

7/18/94 VACATION OF ST. SEWER EASEMENT
Lot 15, Blk 1 Southdale First
Addn. (6900 Cornelia Dr)

VAC 71894

7-18-94 Public Hwy

1994 AND PRIOR TAXES PAID
TAXPAYER SERVICES
TRANSFER ENTERED

Rec'd 2-14-95
from Dorsey + Whitney

JAN 18 1995

AGREEMENT
(Use of Utility Easement)

HENNEPIN COUNTY MINN.
[Signature]
DEPUTY

5 THIS AGREEMENT made and entered into this 6th day of January, 1994, by and between CITY OF EDINA, a Minnesota municipal corporation (hereinafter called "City"), and ROLLIN J. COLE and EDITH B. COLE (hereinafter called "Owner," whether one or more).

WITNESSETH, THAT:

WHEREAS, Owner is the owner of the property situated in Edina, Hennepin County, Minnesota, described on Exhibit A attached hereto (hereinafter called "Subject Property"); and

WHEREAS, the southwesterly 10 feet of the Subject Property (the "Easement Area") is subject to a dedicated storm sewer easement now of record in favor of the City (hereinafter called the "Easement"); and

WHEREAS, a garage has been constructed (hereinafter called the "Garage") under, on and over the Easement Area, and a sketch showing the approximate location of the Garage is attached as Exhibit B hereto; and

WHEREAS, such use of the Easement Area is not allowed without the City's consent; and

WHEREAS, the Owner has requested agreement of the City to allow the Garage to remain under, upon and over the Easement Area; and

WHEREAS, the City is willing to allow the Onwer to so use the Easement Area on the terms and conditions hereinafter set out.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set out, and, as to the Owner, in consideration of the rights of the Easement Area granted to the Owner by the City, the parties hereto do hereby agree as follows:

1. The City hereby grants to the Owner the right to maintain and use the Garage under, upon and over the Easement Area as presently situated, and in the event the Garage is ever damaged or destroyed to rebuild the Garage in its present location.
2. The rights hereby granted to the Owner shall not affect any rights of the City to occupy, use, maintain, construct, reconstruct, repair, and replace any and all of its pipes, lines, utilities, and other facilities now or hereafter on, over, or under the Easement Area (hereinafter called "City Facilities"). The City shall have full

access at all times on and over the Easement Area with such personnel and equipment as it deems necessary for the doing of any work it deems necessary to construct, reconstruct, maintain, repair, and replace any or all of the City Facilities (hereinafter called "City Work").

3. The Owner shall use all due care in doing any repair or alteration of the Garage (hereinafter called "Owner Work") to prevent damage to any of the City Facilities and to prevent interruption of service provided by the City Facilities. The Owner agrees to report immediately to the City any damage to or interruption of service provided by any of the City Facilities caused by any Owner Work. The Owner agrees that it will indemnify and hold harmless the City from and against any and all loss, cost, damage, and expense, including reasonable attorneys' fees, incurred in repairing any of the City Facilities damaged by Owner Work. The Owner further agrees to pay any costs and expenses required to be paid by the Owner to the City under this Agreement within ten (10) days after receipt of a statement from the City setting forth such costs and expenses, and if not paid within said 10-day period, the amount of such statement shall bear interest at ten (10%) percent per annum from the end of said 10-day period until paid, and the Owner also agrees to pay all costs of collection, including reasonable attorneys' fees, whether suit be brought or not, and interest at the highest rate then allowed by law, or, if no maximum rate is applicable, then at the rate of twelve (12%) percent per annum on all such costs from the date incurred until paid.

4. If any term, condition, or provision of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, provision, and condition to persons or circumstances other than those at to whom it shall be held invalid or unenforceable shall not be affected thereby, and this agreement, and all the terms, provisions, and conditions hereof, shall, in all other respects, continue to be effective and to be complied with to the full extent permitted by law.

5. All notices, reports, or demands required or permitted to be given under this Agreement shall be in writing and shall be deemed to be given when delivered personally to any officer of the party to which notice is being given, or when deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the parties at the following addresses:

To City:

4801 West 50th Street
Edina, Minnesota 55424
Attention: City Manager

To Owner:

6900 Cornelia Drive
Edina, Minnesota 55436

Such addresses may be changed by either party upon notice to the other party given as herein provided.

6. The terms and provisions hereof shall be binding upon the parties hereto, and their respective successors and assigns, and shall run with the title to the Subject Property and Easement Area, and be binding upon all present and future owners of the Subject Property and all present and future holders of the rights of the City under the Easement and this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed the day and year first above written.

CITY OF EDINA

By Edith B. Cole
Its Mayor

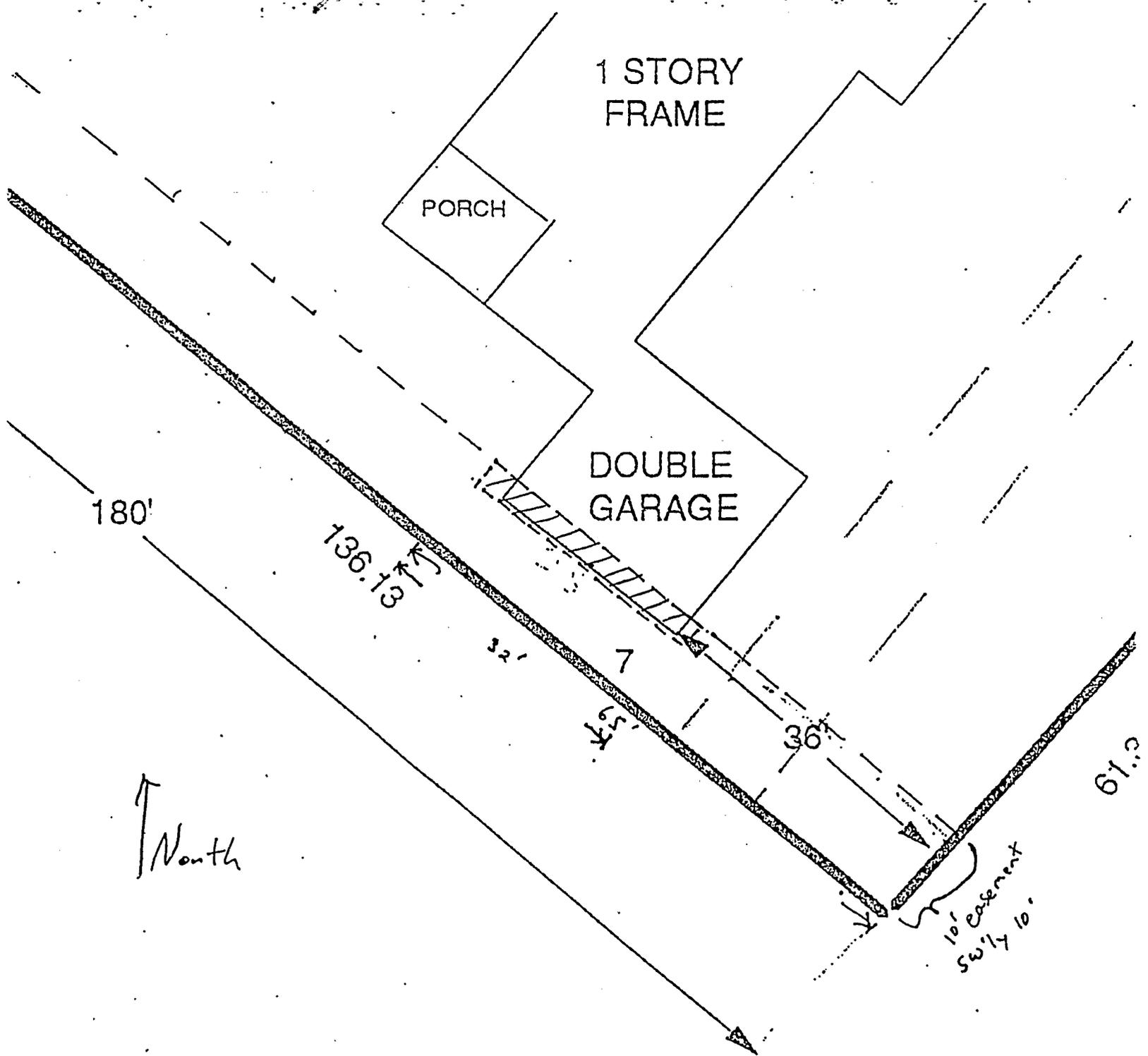
And K. E. Rosh
Its Manager

Edith B. Cole
Edith B. Cole

Rollin J. Cole
Rollin J. Cole

EXHIBIT A

Lot 15, Block 1, SOUTHDALE FIRST ADDITION,
Hennepin County, Minnesota.



COPY

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

JAN 25 1995

R. A. Carlson

4pm

BY _____ REGISTRAR OF TITLES
DEPUTY

*Returns to: Matt Allen
Blasing & Whitney P.L.L.P.*

MESSAGE

FOR _____

DATE 1/9/95 TIME _____

_____ Mary Knoepfler

of Bishop title

PHONE 831-8586

Telephoned		Returned your call	
Please call		Stopped to see you	
Will call again		Wants to see you	

MESSAGE Re - 6900 Cornelia Dr.

- Call her when recorded

+ send her copy of

document

January 16, 1995

Dear Marcella:

I think I received the original of this letter in error. Could you please send me a copy of the agreement signed by the owners and City of Edina, so I can determine if it meets the requirements of our escrow agreement.

*Thank you —
Mary Knoepfler*

*1/18/95 Copy of
Agreement mailed.*

January 12, 1995

Jerome P. Gilligan
Dorsey & Whitney
220 South 6th Street
Minneapolis MN 55402-1498

Re: Lot 15, Block 1, SOUTHDALE FIRST ADDITION
(6900 Cornelia Drive)
Agreement for Use of Utility Easement

Dear Jerry:

As you are aware, the property owner of 6900 Cornelia Drive had petitioned the Council to vacate a portion of the storm sewer easement on the property in order to clear the title because part of the dwelling encroached on the easement.

The hearing on the petition was held on July 18, 1994, and you had advised the Council not to vacate any portion of the easement but in lieu thereof to execute an agreement between the City and the property owner for use of the utility easement.

That agreement has now been signed by the owner and the City and two signed copies are enclosed. Please have the document entered in the transfer record of the County Auditor and filed with the County Recorder and then return the recorded document to me for the City's files.

Sincerely yours,

Marcella M. Daehn
City Clerk

enclosures (2)

cc: Edith B. Cole, Owner
6900 Cornelia Drive

bcc: Mary Knoepfler
Bishop Title, Inc.
5270 W. 84th Street
Bloomington MN 55437

Copy

AGREEMENT
(Use of Utility Easement)

THIS AGREEMENT made and entered into this 6th day of January, 1994, by and between CITY OF EDINA, a Minnesota municipal corporation (hereinafter called "City"), and ROLLIN J. COLE and EDITH B. COLE (hereinafter called "Owner," whether one or more).

WITNESSETH, THAT:

WHEREAS, Owner is the owner of the property situated in Edina, Hennepin County, Minnesota, described on Exhibit A attached hereto (hereinafter called "Subject Property"); and

WHEREAS, the southwesterly 10 feet of the Subject Property (the "Easement Area") is subject to a dedicated storm sewer easement now of record in favor of the City (hereinafter called the "Easement"); and

WHEREAS, a garage has been constructed (hereinafter called the "Garage") under, on and over the Easement Area, and a sketch showing the approximate location of the Garage is attached as Exhibit B hereto; and

WHEREAS, such use of the Easement Area is not allowed without the City's consent; and

WHEREAS, the Owner has requested agreement of the City to allow the Garage to remain under, upon and over the Easement Area; and

WHEREAS, the City is willing to allow the Owner to so use the Easement Area on the terms and conditions hereinafter set out.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set out, and, as to the Owner, in consideration of the rights of the Easement Area granted to the Owner by the City, the parties hereto do hereby agree as follows:

1. The City hereby grants to the Owner the right to maintain and use the Garage under, upon and over the Easement Area as presently situated, and in the event the Garage is ever damaged or destroyed to rebuild the Garage in its present location.

2. The rights hereby granted to the Owner shall not affect any rights of the City to occupy, use, maintain, construct, reconstruct, repair, and replace any and all of its pipes, lines, utilities, and other facilities now or hereafter on, over, or under the Easement Area (hereinafter called "City Facilities"). The City shall have full

access at all times on and over the Easement Area with such personnel and equipment as it deems necessary for the doing of any work it deems necessary to construct, reconstruct, maintain, repair, and replace any or all of the City Facilities (hereinafter called "City Work").

3. The Owner shall use all due care in doing any repair or alteration of the Garage (hereinafter called "Owner Work") to prevent damage to any of the City Facilities and to prevent interruption of service provided by the City Facilities. The Owner agrees to report immediately to the City any damage to or interruption of service provided by any of the City Facilities caused by any Owner Work. The Owner agrees that it will indemnify and hold harmless the City from and against any and all loss, cost, damage, and expense, including reasonable attorneys' fees, incurred in repairing any of the City Facilities damaged by Owner Work. The Owner further agrees to pay any costs and expenses required to be paid by the Owner to the City under this Agreement within ten (10) days after receipt of a statement from the City setting forth such costs and expenses, and if not paid within said 10-day period, the amount of such statement shall bear interest at ten (10%) percent per annum from the end of said 10-day period until paid, and the Owner also agrees to pay all costs of collection, including reasonable attorneys' fees, whether suit be brought or not, and interest at the highest rate then allowed by law, or, if no maximum rate is applicable, then at the rate of twelve (12%) percent per annum on all such costs from the date incurred until paid.

4. If any term, condition, or provision of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, provision, and condition to persons or circumstances other than those at to whom it shall be held invalid or unenforceable shall not be affected thereby, and this agreement, and all the terms, provisions, and conditions hereof, shall, in all other respects, continue to be effective and to be complied with to the full extent permitted by law.

5. All notices, reports, or demands required or permitted to be given under this Agreement shall be in writing and shall be deemed to be given when delivered personally to any officer of the party to which notice is being given, or when deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the parties at the following addresses:

To City:

4801 West 50th Street
Edina, Minnesota 55424
Attention: City Manager

To Owner:

6900 Cornelia Drive
Edina, Minnesota 55436

Such addresses may be changed by either party upon notice to the other party given as herein provided.

6. The terms and provisions hereof shall be binding upon the parties hereto, and their respective successors and assigns, and shall run with the title to the Subject Property and Easement Area, and be binding upon all present and future owners of the Subject Property and all present and future holders of the rights of the City under the Easement and this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed the day and year first above written.

CITY OF EDINA

By Leola S. Mink
Its Mayor

And K. E. Rosh
Its Manager

Edith B. Cole
Edith B. Cole

Rollin J. Cole
Rollin J. Cole

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 6th day of January, 1994, by Frederick S. Richards and Kenneth E. Rosland, the Mayor and City Manager, respectively, of the City of Edina, a Minnesota municipal corporation, on behalf of the corporation.



Marcella M. Daehn
Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 6th day of January, 1994, by Rollin J. Cole and Edith B. Cole, husband and wife.



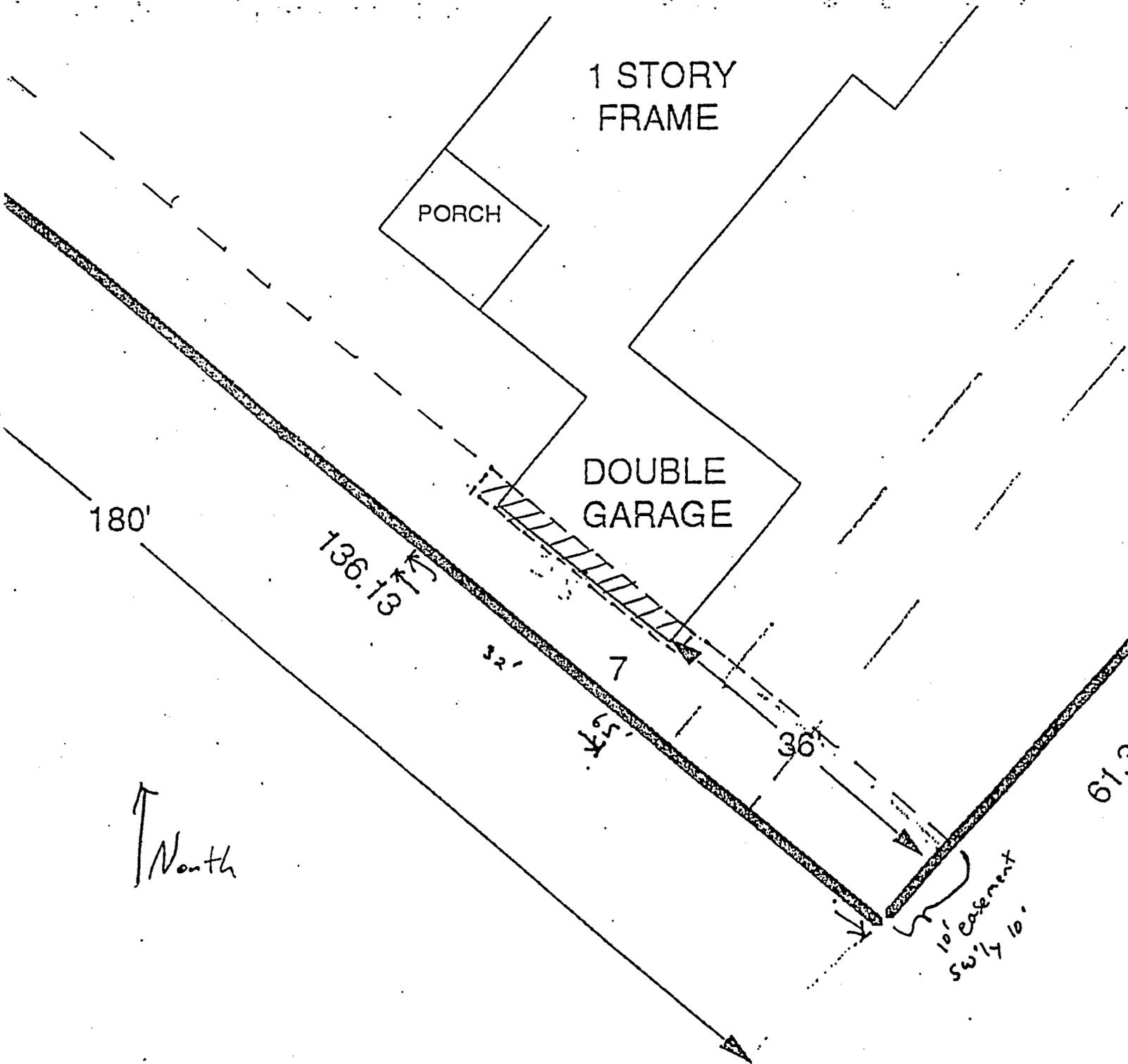
Marcella M. Daehn
Notary Public

THIS INSTRUMENT IS EXEMPT FROM STATE DEED TAX.

Drafted by:
DORSEY & WHITNEY
220 South Sixth Street
Minneapolis, Minnesota 55402

EXHIBIT A

Lot 15, Block 1, SOUTHDALE FIRST ADDITION,
Hennepin County, Minnesota.



1 STORY
FRAME

PORCH

DOUBLE
GARAGE

180'

136.13

32'

7

36'

36'

61.0

North

10' Easement
SW 1/4 10''

DRAFT

AGENDA
EDINA HOUSING AND REDEVELOPMENT AUTHORITY
EDINA CITY COUNCIL
OCTOBER 16, 1995
7:00 P.M.

DRAFT

ROLLCALL

ADOPTION OF CONSENT AGENDA - Adoption of the Consent Agenda is made by the Commissioners as to HRA items and by the Council Members as to Council items. All agenda items marked with an asterisk (*) and in bold print are Consent Agenda items and are considered to be routine and will be enacted by one motion. There will be no separate discussion of such items unless a Commissioner or Council Member or citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence of the Agenda.

- I. APPROVAL OF MINUTES of HRA Meeting of October 2, 1995
- II. PAYMENT OF HRA CLAIMS as pre-list dated _____ Total \$_____.
- III. ADJOURNMENT

EDINA CITY COUNCIL

- I. APPROVAL OF MINUTES - Regular Meeting of October 2, 1995
- II. PUBLIC HEARINGS AND REPORTS ON PLANNING MATTERS - Affidavits of Notice by Clerk. Presentation by Planner. Public comment heard. Motion to close hearing. Zoning Ordinance: First and Second Readings require 4/5 favorable rollcall vote of all members of Council to pass. Waiver of Second Reading: 4/5 favorable rollcall of all members of Council required to pass. Final Development Plan Approval of Property Zoned Planning District: 3/5 favorable rollcall vote required to pass. Conditional Use Permit: 3/5 favorable rollcall vote required to pass.

Single Dwelling to Planned Office District

- A. Rezoning from ~~RT~~ to POD, ^{Lot 5} Especially for Children, 5015 West 70th Street continued from September 18, 1995.
- B. - Cabin Move - Mirror Oaks Addition.
- C. Preliminary Plat, Kunz Oil and Lewis Engineering Company, 5200 Eden Circle and 5229 Eden Avenue.
- D. Final Development Plan, Kunz Oil, 5200 Eden Circle.
- E. Preliminary Plat, Tambornino Addition, 6608 Dakota Trail.
- F. Conditional Use Permit, Hennepin County, Southdale Library, 7001 York Avenue, Building Expansion.

Request to locate cabin within cons. note area.

- III. AWARD OF BIDS
 - A. Northwest Printing Company, 1996 Park and Recreation Activities Directory.
 - B. Keller Fence Company, replace 7' and 4' fencing at Edina Aquatic Center

IV. RECOMMENDATIONS AND REPORTS

- A. Approval of Traffic Safety Report of October 3, 1995.
- B. Herb Knox appeal house painting ordered by Health Department/Dave Velde.
- C. Wine license review.
- D. Metropolitan Livable Communities.
- E. Appoint Referendum Team and set date for referendum.
- F. Human Relations vacancies.
- G. Planning Commission Reorganization Discussion.

V. CONCERNS OF RESIDENTS

VI. INTERGOVERNMENTAL ACTIVITIES

- A. AMM Policies Discussion.

VII. SPECIAL CONCERNS OF MAYOR AND COUNCIL

VIII. MANAGERS MISCELLANEOUS ITEMS

IX. FINANCE

- A. Payment of Claims as per pre-list dated _____ TOTAL: \$ and confirmation of payment of Claims dated 10/05/95 TOTAL \$376,385.70.

SCHEDULE OF UPCOMING MEETINGS/EVENTS

Mon	Oct 16	Regular Council Meeting	7:00 P.M.	COUNCIL CHAMBERS
Mon	Nov 6	Regular Council Meeting	7:00 P.M.	COUNCIL CHAMBERS
Fri	Nov 10	VETERANS DAY - CITY HALL CLOSED		
Mon	Nov 20	Regular Council Meeting	7:00 P.M.	COUNCIL CHAMBERS
Thu	Nov 23	THANKSGIVING DAY - CITY HALL CLOSED		
Fri	Nov 24	DAY AFTER THANKSGIVING DAY - CITY HALL CLOSED		
Wed	Nov 29	Truth In Taxation Public Hearing	5:00 P.M.	COUNCIL CHAMBERS
Mon	Dec 4	Regular Council Meeting	7:00 P.M.	COUNCIL CHAMBERS
Fri	Dec 15	Truth In Taxation Public Hearing Cont. Date	5:00	COUNCIL CHAMBERS
Tues	Dec 19	Regular Council Meeting	7:00 P.M.	COUNCIL CHAMBERS



REPORT/RECOMMENDATION

<p>TO: Mayor & City Council</p> <p>FROM: Francis Hoffman City Engineer <i>F.H.</i></p> <p>DATE: 18 July, 1994</p> <p>SUBJECT: Easement Vacation Lot 15, Block 1, Southdale First Addition</p>	<p style="text-align: center;">Agenda Item # <u>III.A.</u></p> <p style="text-align: right;"><input type="checkbox"/> Consent</p> <p style="text-align: right;"><input type="checkbox"/> Information Only</p> <p style="text-align: right;"><input type="checkbox"/> Mgr. Recommends To HRA</p> <p style="text-align: right;"><input type="checkbox"/> To Council</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Action Motion</p> <p style="text-align: right;"><input type="checkbox"/> Resolution</p> <p style="text-align: right;"><input type="checkbox"/> Ordinance</p> <p style="text-align: right;"><input type="checkbox"/> Discussion</p>
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Recommendation:

Authorize encroachment on the easement via a document that would meet legal requirements.

Info/Background:

During a real estate transaction, it was discovered that a portion of a home at 6900 Cornelia Drive was situated on a portion of a storm sewer easement. This easement has a large storm pipe going into Lake Cornelia and is situated very close to the wall of the home. The pipe is located a few feet below the house and has not been a problem. Staff would recommend that a document be developed with the assistance of the City Attorney which would allow both pipe and house coexist but clear up the title issue for the property.

MEMORANDUM

TO: Mayor and Members of the City Council
Kenneth E. Rosland, City Manager

FROM: Jerry Gilligan

DATE: July 15, 1994

RE: Proposed Partial Vacation of Storm Sewer Easement -
6900 Cornelia Drive

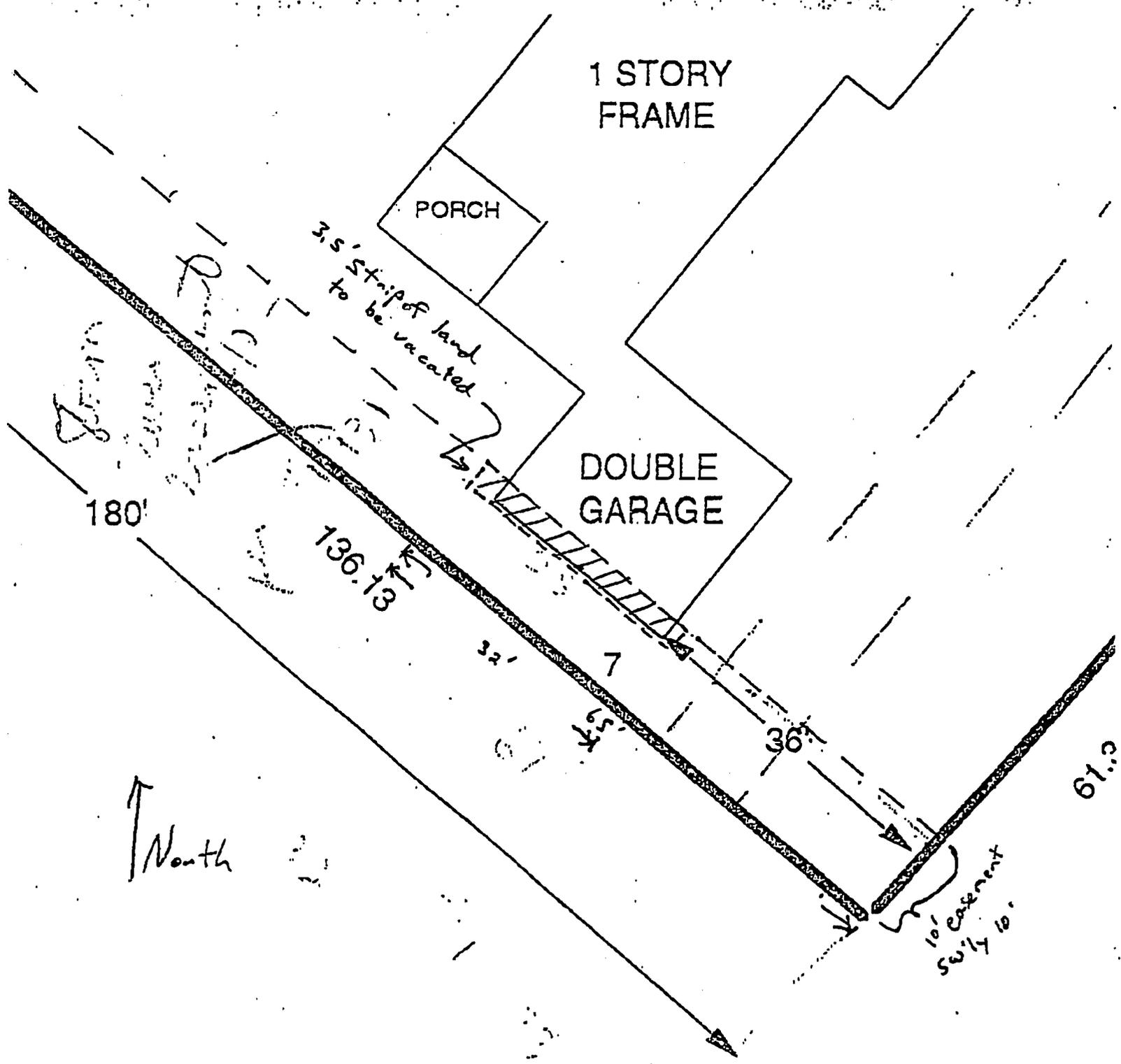
The City has received a request for a partial vacation of a 10 foot wide storm sewer easement located at 6900 Cornelia Drive. In connection with a recent sale of this property it was discovered that a portion of the garage on the property is encroaching over the easement area. Attached is a drawing which shows the location of the garage and of the easement. I understand from Fran Hoffman that a 54-inch storm sewer pipe is located in the easement area.

Because of the close proximity of the storm sewer pipe to the garage I would recommend that the City not vacate any portion of the easement. In lieu of vacating the easement the City Council could consent to the encroachment of the garage on the easement area and grant the homeowner the right to maintain and use the garage provided that (i) no work will be done to the garage that would damage the City's storm sewer pipe or further encroach on the City's easement; (ii) the homeowner would indemnify and hold the City harmless from any additional costs as a result of the encroachment which the City may incur in connection with any repair or reconstruction of the storm sewer pipe; and (iii) if the garage is ever destroyed or removed, no further encroachment over the easement area is permitted. This consent would be contained in an agreement that would be recorded in the real estate records and run with the land.

I have asked Mr. Hugh Bishop at Bishop Title, Inc., the title company being used by the homeowner, whether this type of City consent clears up the title problems caused by the encroachment. I hope to have a response from Mr. Bishop prior to Monday's City Council meeting.

JPG:cmn

(OVER)



MEMORANDUM

TO: Mayor and Members of the City Council
Kenneth E. Rosland, City Manager

FROM: Jerry Gilligan

DATE: July 15, 1994

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6900 Cornelia Drive

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JPG:cmn

(OVER)

1 STORY
FRAME

PORCH

*3.5' strip of land
to be vacated*

DOUBLE
GARAGE

180'

136.13

32'

7

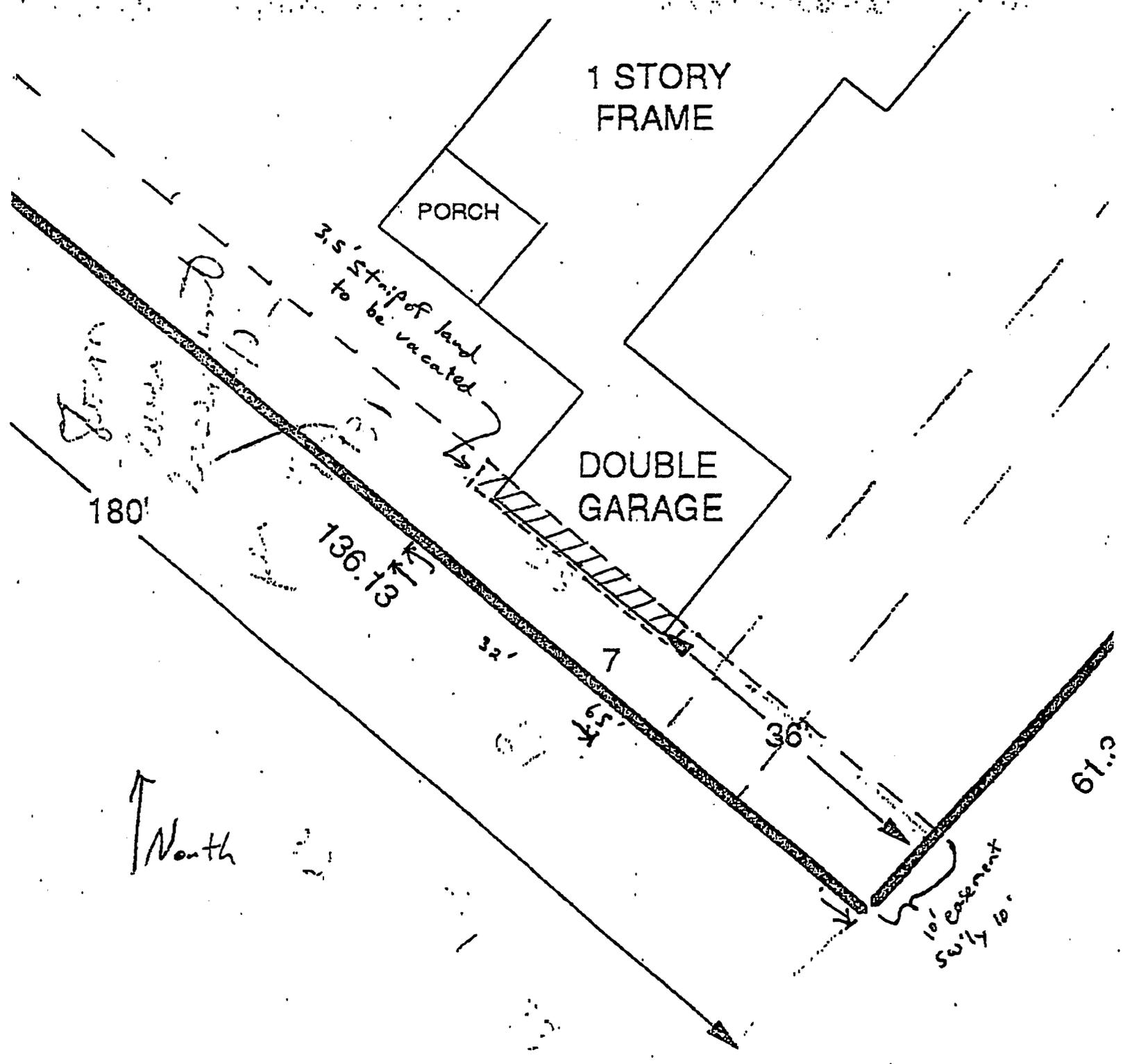
65'

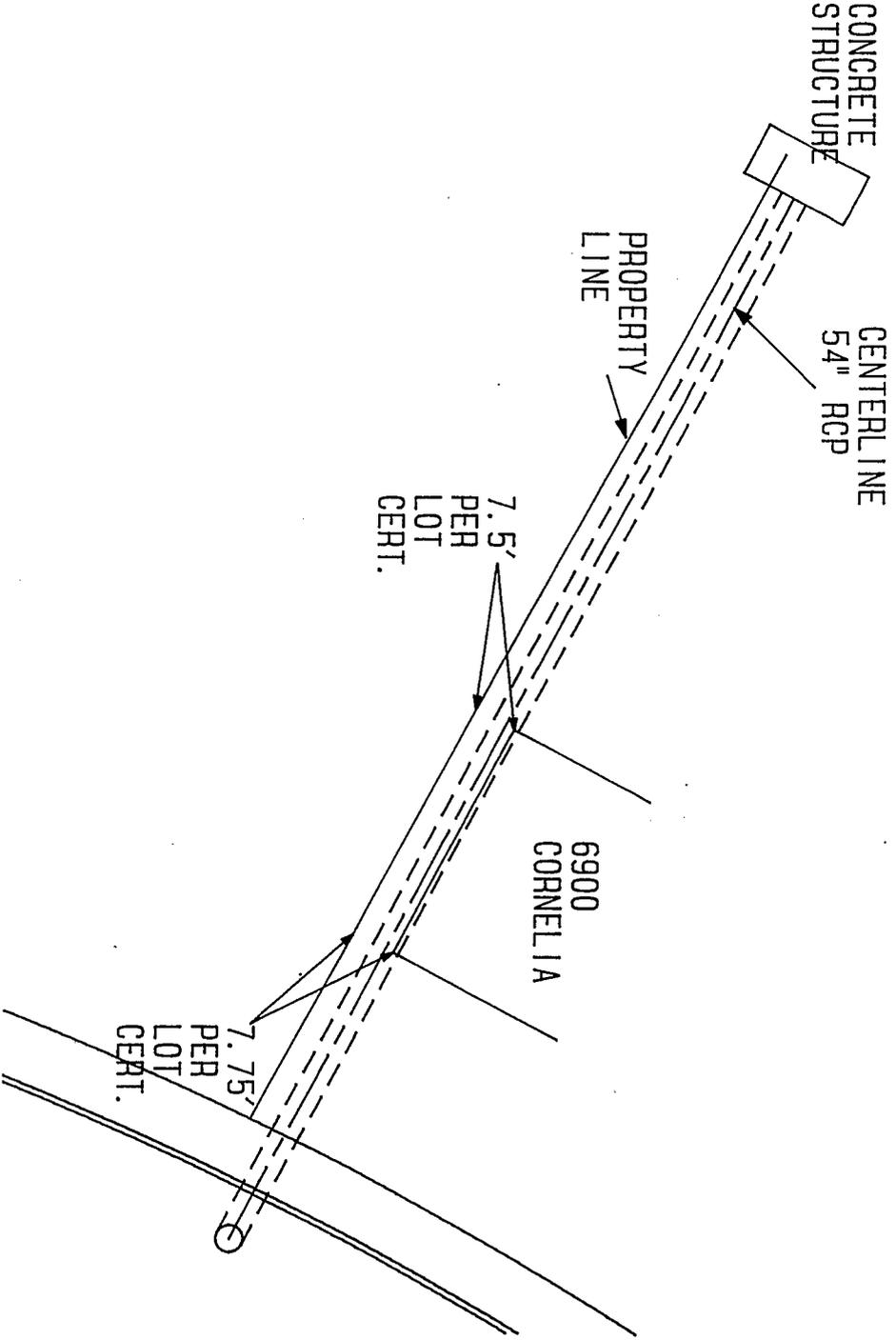
36'

61.0

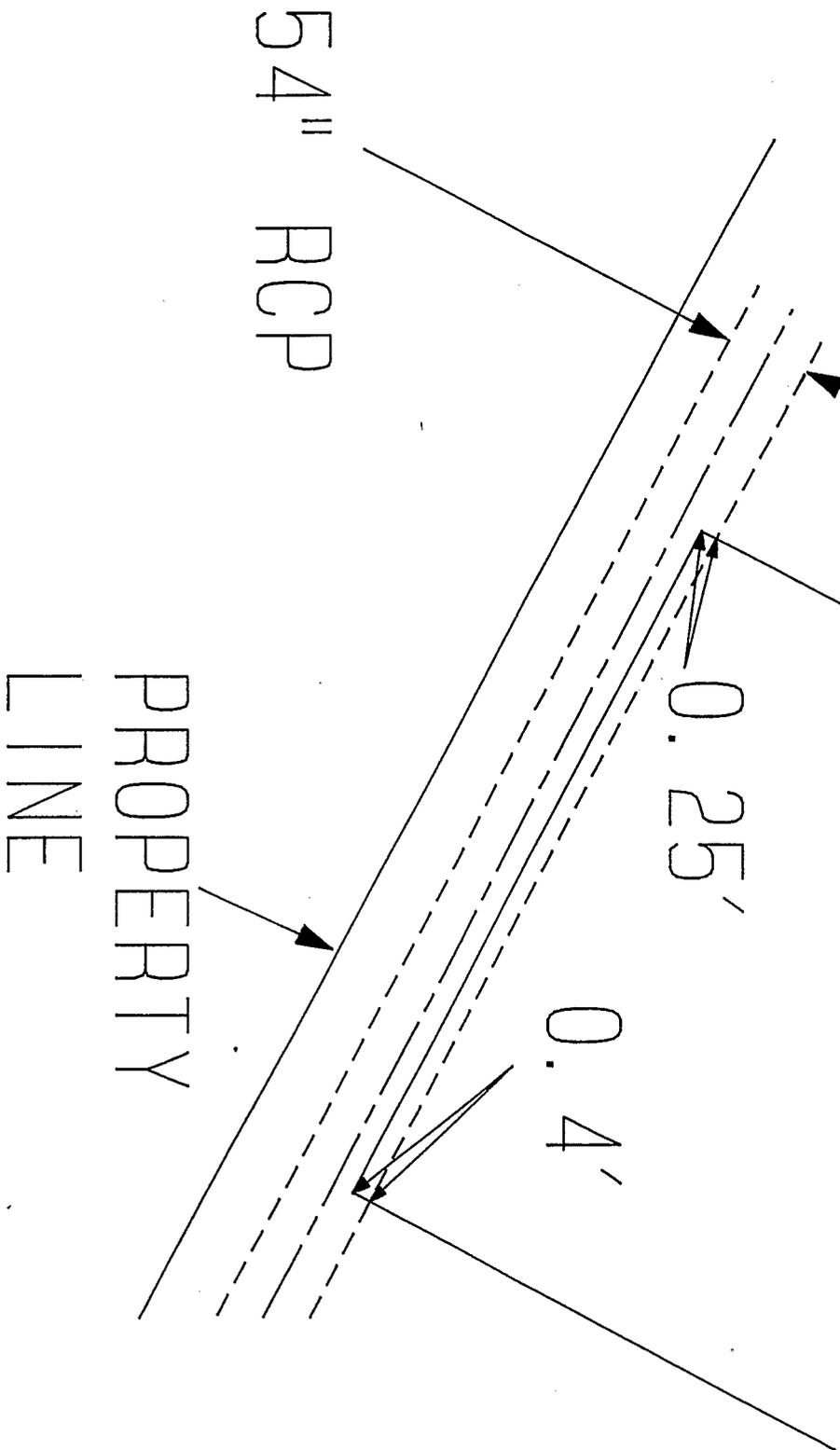
↑
North

*10' easement
SW 1/4 10'*





6900
CORNELLIA



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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by *Francis J. W. [Signature]* Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

PARAGON CABLE by _____ Acceptable Opposed Conditional

U.S. WEST by _____ Acceptable Opposed Conditional

CONDITIONS: Not to vacate but to grant rights
to the encroachment of the house on
the easement per City Attorney's

LOCATION: LOT 15; BLOCK 1, SOUTHDALE FIRST ADDITION, HENNEPIN COUNTY
(6900 Cornelia Drive)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424



City of Edina

**CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 West 50th Street on July 18, 1994, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following easement:

The northeasterly 3.5 feet of the northwesterly 32 feet of the southeasterly 65 feet of the southwesterly 10 feet (said 10 foot strip being parallel to and adjacent to the southwesterly lot line) of Lot 15, Block 1, Southdale First Addition, Hennepin County, Minnesota.

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

BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

June 23, 1994

1 STORY
FRAME

PORCH

3.5' strip of land
to be vacated

DOUBLE
GARAGE

180'

136.13

32'

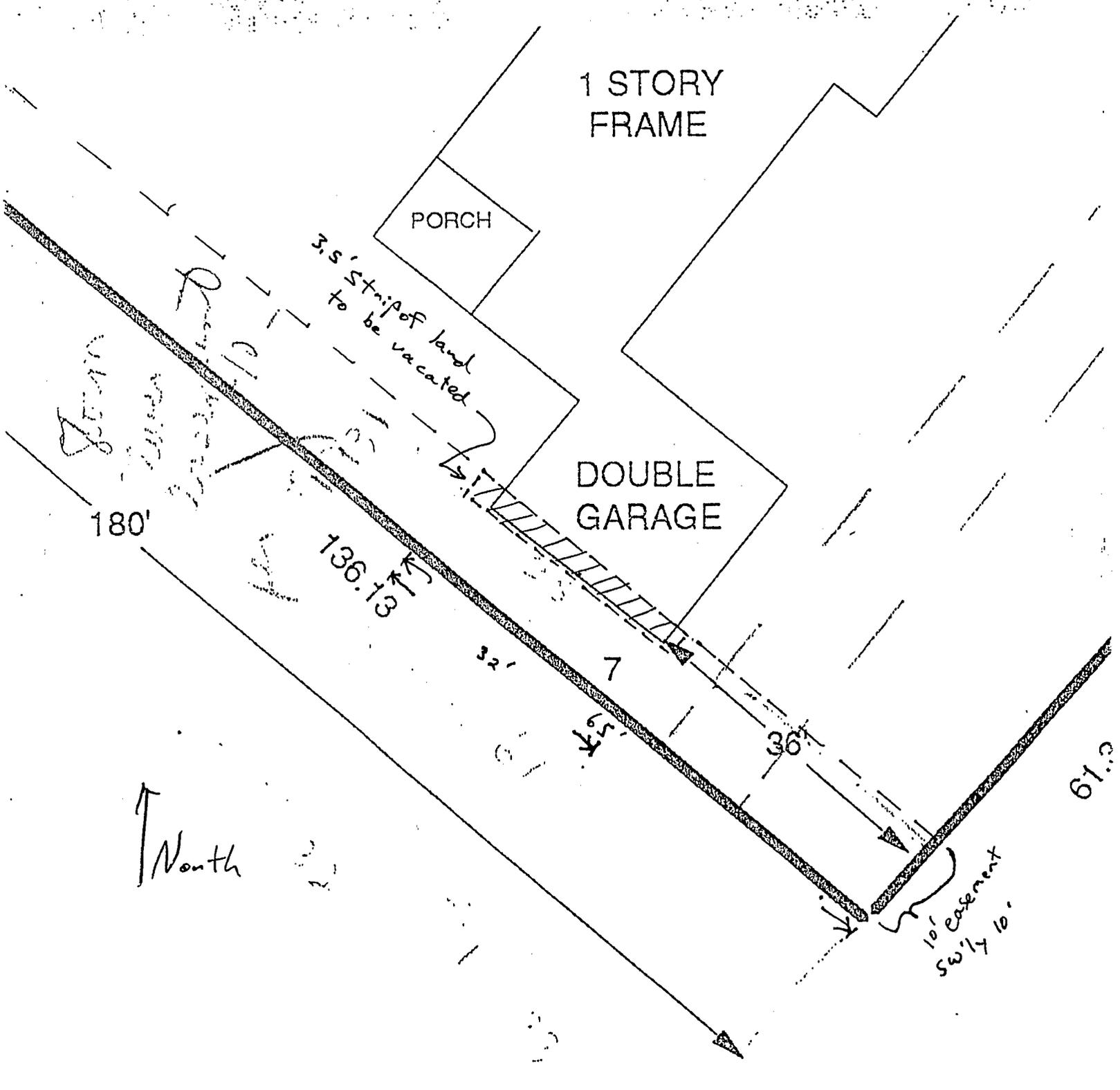
7

36'

61.2

North

10' easement
SW 1/4 10'



To Fran

Date 6/19 Time 4:02 AM PM

WHILE YOU WERE OUT

M. Hugh Bishop

of _____

Phone () 831-8586

Area Code Number Extension

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	URGENT

RETURNED YOUR CALL

Message _____

831-8586

Operator



CITY OF EDINA
MEMORANDUM

DATE: June 15, 1994
TO: Whom It May Concern
FROM: Francis Hoffman, City Engineer 
SUBJECT: Utility Easement - Stormwater

From the preliminary review of this vacation request, it appears feasible to consider vacating a portion of this easement subject to the property owner holding the City harmless on any acts directed by the City on maintaining existing stormwater pipe.

Our previous history would not indicate that problems do not exist with the current stormwater pipe nor do we expect any particular future problems.

The engineering survey crew has located the pipe and it does lie within the ten foot easement.

Bishop Title
FAX 831 8560
ATTN: Sandoz

Legal Description

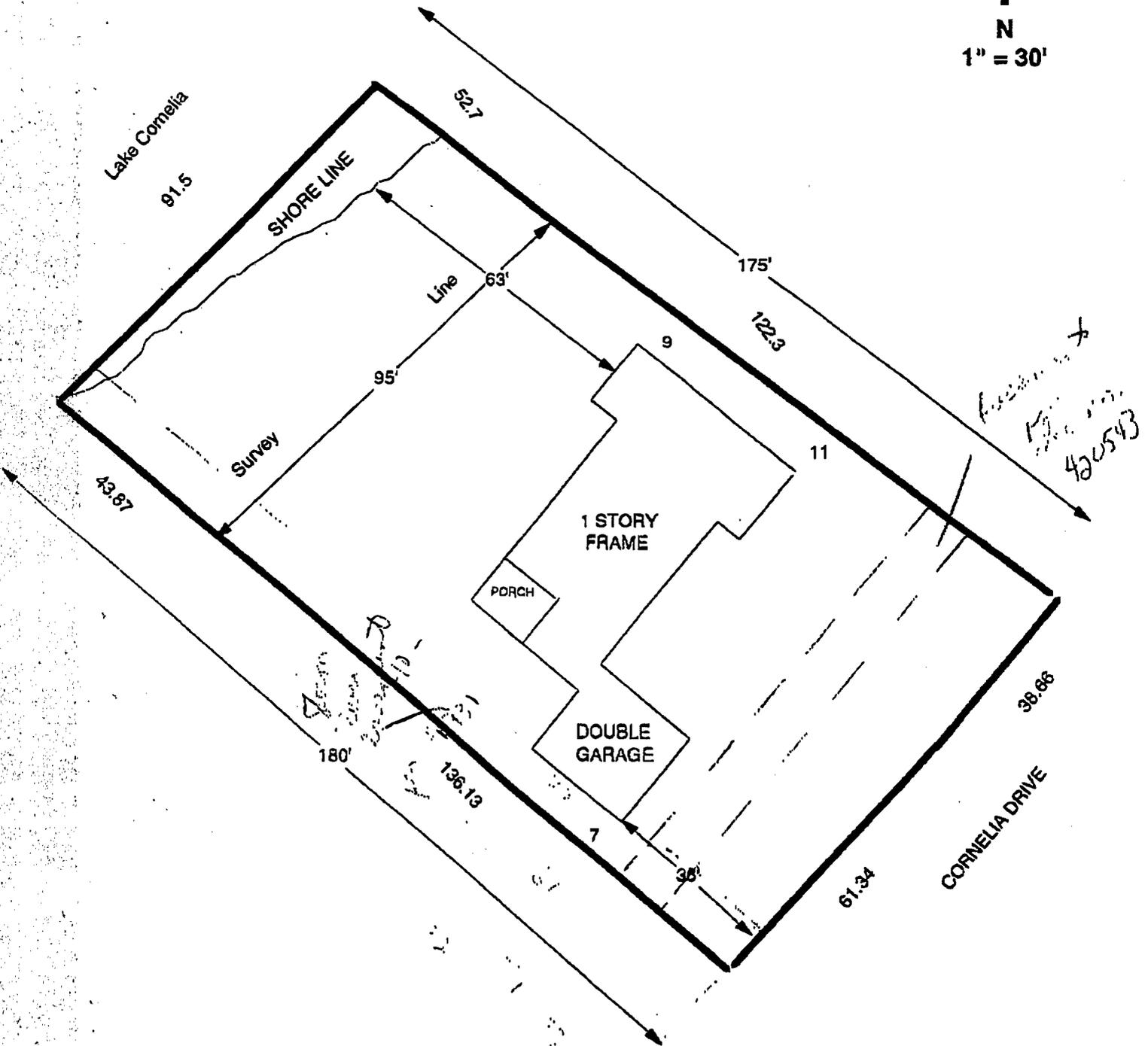
The northeasterly 3.5 feet of the northwesterly 32 feet of the southeasterly 65 feet of the southwesterly 10 feet, said 10 feet being parallel and adjacent to the southwesterly lot line, Lot 15, Block 1, Southdale First Addition, Hennepin County, Minnesota

Bishop Title

6900 Cornelia Drive.
Lot 15, Blk. 1, Southdale First Add.

File #BT4956

↑
N
1" = 30'



Steve Ball and Associates

Accommodation sketch;
plat drawing not a survey.

"The location of the improvements shown on this drawing are approximate and are based on a visual inspection of the premises. The lot dimensions are taken from the record plat drawings or county records. This drawing is for informational purposes and should not be used as a survey. It does not constitute a liability of the company and is intended for mortgage purposes only."



TITLE FAX FROM: BISHOP TITLE, INC. Our Phone: 612-831-8586 Our FAX: 612-831-8560 (No. Pages =) (This + 3)

6/13/94

Please Reply to: Craig Thielke, Hugh Bishop or Sandra McClay Ext. No.

THIS FAX IS DIRECTED TO:

KRAN Hoffman

Phone: 927-8861

FAX: 927-7645

Re: 6900 Cornelia Drive Edina, MN Public Right of Way Vacation Application

Please fax to us your initial letter of recommendation as soon as you can. Thank you for your help in this matter.

Sandra McClay



REPORT/RECOMMENDATION

TO: MAYOR AND COUNCIL	Agenda Item # <u>VII.A</u>
FROM: MARCELLA DAEHN, CLERK	Consent <input checked="" type="checkbox"/>
DATE: JUNE 18, 1994	Information Only <input type="checkbox"/>
SUBJECT: PETITION TO VACATE STORM SEWER EASEMENT - LOT 15, BLOCK 1, SOUTHDALE FIRST ADDITION	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

Recommendation:

Adoption of a resolution setting July 18, 1994, as hearing date on the petition to vacate storm sewer easement on Lot 15, Block 1, Southdale First Addition.

Info/Background:

A petition has been filed with the City requesting vacation of a storm sewer easement on Lot 15, Block 1, Southdale First Addition (6200 Cornelia Drive).

Staff would recommend that July 18, 1994, be set as hearing date to consider the petition so that publishing and mailing requirements can be met. Copy of petition is attached.

LEGAL DESCRIPTION OF LAND TO BE VACATED:

**The northeasterly 3.5 feet of the northwesterly 32 feet of
the southeasterly 65 feet of the southwesterly 10 feet
(said 10 foot strip being parallel to and adjacent to the
southwesterly lot line) of
Lot 15, Block 1, Southdale First Addition
Hennepin County, Minnesota,**



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
ss.
COUNTY OF HENNEPIN)

Donald W. Thurlow, being duly sworn on an oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Edina Sun-Current, and has full knowledge of the facts which are stated below.

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

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for two successive weeks; it was first published on Wednesday, the 29 day of June, 19 94, and was thereafter printed and published on every Wednesday to and including Wednesday, the 6 day of July, 19 94; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]

TITLE: Publisher

Acknowledged before me on this

6 day of July, 19 94.

[Signature]



RATE INFORMATION

Table with 2 columns: Description and Rate. (1) Lowest classified rate paid by commercial users for comparable space: \$ 1.60 per line (Line, word, or inch rate). (2) Maximum rate allowed by law for the above matter: \$ 96.8* per line (Line, word, or inch rate). (3) Rate actually charged for the above matter: \$ 79* per line (Line, word, or inch rate).

City of Edina

(Official Publication) CITY OF EDINA 4901 WEST 50TH STREET EDINA, MINNESOTA 55424 NOTICE OF PUBLIC HEARING ON VACATION OF EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4901 West 50th Street on July 18, 1994, at 7:00 P.M. for the purpose of holding a public hearing on the proposed vacation of the following easement: The northeasterly 3.5 feet of the northwesterly 32 feet of the southeasterly 65 feet of the southwesterly 10 feet (said 10 foot strip being parallel to and adjacent to the southwesterly lot line) of Lot 15, Block 1, Southdale First Addition, Hennepin County, Minnesota. All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable poles and lines, gas and sewer lines, or water pipes, mains and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue. BY ORDER OF THE EDINA CITY COUNCIL MARCELLA M. DAEHN, City Clerk (June 29 & July 6, 1994)-ED

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

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ON VACATION OF EASEMENT
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA**

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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

Publish in the Edina Sun-Current on June 29 and July 6, 1994.
Send two Affidavits of Publication.

1/1/74

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

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date June 23, 19 94, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - Vacation of Easement - July 18, 1994 (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least 14 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

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

WITNESS my hand and seal of said City this 23rd day of June, 19 94.

Maureen M. Daehn
Edina City Clerk

**CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424**

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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

June 23, 1994

MAILING LIST FOR VACATION OF EASEMENT, LOT 15, BLOCK 1, SOUTHDALE
FIRST ADDITION:

30-028-24-43-0004

Edith B. Cole
6900 Cornelia Drive
Edina MN 55435

30-028-24-43-0005

Roberta E. Thorpe
6904 Cornelia Drive
Edina MN 55435

30-028-24-42-0015

Garfield Hoversten
5812 Cornelia Drive
Edina MN 55435

Hugh Bishop
Bishop Title, Inc.
5270 W. 84th Street
Bloomington MN 55437

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

Mark Kerksen
Paragon Cable
10210 Crosstown Circle
Eden Prairie MN 55434-3377

Stuart E. Fraser
NSP Normandale Division
5309 W. 70th Street
Edina MN 55435

Steven Van Anman
U.S. West Communications
6244 Cedar Avenue So.
Richfield MN 55423

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30-028-24-43-0004
Edith B. Cole
6900 Cornelia Drive
Edina, MN 55435

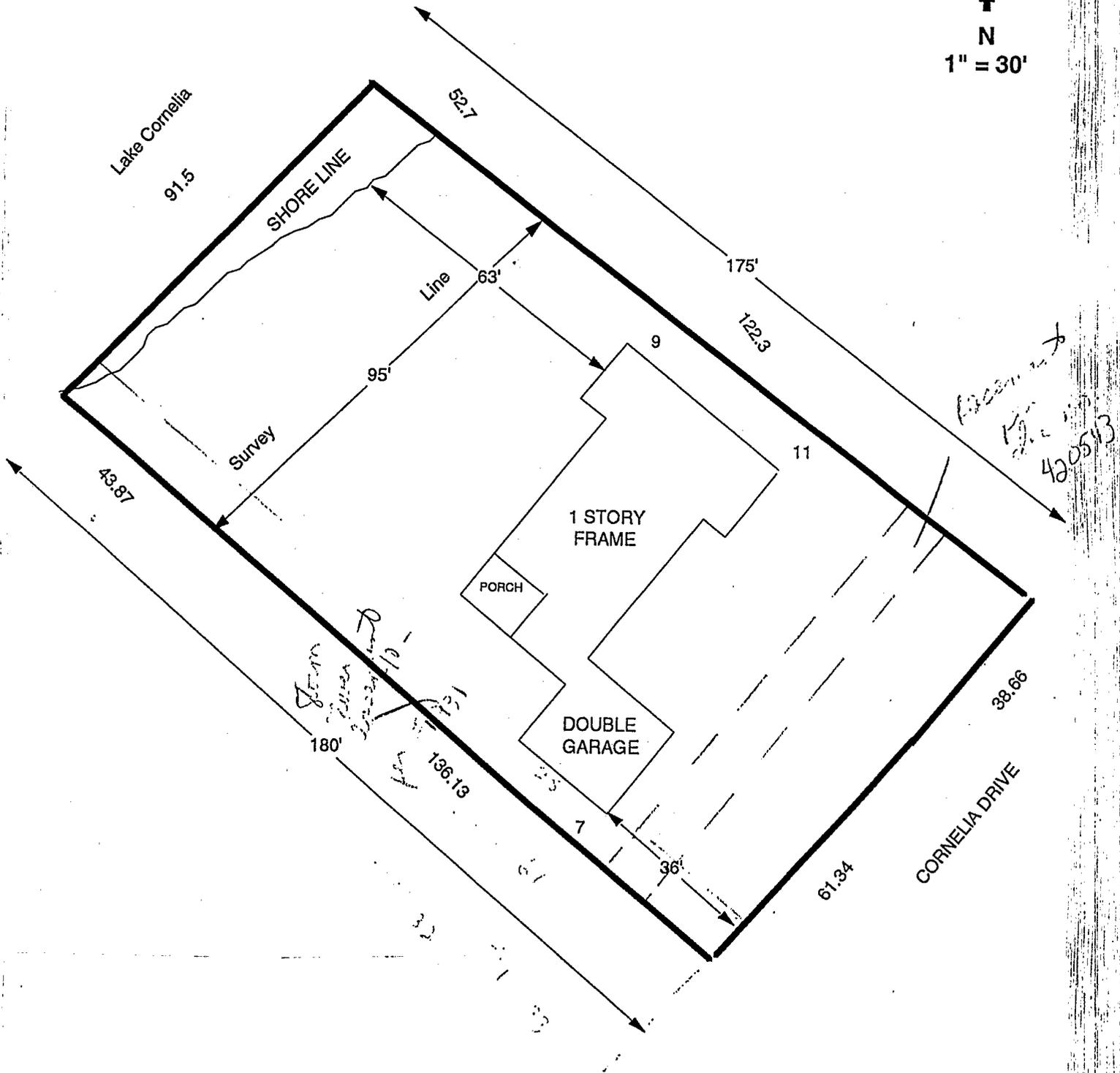
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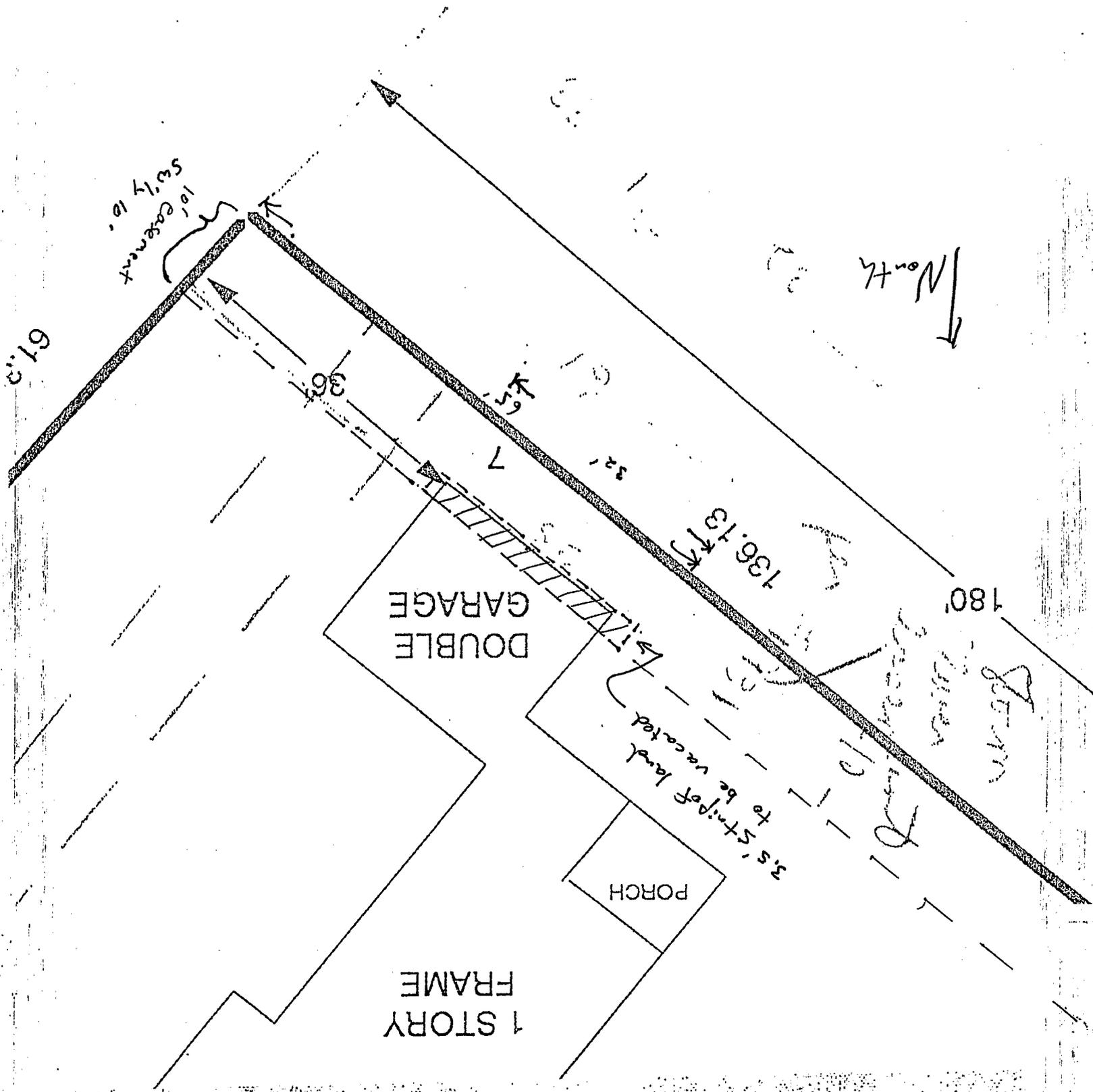
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southwesterly lot line) of
Lot 15, Block 1, Southdale First Addition
Hennepin County, Minnesota,**

↑
N
1" = 30'



Accommodation sketch; (see reverse for detail)



61.3

10' easement
SW 1/4 10.

North

36'

36'

136.13

180'

DOUBLE GARAGE

3.5' strip of land
to be vacated

PORCH

1 STORY FRAME

Down
Main
Street

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

NSP by S. E. Fraser Acceptable Opposed Conditional

PARAGON CABLE by _____ Acceptable Opposed Conditional

U.S. WEST by _____ Acceptable Opposed Conditional

CONDITIONS: overhead lines & Poles

LOCATION: LOT 15, BLOCK 1, SOUTHDALE FIRST ADDITION, HENNEPIN COUNTY
(6900 Cornelia Drive)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk
City of Edina
4801 W. 50th Street
Edina, MN 55424



City of Edina

**CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424**

**NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT
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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

June 23, 1994

1 STORY
FRAME

PORCH

DOUBLE
GARAGE

3.5' Strip of land
to be vacated

180'

136.13

32'

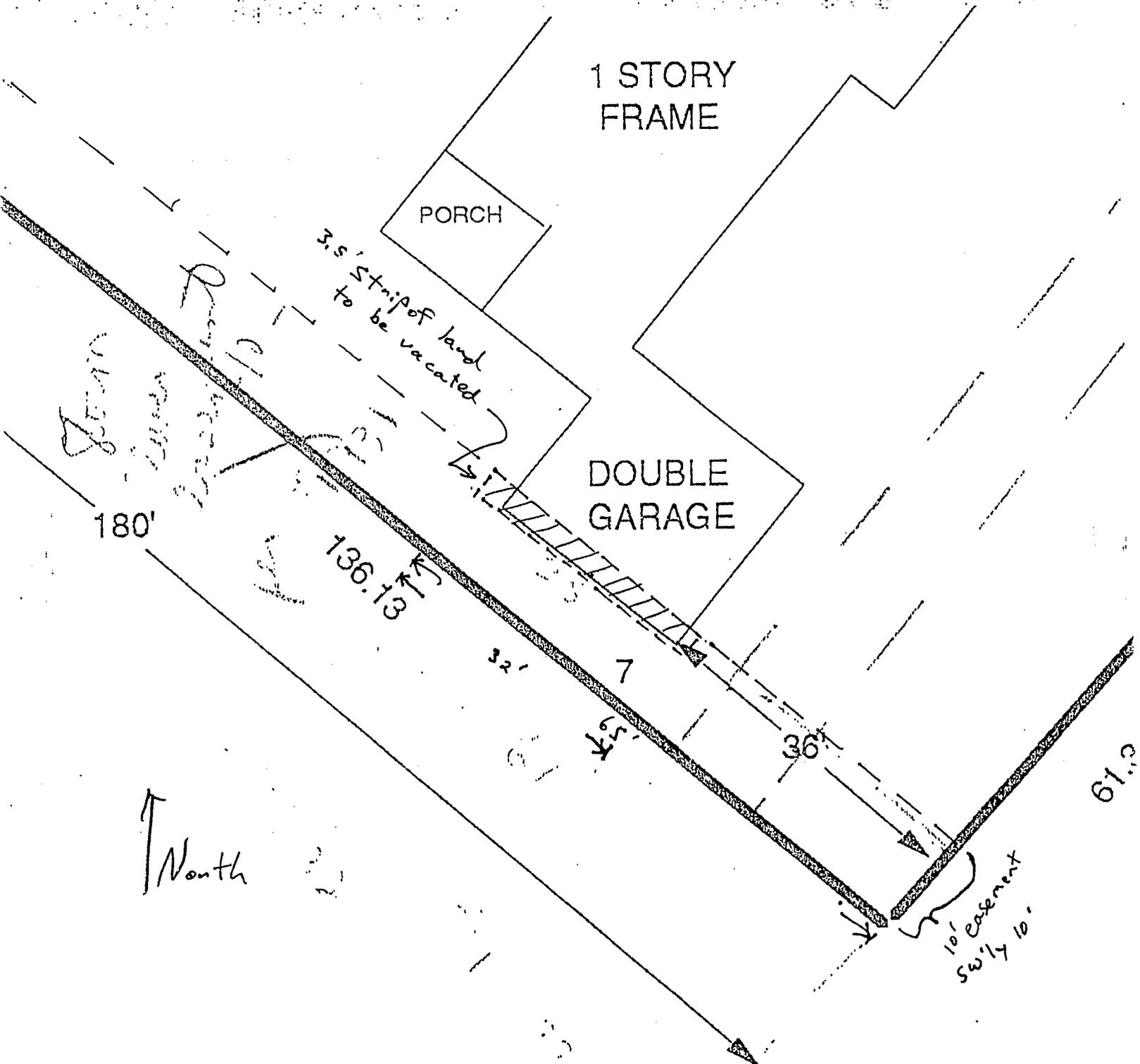
7

36'

61.3

10' Easement
SW 1/4 10'

North



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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by <u>Stenon Berg</u> <u>6-28-94</u>	<input checked="" 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: LOT 15, BLOCK 1, SOUTHDALE FIRST ADDITION, HENNEPIN COUNTY
(6900 Cornelia Drive)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to: City Clerk
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Edina, MN 55424

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

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NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
PARAGON CABLE by <u><i>Paul H. [Signature]</i></u>	<input checked="" 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

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CITY OF EDINA
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EDINA, MINNESOTA 55424

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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>Cary O. Schmidt</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: _____

LOCATION: LOT 15, BLOCK 1, SOUTHDALE FIRST ADDITION, HENNEPIN COUNTY
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City of Edina

**CITY OF EDINA
4801 WEST 50TH STREET
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**NOTICE OF PUBLIC HEARING
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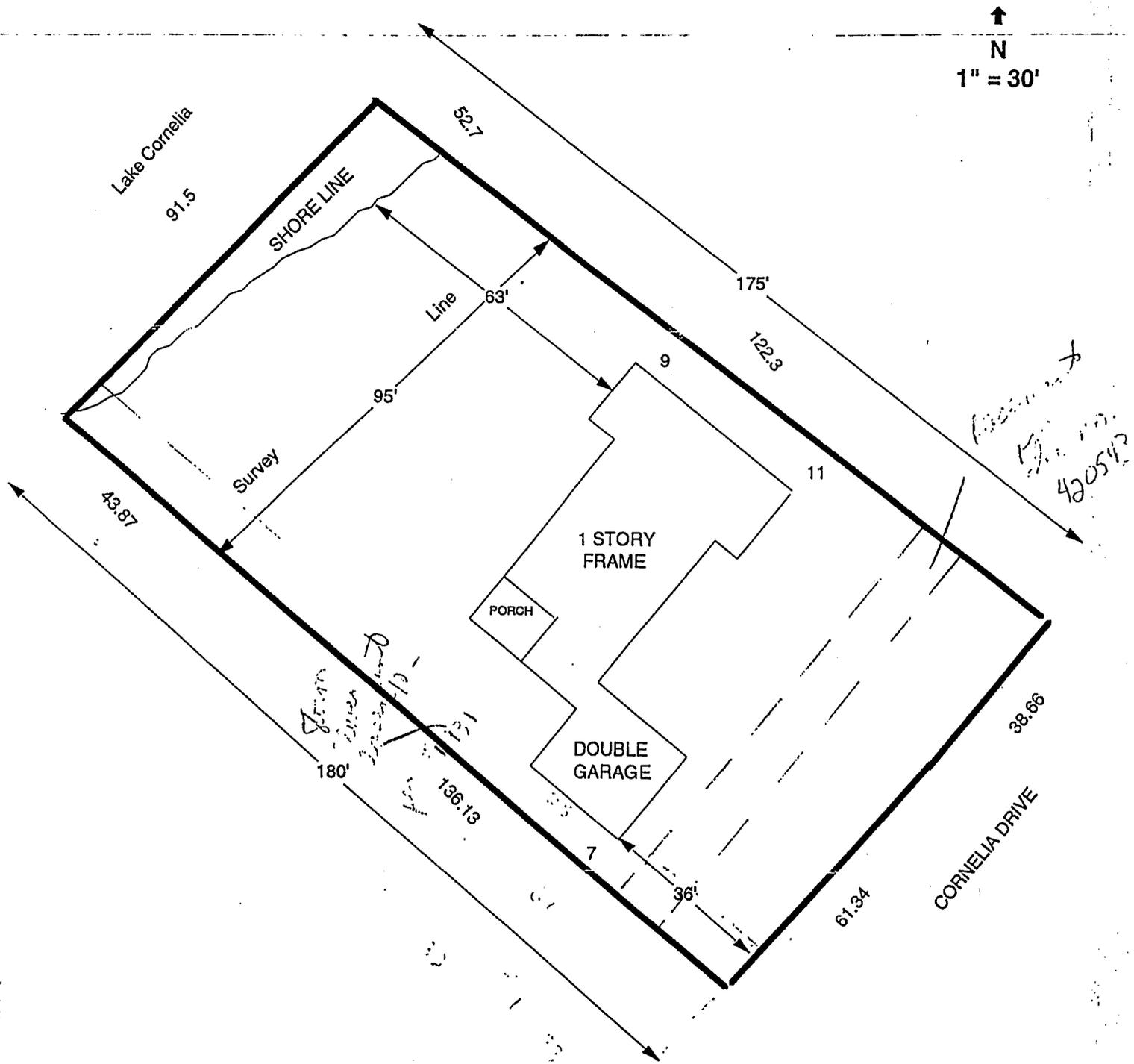
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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

June 23, 1994



Accomodation sketch; (see reverse for detail)

1 STORY
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PORCH

DOUBLE
GARAGE

3.5' strip of land
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10' easement
SW 1/4 10'

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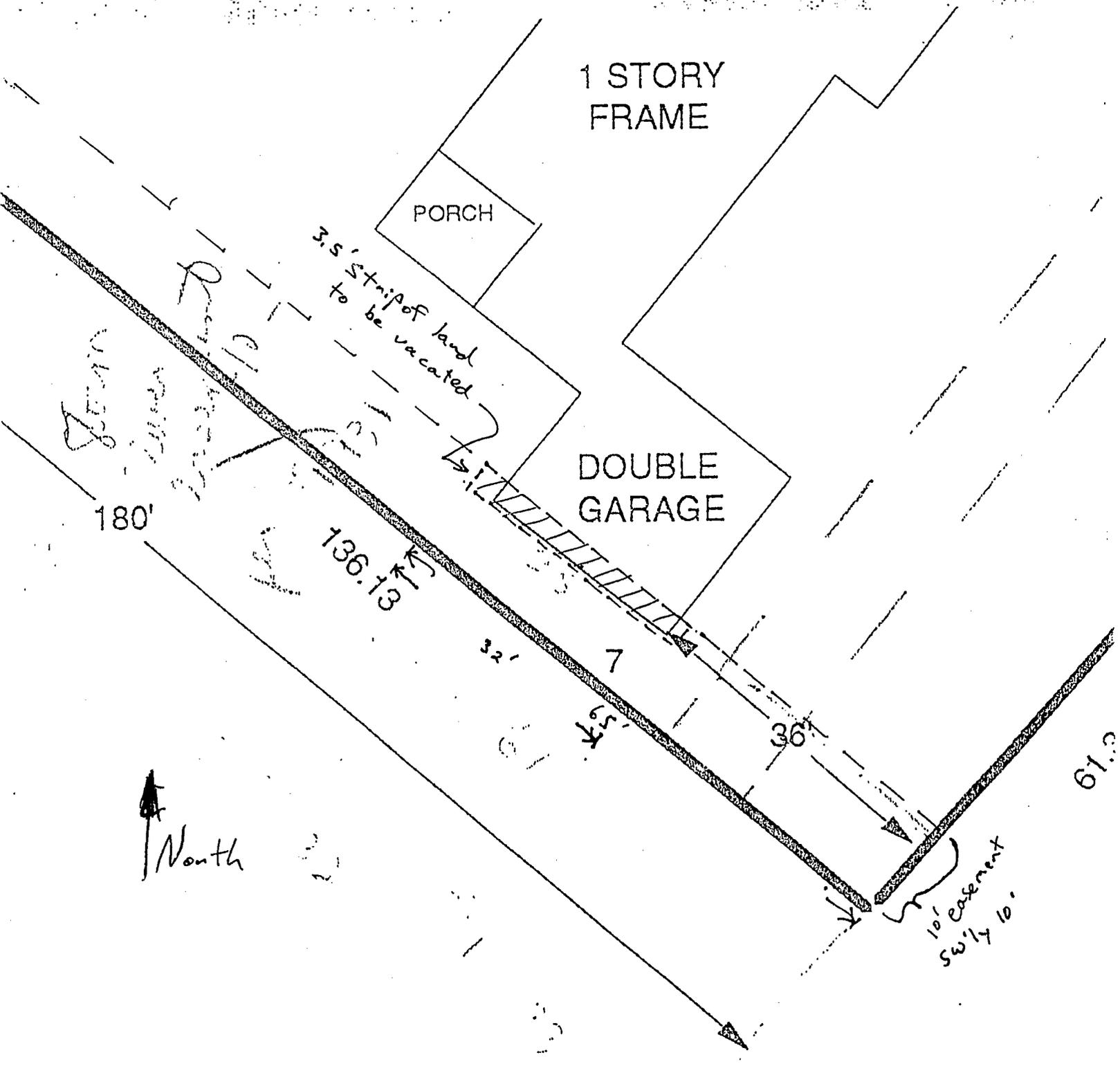
136.13

32'

7

36'

61.0





REPORT/RECOMMENDATION

TO: MAYOR AND COUNCIL	Agenda Item # <u>VII.A</u>
FROM: MARCELLA DAEHN, CLERK	Consent <input checked="" type="checkbox"/>
DATE: JUNE 18, 1994	Information Only <input type="checkbox"/>
SUBJECT: PETITION TO VACATE STORM SEWER EASEMENT - LOT 15, BLOCK 1, SOUTHDALE FIRST ADDITION	Mgr. Recommends <input type="checkbox"/> To HRA <input checked="" type="checkbox"/> To Council
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Recommendation:

Adoption of a resolution setting July 18, 1994, as hearing date on the petition to vacate storm sewer easement on Lot 15, Block 1, Southdale First Addition.

Info/Background:

A petition has been filed with the City requesting vacation of a storm sewer easement on Lot 15, Block 1, Southdale First Addition (6200 Cornelia Drive).

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

CERTIFICATE OF POSTING NOTICE

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

PUBLIC HEARING ON VACATION OF EASEMENT - JULY 18, 1994, 7:00 P.M.

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

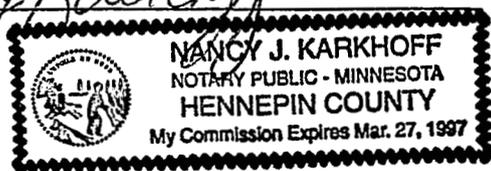
- 1) City Hall, 4801 West 50th Street
- 2) Municipal Liquor Store, 50th and France Business Area
- 3) Centennial Lakes Park Centrum, 7499 France Avenue South

Dated 0627 94

Signed *John A. J. Law #213*

Signed and sworn to before me, a Notary Public in and for Hennepin County, Minnesota, this 27th day of June, 1994.

Nancy J. Karkhoff



**CITY OF EDINA
4801 WEST 50TH STREET
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Marcella M. Daehn, City Clerk

June 23, 1994

(Official Publication)
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