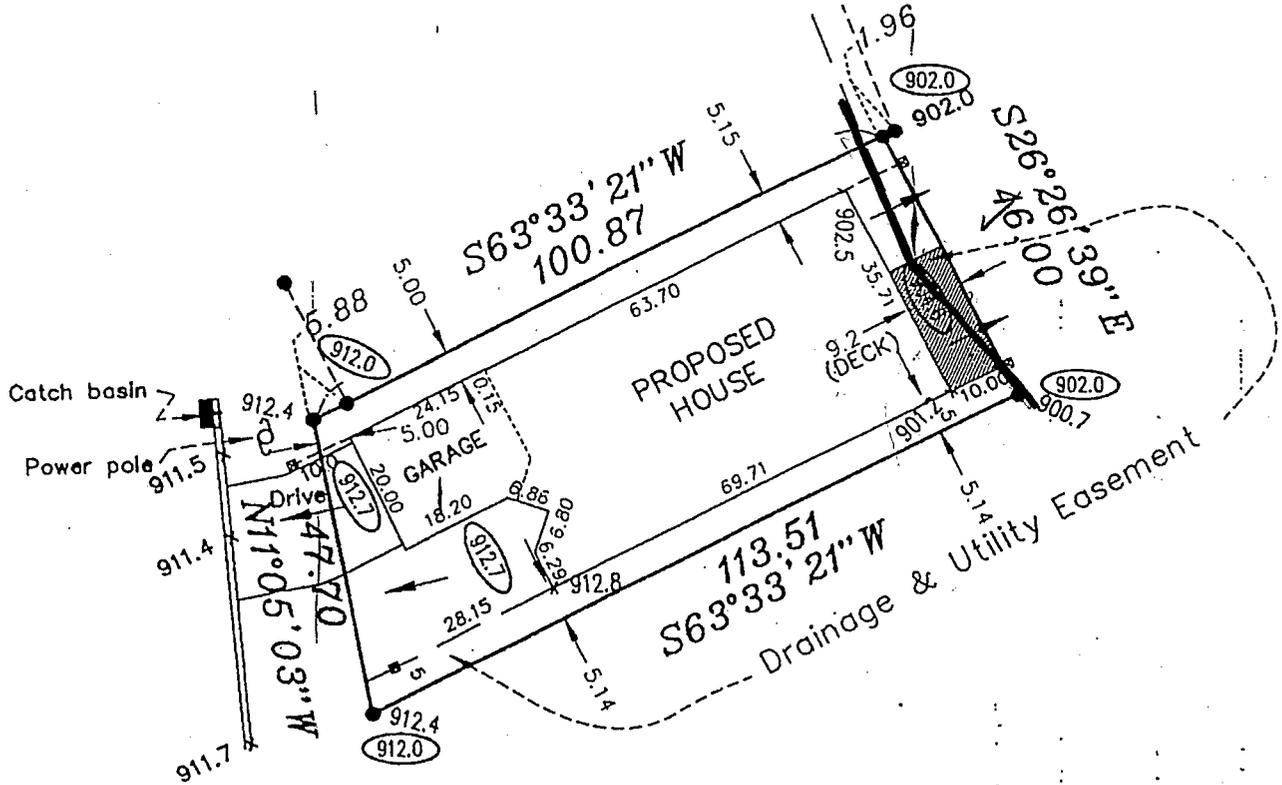
By: *[Signature]*
Surveyor, Minnesota License No. 17765

CERTIFICATE OF SURVEY



FOR: CHARLES CUDD COMPANY
 5807 WOODDALE DRIVE
 WOODBURY, MN. 55125

PRIVATE DRIVE



NOTES:

- Denotes iron monument set
- Denotes iron monument found
- Denotes offset pipe
- ↖ Denotes direction of proposed surface drainage.

○935.0 Denotes proposed elevation
 x 935.0 Denotes existing elevation

NGVD Vertical Datum
 Bearings are assumed

Diagonal: $35.86 \times 107.86 = 113.66$

PROPOSED BUILDING ELEVATIONS:

Top of block =	913.7
Garage floor =	913.0
Basement floor =	904.8

DESCRIPTION: Lot 4, Block 1, OLDE VERNON, Hennepin County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 12th day of October, 1998

By: [Signature]
 Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING
 332 COUNTY ROAD D
 LITTLE CANADA, MN 55117
 (612)766-0112 FAX: 766-0612

Job No. 170.007 Scale: 1"=30'
 Drawn By: TMH Disc No. _____

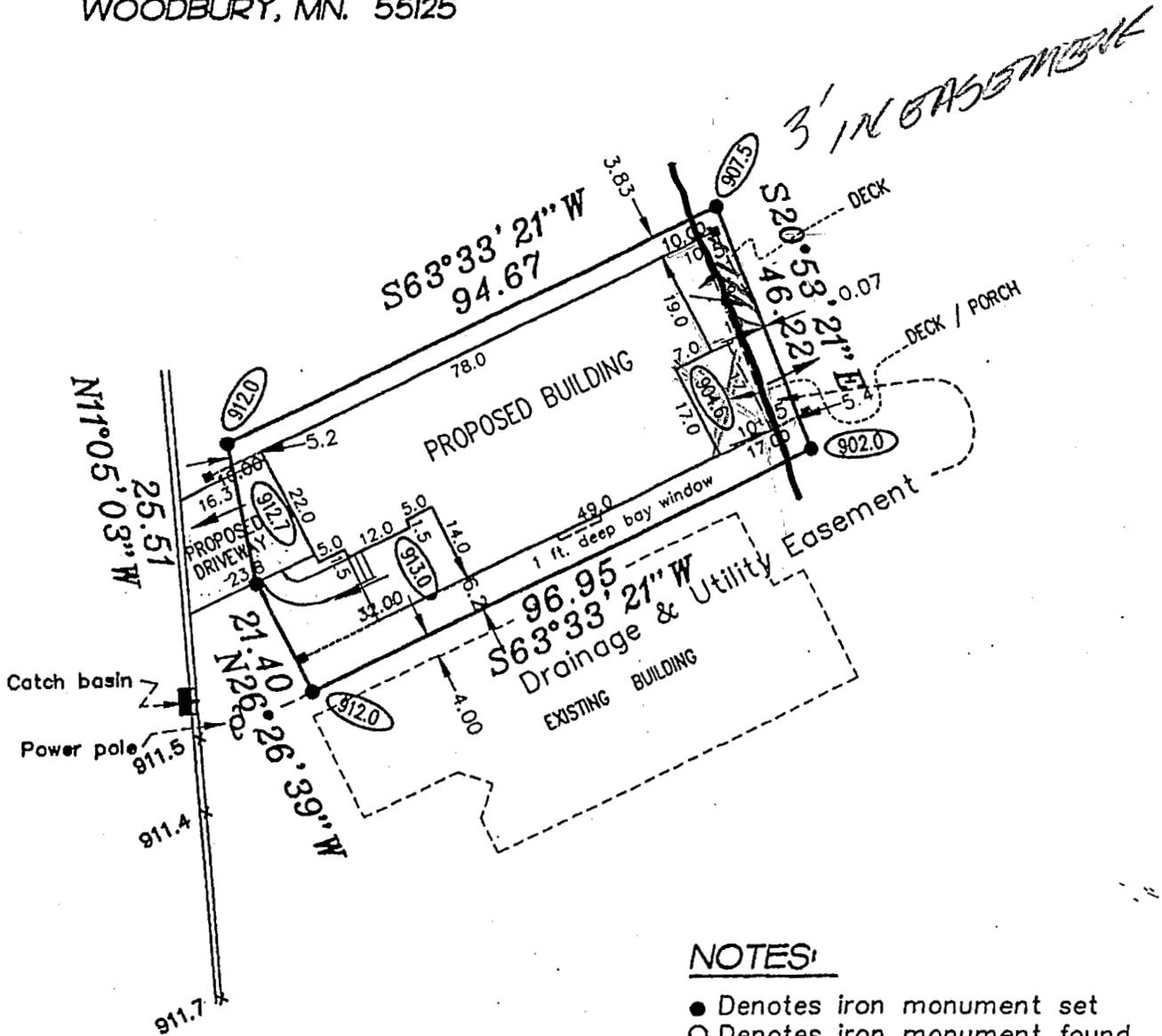
5807 VERNON LAND

CERTIFICATE OF SURVEY



FOR: CHARLES CUDD COMPANY
 5807 WOODDALE DRIVE
 WOODBURY, MN. 55125

PRIVATE DRIVE



PROPOSED BUILDING ELEVATIONS:

Top of block = 913.7
 Garage floor = 913.0
 Basement floor = 904.8

NOTES:

- Denotes iron monument set
- Denotes iron monument found
- Denotes offset pipe
- ↔ Denotes direction of proposed surface drainage.
- 935.0 Denotes proposed elevation
- x 935.0 Denotes existing elevation
- NGVD Vertical Datum
- Bearings are assumed
- Diagonal: $36.00 \times 98.00 = 104.40$

DESCRIPTION: Lot 3, Block 1, OLDE VERNON, Hennepin County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 31st day of August, 1998

By: [Signature]
 Surveyor, Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING
 332 COUNTY ROAD D
 LITTLE CANADA, MN 55117
 (651)766-0112 FAX: 766-0612

Job No. 170.008 Scale: 1"=30'
 Drawn By: RPA Disc No. _____

5807 WOODDALE LN

Minutes/Edina City Council/November 16, 1998

Member Hovland asked if the affected property owners had been notified. Engineer Hoffman replied that the two parties considered to benefit from the improvement had received notice as required by statute.

Mayor Smith called for public comment. No one appeared.

Member Hovland introduced the following resolution and moved its adoption:

**RESOLUTION LEVYING SPECIAL ASSESSMENTS
TRAFFIC SIGNAL IMPROVEMENT NO. TS-24**

WHEREAS, pursuant to proper notice duly given as required by law, the Edina City Council has met and heard and passed upon all written and oral objections to the proposed assessments for the improvements listed below:

Traffic Signal Improvement No. TS-24

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

1. Each assessment as set forth in the assessment rolls on file in the office of the City Clerk for the aforementioned improvement is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessment levied against it.

2. The assessments shall be payable in equal installments, the first of said installments, together with interest at a rate of seven and one half percent per annum, on the entire assessment from the date hereof to December 31, 1999, to be payable with the general taxes for the year 1999. To each subsequent installment shall be added interest at the above rate for one year on all then unpaid installments. The number of such annual installments shall be as follows:

<u>NAME OF IMPROVEMENT</u>	<u>NO. OF INSTALLMENTS</u>
Traffic Signal Improvement No. TS-24	10 years

3. The owner of any property so assessed may, at any time prior to certification of assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution and they may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

4. The clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 16th day of November, 1998. Member Maetzold seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

REQUEST FOR AMENDMENT TO FINAL DEVELOPMENT PLAN DENIED Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen noted the City Council approved Final Rezoning, R-1 to PRD-3, and granted Final Plat approval for Olde Vernon on April 27, 1997. The approved plan illustrated 26 detached townhouses on the 9.1 acre site. He stated development has begun with the construction and installation of improvements including utilities and a private street serving the 26 units. To date two units are complete and permits have been issued for two other units.

The owner, Leo Evans has now requested to modify the approved Overall Development Plan and Plat. The modification would affect the far westerly portion of the development near the intersection of Vernon Avenue and Olinger Road. The request would add two units to the plan that now illustrates three units. The two additional units would not access the private street serving the rest of Olde Vernon, but would access Olinger Road.

Planner Larsen reminded Council the original development request was for a 34-unit townhouse development. Ultimately after hearings, 26 units were approved. Density of the development was a key issue in the original approval. Planner Larsen stated staff could find no change in area conditions that warranted reconsideration of the approved plan. He concluded that the Planning Commission recommended denial of the Amendment to the Final Development Plan for Olde Vernon.

Member Maetzold asked if the requested amendment required any variance. Planner Larsen stated the amendment would not require any variances from the Council.

Proponent Presentation

Steve Johnston, Landmark Engineering appeared representing the owner, Leo Evans. Mr. Johnston submitted a written document stating the background, proposal and owner's justification as follows:

Background:

- Original proposal of 34 units met ordinance;
- Reduced by City Council to 26 units;
- Preliminary approval 10/7/96;

Proposal:

- To amend PUD to add two additional units at the corner of Olinger and Vernon

Justification:

- Discovery of dumpsite that cost landowner \$360,000 to clean up. Landowner did not create dump, but was obligated to complete clean up.
- Completion of site improvements gives a better perspective on project to neighbors. The developer and builder have exceeded all promises made.
- Limited impact on adjacent properties. Only impacts Wagner property, which will likely be subject to future redevelopment. The Merold Drive neighborhood will not be impacted in any way.
- This is buildable property in a community without developable land, which creates tax base and provides additional life cycle housing opportunities for residents.
- Proposed density is comparable to similarly zoned property within the city.
- Increased density of project (7%) would be imperceptible.

Minutes/Edina City Council/November 16, 1998

Randall Holbrook, attorney for Leo Evans, asked the Council to look at the impact of what will happen if the amendment is not approved leaving, in his opinion, two lots unproductive. Mr. Holbrook added there is ample open space in the remaining development.

Public Comment

Dennis Wagner, 5705 Olinger Road, stated he personally told Mr. Evans about the dump site on the property during the 1980's.

Council Discussion/Comment

Mayor Smith commented that Mr. Johnston's presentation presumes the Council knew the cost of the development before arriving at the 26 units approved. He stated the cost was not known by the Council when reviewing the proposed development. Mayor Smith reminded that density was a huge issue and he recalled the Council arrived at the 26 units based upon impact on the neighbors to the development. Mayor Smith added the developers designed the subdivision at their discretion, noting it could have been designed differently and perhaps supported a different density. Therefore, he would not support any amendment to the plan.

Member Kelly questioned why the "dump site" was not discovered during the Phase One development. Member Kelly's also stated that Open Space is never unproductive or useless. Mr. Johnston explained the dump is six inch layer over a large portion of site.

Member Faust stated she lived across Vernon from the property for many years and in her opinion Mr. Evans should have known about the dump. Member Faust added she thought the unit's price had been substantially increased to compensate for the dump. Mr. Johnston acknowledged the prices had increased.

Member Maetzold said he does not support the amendment. He told the developer that nothing new has been presented that indicates the need to reconsider the density.

Member Hovland recalled this was one of the first developments brought before the Council after his appointment in 1997. He remembered Mr. Phil Dommer working extensively with the neighborhood to arrive at the approved plan. Member Hovland stated in his opinion, the approved plan should be left alone and not changed.

Member Faust made a motion, seconded by Member Hovland, to deny the request for amendment to the Final Development Plan adding two units to the Olde Vernon development located near Vernon Avenue and Olinger Road.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

FINAL PLAT APPROVAL - 7459 FRANCE AVENUE SOUTH (PARKLAWN PARTNERS)

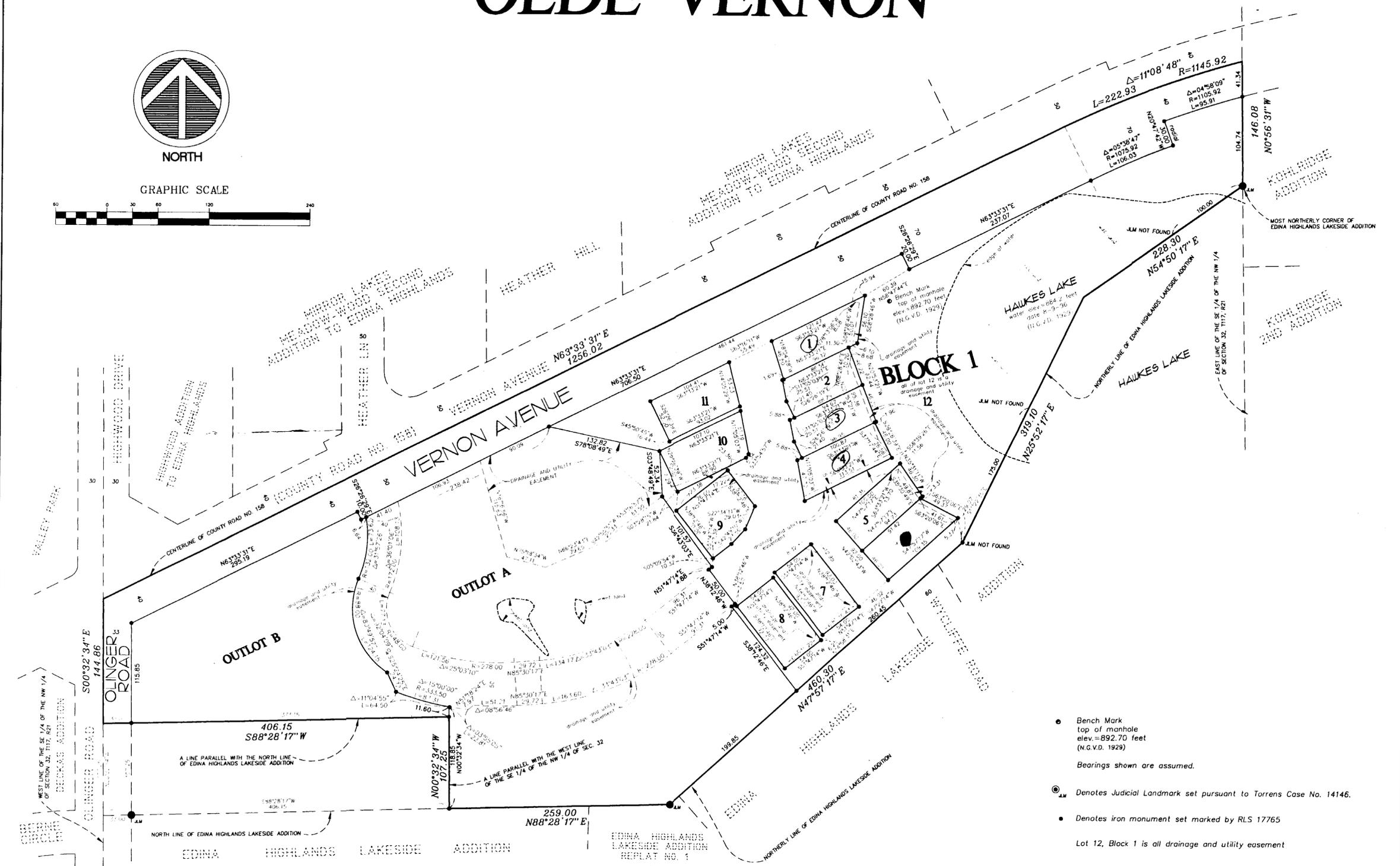
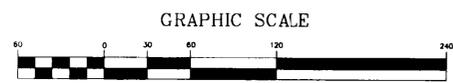
Affidavits of Notice were presented, approved and ordered placed on file.

OLDE VERNON

R.T. DOC. NO.



NORTH



- Bench Mark
top of manhole
elev.=892.70 feet
(N.G.V.D. 1929)
 - J.M. Denotes Judicial Landmark set pursuant to Torrens Case No. 14146.
 - Denotes iron monument set marked by RLS 17765
- Bearings shown are assumed.
- Lot 12, Block 1 is all drainage and utility easement

METRO LAND SURVEYING

*5801 IN PROGRESS just Foundation - ✓ plans

5803

*5805 BNL. 3' w/ deck

*5807 BNL. w/ deck

5809

*5811