

2/16/93 EASEMENT VACATION (DRAINAGE,
UTILITY & CONSERVATION)
Lot 1, Blk 1 JYLAND WHITNEY ADDI
Lot 1, Blk 1 PETER ANDREA ADDN



11-17-93 Orig document filed in Engineering Dept -

TRANSFER ENTERED
DEPT. OF PROPERTY TAX & PUBLIC RECORDS

JUL 19 1993

City of Edina

HENNEPIN COUNTY MINN
BY *[Signature]* DEPUTY

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota on March 1, 1993, adopted a Resolution Vacating Easements for Drainage, Utility and Conservation Restriction 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 easements vacation be made, which resolution ordered the vacation of the following described easements for drainage, utility and conversation restriction purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

Utility and Drainage Easement

That part of Lot 1, Block 1, JYLAND WHITNEY ADDITION and that part of Lot 1, Block 1, PETER ANDREA ADDITION, Hennepin County, Minnesota, described as being 5.00 feet on each side of the following described line:

Beginning at the southwest corner of said Lot 1, Block 1, JYLAND WHITNEY ADDITION; thence northerly, along the west line of said Lot 1, a distance of 46.75 feet, to an angle point in said west line; thence northeasterly, along the northwesterly line of said Lot 1, a distance of 153.65 feet to the northwest corner of said Lot 1 and said line there terminating, except the south 10.00 feet of said Lot 1 and except the most southeasterly 10.00 feet and the North 35 feet of Lot 1, Block 1, said PETER ANDREA ADDITION and except that part of Lot 1, Block 1 said JYLAND WHITNEY ADDITION lying northerly of the following described line:

Beginning at a point on the northwesterly line of Lot 1, Block 1, said JYLAND WHITNEY ADDITION, distant 43.80 feet southwesterly of the northwest corner thereof; thence easterly, parallel with the north line of said Lot 1, a distance of 25.00 feet and said line there terminating.

Conservation Restriction Easement Recorded as Document Number 2239526

That part of Lot 1, block 1, PETER ANDREA ADDITION, Hennepin County, Minnesota, lying northeasterly of a line drawn from a point on the east line of said Lot 1, distant 105.00 feet southwest of the northeast corner thereof, to a point on the north line of said Lot 1, distant 142.00 feet west of the northeast corner thereof and there terminating, except the north 35.00 feet of said Lot 1, as measured at right angles to the north line of said Lot 1.

Notice of Completion of Proceedings

Page Two

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The time of completion of proceedings and the effective date of said vacation is March 2, 1993.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn

Marcella M. Daehn
City Clerk



City of Edina

May 12, 1993

Mr. Jerry Gilligan
Dorsey and Whitney
2200 First Bank Place East
Minneapolis, MN 55402

Re: Vacation of Easement for Alley Purposes - Brookside Heights
Vacation of Easements for Drainage, Utility and Conservation Purposes -
Jylland Whitney Addition and Peter Andrea Addition

Dear Jerry:

Enclosed are two copies each of Notice of Completion of Proceedings for the
above referenced easement vacations.

Will you please have the documents entered into the transfer record of the
County Auditor and filed with the County Recorder and then return one copy of
each with the recording data for the City's files.

Sincerely yours,

Marcella M. Daehn
City Clerk

enclosures (4)



NOTICE OF COMPLETION OF PROCEEDINGS
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The time of completion of proceedings and the effective date of said vacation is March 2, 1993.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn

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City Clerk



City of Edina

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BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk

Use this revision for Vacation
of Easements



McCombs Frank Roos Associates, Inc.

15050 23rd Avenue North, Plymouth, Minnesota 55447

Telephone
612/476-6010
612/476-8532 FAX

Engineers
Planners
Surveyors

FACSIMILE COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Recipient: Craig Larson

Company Name: City of Edina

Fax #: 927-7645

THIS FAX IS BEING SENT BY:

Name: Paul A. Johnson

Date: 3-10-93 MFRA Project #: 10226

Project Name: Jyland Whitney - Peter Andrea Add.

Subject: Conservation Restriction Easement

IF YOU DO NOT RECEIVE 3 PAGES, INCLUDING THE COVER SHEET,
PLEASE CONTACT _____
AT (612) 476-6010, EXT. _____

REMARKS: _____

Hard Copy to follow by Mail: Yes X No

PROPOSED VACATION OF UTILITY AND DRAINAGE EASEMENT

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**PROPOSED VACATION OF A PART OF THE CONSERVATION RESTRICTION EASEMENT
RECORDED AS DOCUMENT NUMBER 2239526**

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K Roos Associates, Inc.

Engineers
Planners
Surveyors

SCALE
1" = 30'

BOOK PAGE

FILE NO.
10226

PREPARED FOR:

JYLAND HOMES

SHEET #

OF

the house would be at about grade. Additionally, they would work around the two existing large oaks on the site.

Council Comment/Action

Mayor Richards said that he would support the vacation request only if these two lots were replatted into one lot so that the lot line would be eliminated to express the intention that only one house would be built.

Member Smith commented that the staff recommendations address the issues that were identified at the last meeting and which Council had asked staff to address.

5-12-93
Per Craig Larsen
file
Notice of
Completion
Conditions
Satisfied
M.D.

Member Smith made a motion for adoption of the following resolution to grant vacation of the drainage, utility and conservation easements conditioned on: 1) Building permit, and 2) Land alteration permit with specific requirements as follows: a) grading plan, b) erosion control and tree protection during construction, c) planting plan illustrating 16 pine trees ranging from 8 to 16 feet in height, d) site clean up of eroded soils, and e) letter of credit or performance bond for trees and cleanup in the amount of \$10,000.00:

RESOLUTION VACATING EASEMENTS FOR

DRAINAGE, UTILITY AND CONSERVATION RESTRICTION PURPOSES

WHEREAS, a resolution of the City Council, adopted the 20th day of January, 1993, fixed a date for a public hearing on a proposed vacation of easements for drainage, utility and conservation restriction purposes; and
WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 16th day of February, 1993, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and
WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and
WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described easements be and are hereby vacated effective as of March 2, 1993:

Utility and Drainage Easement

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That part of Lot 1, block 1, PETER ANDREA ADDITION, Hennepin County,

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY PLANNER by _____ Acceptable Opposed Conditional

CITY ENGINEER by JGK 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: Subject to any previous agreements made
by property owners as it relates to
Peter Andrea Addition ~~and~~ no conditions on
common lot line
between lots.

LOCATION: LOT 1, BLOCK 1, PETER ANDREA ADDITION AND
LOT 1, BLOCK 1, JYLAND WHITNEY ADDITION

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
4801 W. 50TH STREET
EDINA, MINNESOTA 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY PLANNER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
CITY ENGINEER by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
MINNEGASCO by <u>Steve Van Buren</u> 2-1-93	<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 1, BLOCK 1, PETER ANDREA ADDITION AND

LOT 1, BLOCK 1, JYLAND WHITNEY ADDITION

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MINNEGASCO by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
NSP by <u>J. E. Fraser</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: _____

LOT 1, BLOCK 1, PETER ANDREA ADDITION AND

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Edina, MN 55424



PARAGON
CABLE

M I N N E S O T A

8 February 1993

City Clerk
City of Edina
4801 West 50th Street
Edina, Minnesota 55424-1394

REF: Vacation of Easement as described for part of Lot 1 Part 1, Jyland Whitney Addition

Dear City Clerk:

Paragon Cable has Aerial cable line close to the requested vacation area. We should have no problem with this vacation as long as we are allowed to remain on the Northern States Power Company poles that we area currently attached to.

I have enclosed a copy of our construction map showing the cable mentioned above. I have highlighted the cable close to the vacation area.

If you have any questions, please feel free to call our Design department at 520-6365.

Sincerely,

Mark Kerksen
@Paragon Cable TV

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

STREET AND/OR EASEMENT VACATION REVIEW

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MINNEGASCO by _____ Acceptable Opposed Conditional
NSP by _____ Acceptable Opposed Conditional
PARAGON CABLE by Mark Verisse Acceptable Opposed Conditional
U.S. WEST by _____ Acceptable Opposed Conditional

CONDITIONS: That ^{existing NSP poles} ~~we are~~ allowed to remain and are
not affected by this vacating

LOCATION: LOT 1, BLOCK 1, PETER ANDREA ADDITION &
LOT 1, BLOCK 1, JYLAND WHITNEY ADDITION
(See enclosed maps)

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NSP by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input checked="" type="checkbox"/>	Conditional
PARAGON CABLE by _____	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional
U.S. WEST by <u>Steve C. Van Ameringen</u>	<input checked="" type="checkbox"/>	Acceptable	<input type="checkbox"/>	Opposed	<input type="checkbox"/>	Conditional

CONDITIONS: _____

LOCATION: LOT 1, BLOCK 1, PETER ANDREA ADDITION AND

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4801 W. 50th Street
Edina, MN 55424



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
SS.
COUNTY OF HENNEPIN)

L.J. Canning, 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 27 day of January, 19 93, and was thereafter printed and published on every Wednesday to and including Wednesday, the 3 day of February, 1993; 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: L.J. Canning
TITLE: General Manager

Acknowledged before me on this

3 day of February, 19 93

Notary Public MERIDEL M. HEDBLOM
Notary Public Minnesota
HENNEPIN COUNTY
My Commission Expires Jul, 16, 1998

RATE INFORMATION

Table with 2 columns: Description of rate and Amount. (1) Lowest classified rate paid by commercial users for comparable space: \$ 1.60 per line. (2) Maximum rate allowed by law for the above matter: \$ 96.8* per line. (3) Rate actually charged for the above matter: \$ 72* per line.

City of Edina

(Official Publication)
CITY OF EDINA
4001 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON VACATION OF DRAINAGE AND
UTILITY EASEMENTS AND
CONSERVATION RESTRICTION
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, 4001 West 50th Street on February 16, 1993 at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easements for drainage, utility and conservation restriction purposes:

Utility and Drainage Easement
That part of Lot 1, Block 1, JYLAND WHITNEY ADDITION and that part of Lot 1, Block 1, PETER ANDREA ADDITION, Hennepin County, Minnesota, described as being 5.00 feet on each side of the following described line:

Beginning at the southwest corner of said Lot 1, Block 1, JYLAND WHITNEY ADDITION; thence northerly, along the west line of said Lot 1, a distance of 46.75 feet, to an angle point in said west line; thence north-easterly, along the northwesterly line of said Lot 1, a distance of 153.65 feet to the north-west corner of said Lot 1 and said line there terminating, except the south 10.00 feet of said Lot 1 and except the most southeasterly 10.00 feet and the north 5.00 feet of Lot 1, Block 1, said PETER ANDREA ADDITION and except that part of Lot 1, Block 1 said JYLAND WHITNEY ADDITION lying northerly of the following described line: Beginning at a point on the northwesterly line of Lot 1, Block 1, said JYLAND WHITNEY ADDITION, distant 24.00 feet southwesterly of the northwest corner thereof; thence easterly, parallel with the north line of said Lot 1, a distance of 70.00 feet and said line there terminating.

Drainage Easement
That part of Lot 1, Block 1, PETER ANDREA ADDITION, according to the record hereof, Hennepin County, Minnesota, is as follows:

That part of said Lot 1 lying northeasterly of a line drawn from a point on the east line of said Lot 1, distant 105.00 feet southwest of the northeast corner of said Lot 1, to a point on the north line of said Lot 1, distant 142.00 feet west of the northeast corner thereof and there terminating, and also the north 35.00 feet of said Lot 1, as measured at right angles to the north line of said Lot 1, which lies westerly of the first above described line, except the north 5.00 feet and the west 5.00 feet of said Lot 1.

Conservation Restriction Easement
Easement area is over that part of Lot 1, Block 1, PETER ANDREA ADDITION, lying northeasterly of a line drawn from a point on the east line of said Lot 1, distant 105.00 feet southwest of the northeast corner thereof, to a point on the north line of said Lot 1, distant 142.00 feet west of the northeast corner thereof and there terminating, and also that part of the north 35.00 feet, as measured at right angles to the north line of said Lot, which lies westerly of the above described line, Hennepin County, Minnesota, and recorded as Document Number 2239526.

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 television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such 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
MARCELLA M. DAEHN
City Clerk
(Jan. 27 & Feb. 3, 1993)-ED

(Official Publication)

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

**NOTICE OF PUBLIC HEARING
ON VACATION OF DRAINAGE AND UTILITY EASEMENTS
AND CONSERVATION RESTRICTION 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 February 16, 1993 at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easements for drainage, utility and conservation restriction purposes:

Utility and Drainage Easement

That part of Lot 1, Block 1, JYLAND WHITNEY ADDITION and that part of Lot 1, Block 1, PETER ANDREA ADDITION, Hennepin County, Minnesota, described as being 5.00 feet on each side of the following described line:

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Beginning at a point on the northwesterly line of Lot 1, Block 1, said JYLAND WHITNEY ADDITION, distant 24.00 feet southwesterly of the northwest corner thereof; thence easterly, parallel with the north line of said Lot 1, a distance of 70.00 feet and said line there terminating.

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Conservation Restriction Easement

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

Publish in the Edina Sun-Current on January 27 and February 3, 1993
Send two Affidavits of Publication



**NOTICE OF PUBLIC HEARING
ON VACATION OF DRAINAGE AND UTILITY EASEMENTS
AND CONSERVATION RESTRICTION EASEMENT
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA**

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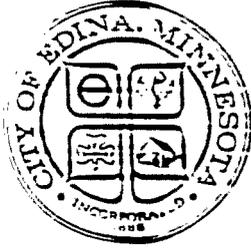
Conservation Restriction Easement

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

1/27/93



REPORT/RECOMMENDATION

To: Kenneth Rosland	Agenda Item # IV. A.
From: Fran Hoffman and Craig Larsen	Consent <input type="checkbox"/>
Date: March 1, 1993	Information Only <input type="checkbox"/>
Subject: Vacation of Drainage, Utility and Conservation Easements. Jyland Whitney and Peter Andrea Addn's.	Mgr. Recommends <input type="checkbox"/> To HRA
	<input type="checkbox"/> To Council
	Action <input checked="" type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Resolution
	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Discussion

Recommendation:

Vacation of Easements conditioned on:

1. Land Alteration Permit
2. Building Permit

Info/Background:

The subject hearing is a continuation of the February 16, 1993, hearing. The proposed easement vacation remains unchanged.

The recommended Land Alteration Permit (Section 830 of the City Code) would address site grading, erosion protection, and site clean up, landscaping, and performance bond. The site developer has addressed these issues in the attached letter. Specific requirements of the permit would be:

1. Grading Plan
- > 2. Erosion control and tree protection during construction.
- > 3. Planing plan illustrating 16 pine trees ranging from 8 to 16 feet in height.
- > 4. Site clean up of eroded soils.
- > 5. Letter of credit or performance bond for trees and clean up in the amount of \$10,000.



PLANNING
DESIGN
DEVELOPMENT
CONSTRUCTION

12800 WHITEWATER DRIVE
SUITE 120
MINNETONKA
MINNESOTA 55343
612 935-5300
612 935-9443 FAX
LICENSE NUMBER 2301

February 25, 1993

Mr. Craig Larsen
City of Edina
4801 West 50th Street
Edina, MN 55424

Re: Jyland-Whitney easement vacation

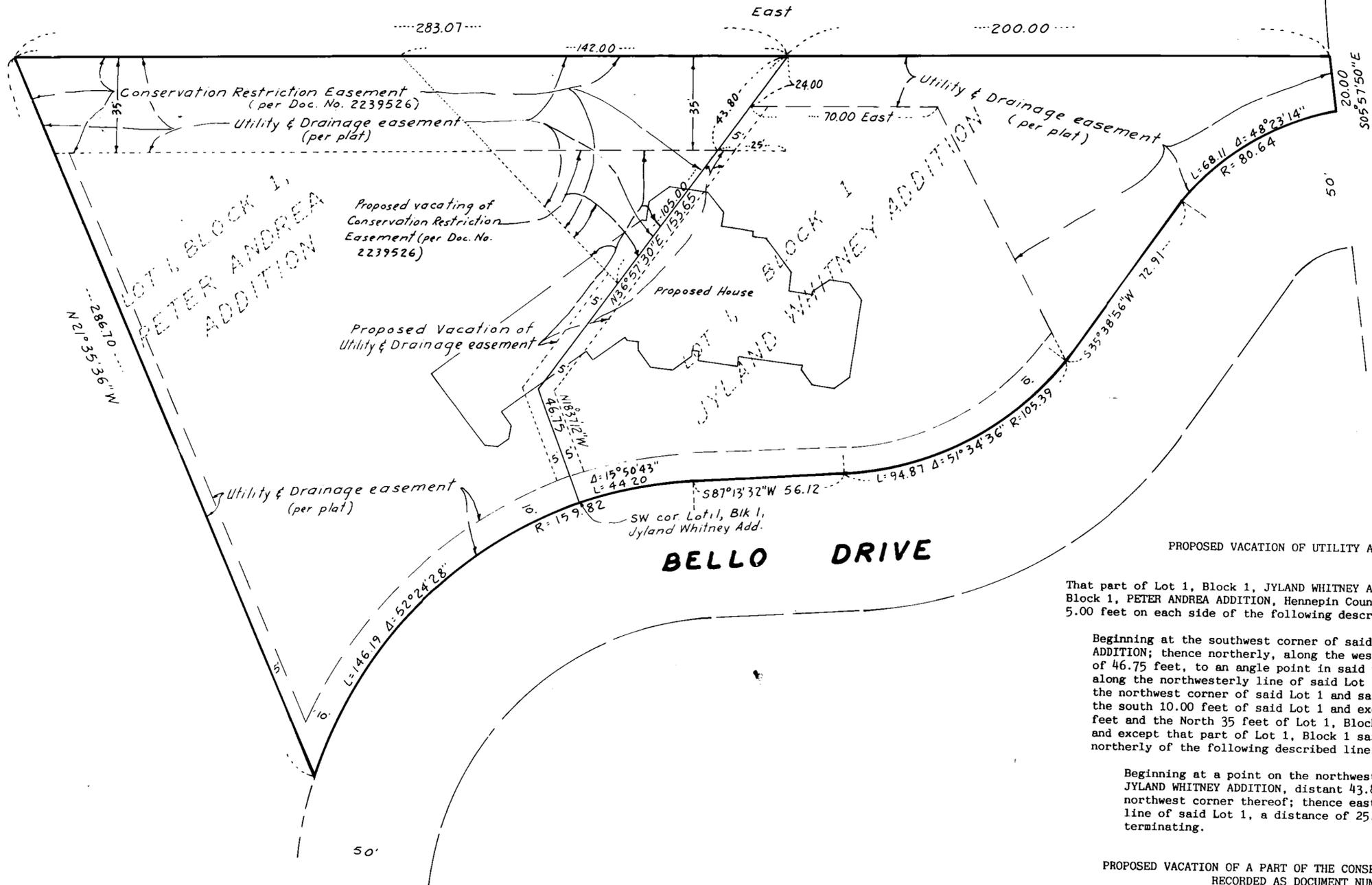
Dear Craig:

Jyland Homes, Inc proposes the following conditions be approved in conjunction with the vacation of the proposed utility and conservation easement:

- 1.) A snow fence be placed outside the drip line of any trees in the conservation easement prior to any excavation to prevent potential damage during construction, and be maintained during construction.
- 2.) The current silt fence controls be evaluated, repaired or replaced as deemed necessary by the City or watershed district to prevent further erosion and additional damage to trees. Further, that the City forrester inspect current trees outside the silt fence, and make recommendations of repair.
- 3.) A bond or letter of credit in the amount of \$10,000 be placed with the City to provide for the installation of sixteen pine trees, ranging from 8' to 16' high, to be planted along the portion of the easement being vacated.

Respectfully Submitted,
Jyland Homes, Inc


Robert A. Carlson
President



VALLEY VIEW ROAD

BELLO DRIVE

PROPOSED VACATION OF UTILITY AND DRAINAGE EASEMENT

That part of Lot 1, Block 1, JYLAND WHITNEY ADDITION and that part of Lot 1, Block 1, PETER ANDREA ADDITION, Hennepin County, Minnesota, described as being 5.00 feet on each side of the following described line:

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Beginning at a point on the northwesterly line of Lot 1, Block 1, said JYLAND WHITNEY ADDITION, distant 43.80 feet southwesterly of the northwest corner thereof; thence easterly, parallel with the north line of said Lot 1, a distance of 25.00 feet and said line there terminating.

PROPOSED VACATION OF A PART OF THE CONSERVATION RESTRICTION EASEMENT RECORDED AS DOCUMENT NUMBER 2239526

That part of Lot 1, Block 1, PETER ANDREA ADDITION, Hennepin County, Minnesota, lying northeasterly of a line drawn from a point on the east line of said Lot 1, distant 105.00 feet southwest of the northeast corner thereof, to a point on the north line of said Lot 1, distant 142.00 feet west of the northeast corner thereof and there terminating, except the north 35.00 feet of said Lot 1, as measured at right angles to the north line of said Lot 1.

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NO.	DATE	BY	REMARKS

DESIGNED	CHECKED
DRAWN	APPROVED
DATE	COMM
TAM	
2-11-93	

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Paul A. Johnson

DATE 2-11-93 REG NO 10938

McCombs Frank Roos Associates, Inc.

15050 23rd Ave N
Plymouth, MN 55447
612/476 6010

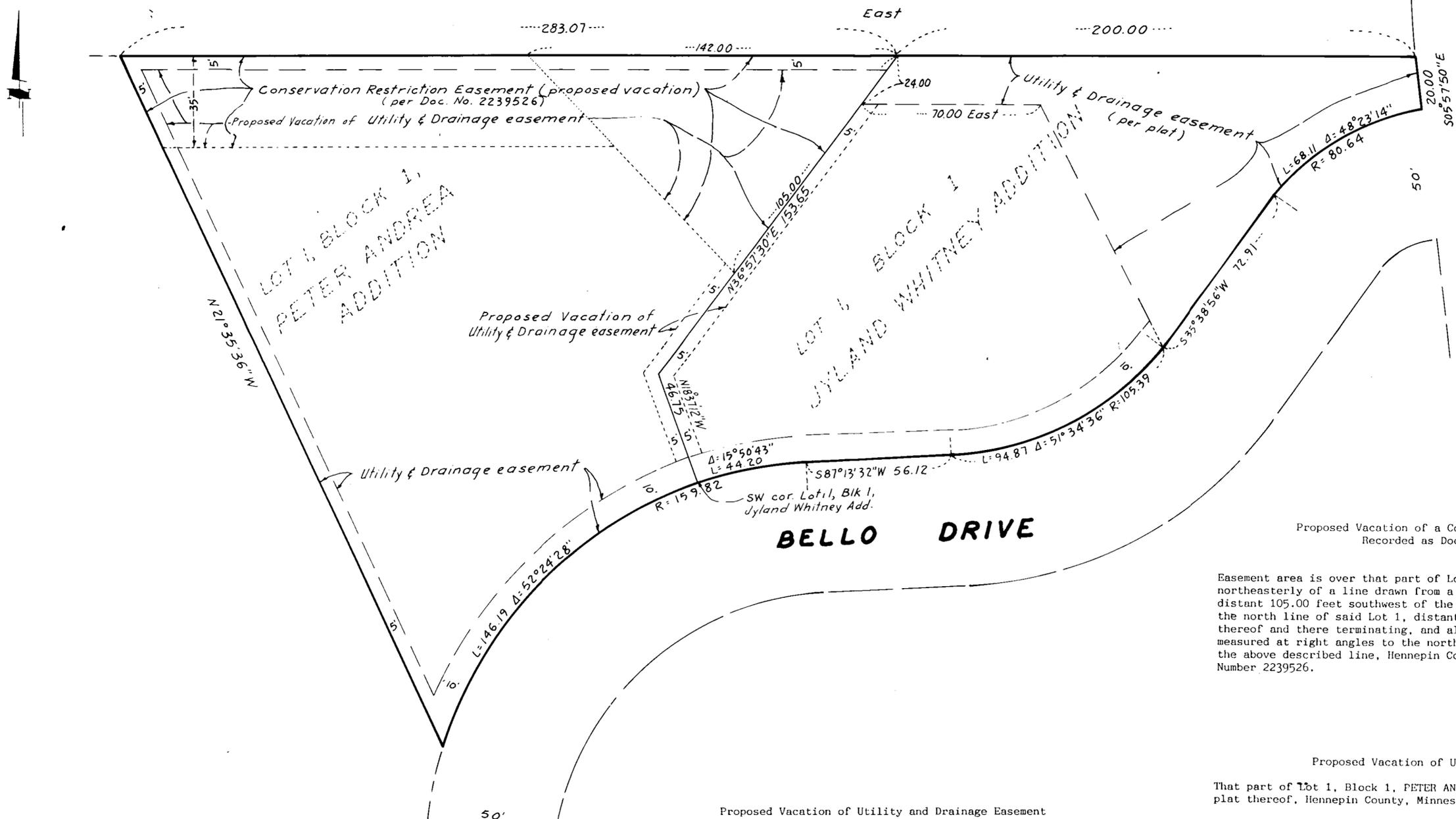
Engineers
Planners
Surveyors

SCALE	1" = 30'
BOOK	PAGE
FILE NO.	10226

PREPARED FOR:

JYLAND HOMES

SHEET	REV.
OF	



VALLEY VIEW ROAD

Proposed Vacation of a Conservation Restriction Easement
Recorded as Document Number 2239526

Easement area is over that part of Lot 1, Block 1, PETER ANDREA ADDITION, lying northeasterly of a line drawn from a point on the east line of said Lot 1, distant 105.00 feet southwest of the northeast corner thereof, to a point on the north line of said Lot 1, distant 142.00 feet west of the northeast corner thereof and there terminating, and also that part of the north 35.00 feet, as measured at right angles to the north line of said Lot, which lies westerly of the above described line, Hennepin County, Minnesota and recorded as Document Number 2239526.

Proposed Vacation of Utility and Drainage Easement

That part of Lot 1, Block 1, PETER ANDREA ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

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Proposed Vacation of Utility and Drainage Easement

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NO.	DATE	BY	REMARKS
REVISIONS			

DESIGNED TAM	CHECKED
DATE 1-5-93	APPROVED
	COMM

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Paul A. Johnson

DATE **1-6-93** REG NO **10938**



McCombs Frank Roos Associates, Inc.
 15050 23rd Ave N
 Plymouth, MN 55447
 612/476 6010
 Engineers
 Planners
 Surveyors

SCALE 1" = 30'
BOOK
PAGE
FILE NO 10226

PREPARED FOR:
JYLAND HOMES

SHEET	REV.
OF	



Sidney Bernhard Rebers, Master Builder

REBERS CONSTRUCTION COMPANY • 3525 WEBSTER AVE. • ST. LOUIS PARK, MINNESOTA 55416 • TELEPHONE 920-6996

February 16, 1993

Mr. Robert Carlson
Jyland Homes, Inc.
12800 Whitewater Drive
Suite #120
Minnetonka, MN 55343

RE: Re-Plat Bello Drive
Jyland/Whitney Addition
Lot 1, Block 1

Lot 1, Block 1
Peter Andrea Addition

Dear Mr. Carlson:

Per our meeting at the site on 2/13/93, the certificate of survey showing placement of the house and elevations (per benchmark), was not available at that time.

History established before the city by your firm for plat approval of Jyland Whitney Addition considered:

1. Saving 55% of all trees.
2. Elevation of house on Lot 1, Block 1, Jyland Whitney Addition that the building pad was 8' above existing grade, (on easterly side).

Peter Andrea Plat on Lot 1, Block 1 - Peter Andrea Addition was accepted by the city with a 35' drainage easement on the northerly boundary together with a projection on joint lines to your Lot 1, Block 1, a triangle of 105' for drainage. This was to take into account the 50' plus rise in elevation from east to west and as houses, driveways, etc., were built, this area would then be for drainage.

In the fall of 1991, you told me that excess dirt was only temporarily piled on said Lot 1, Block 1 of the Jyland/Whitney Addition. Then in 1992 more dirt was piled on said Lot 1, Block 1 to approximately 18' above the existing grade. (Easterly side.)

Dirt was not kept away from trees and out of the drainage easement.

Silt fences, (never intended to be retaining walls), were installed. Dirt slid into and over these silt fences onto remaining trees and into drainage easement.

I respectfully request that the dirt be removed from the drainage easement and these areas be re-planted with acceptable ground cover. Trees to have all dirt removed to within 15' of trunks.

That the additional 16 spruce trees Jyland proposes to plant, be located on the south side of the 35' drainage easement commencing west of the most northerly projection of proposed house and going easterly, spacing trees per their size.

That a bond for the above be established by the city of \$5,000.00 for dirt removal and replanting. \$14,400.00. (16 trees x \$900.00.) For a total of \$19,400.00.

With the above, together with the removal of the additional drainage easement in the triangle of 105' beyond the 35' at the northerly line, the joining of the Lot 1, Block 1 Jyland and Lot 1, Block 1 Peter Andrea, would be acceptable to me.

Respectfully submitted,

By: 
Sid Rebers
6916 Dakota Trail
Edina, MN 55439

cc: City of Edina

February 12, 1993

Mr. Fred Richards
City of Edina
4801 West 50th Street
Edina, MN 55424

Re: Jyland-Whitney easement vacation

Dear Mr. Richards:

Jyland Homes, Inc has requested the vacation of conservation, drainage and utility easements neighboring my property, in accordance with the attached plat.

I approve of this vacation, with the following conditions:

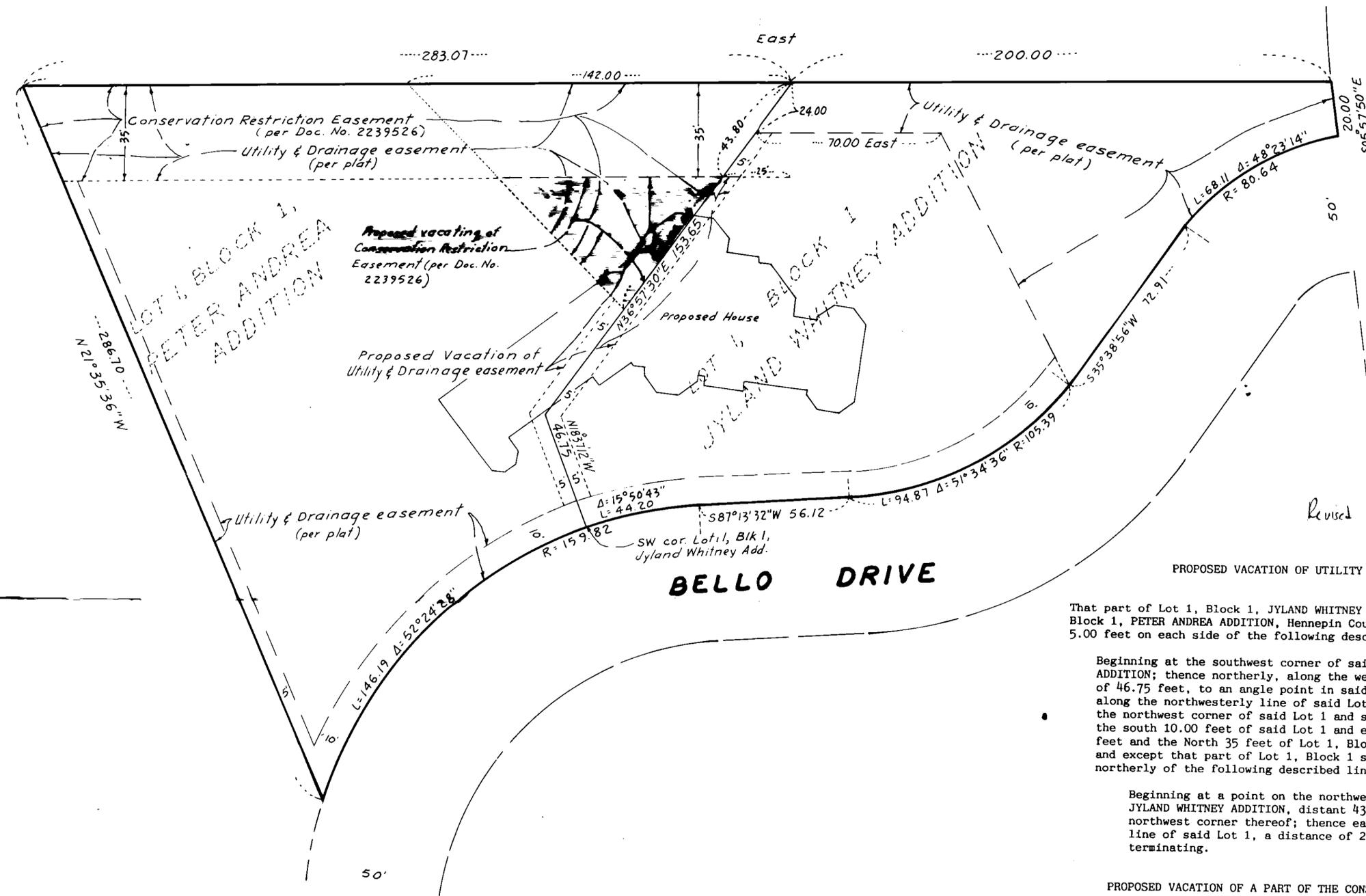
- 1.) A snow fence be placed outside the drip line of any trees in the conservation easement prior to any excavation to prevent potential damage during construction, and be maintained during construction.
- 2.) The current silt fence controls be evaluated, repaired or replaced as deemed necessary by the City or watershed district to prevent further erosion and additional damage to trees. Further, that the City forester inspect current trees outside the silt fence, and make recommendations of repair.
- 3.) A bond or letter of credit be placed with the City to provide for the installation of sixteen pines, ranging from 8' to 16' high, to be planted along the portion of the easement being vacated.

If you have any questions, please contact me at 920-6996.

Respectfully,

~~Sid Bebers~~
6916 Dakota Trail

Prepared by
Jyland Homes



VALLEY VIEW ROAD

Revised Vacation Request

PROPOSED VACATION OF UTILITY AND DRAINAGE EASEMENT

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DESIGNED		CHECKED		I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA <i>Paul A. Johnson</i> DATE 2-11-93 REG NO 10938	SCALE 1" = 30'	PREPARED FOR: JYLAND HOMES	SHEET REV. OF
DRAWN TAM		APPROVED					
DATE 2-11-93		COMM		FILE NO. 10226			

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 January 27, 19 93, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - Vacation of Utility, Drainage and Conservation Restriction (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least 10 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

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

WITNESS my hand and seal of said City this 27th day of January, 19 93.

Mauiello M. Dack
Edina City Clerk

MAILING LIST - PUBLIC HEARING ON VACATION OF UTILITY, DRAINAGE AND
CONSERVATION RESTRICTION EASEMENTS - LOT 1, BLOCK 1, PETER
ANDREA ADDITION AND LOT 1, BLOCK 1, HYLAND WHITNEY ADDITION

07-116-21-21-0057 Kurt Schellhas
16 Overholt Pass
Edina MN 55439

07-116-21-21-0056 Peter Andrea
24 Bello Drive
Edina MN 55439

07-116-21-21-0050 Jyland Development
12800 Whitewater Dr #120
Minnetonka MN 55343

07-116-21-21-0052 Whitney Peyton
25 Bello Drive
Edina MN 55439

06-116-21-34-0041 B. Blesi Trust
6505 Shawnee Circle
Edina MN 55439

06-116-21-34-0039 S. & B. Rebers
6916 Dakota Trail
Edina MN 55439

06-116-21-34-0038 Gordon Knudsvig
6920 Dakota Trail
Edina MN 55439

Ronald Goodin
Verification Technician
Paragon Cable
10210 Crosstown Circle
Eden Prairie MN 55344-3377

Mark Kerssen
522-5200
EX 365

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

Steven Von Bargaen
Minnegasco
700 Linden Avenue W.
P.O. Box 1165
Minneapolis MN 55403

342-5381

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

**NOTICE OF PUBLIC HEARING
ON VACATION OF DRAINAGE AND UTILITY EASEMENTS
AND CONSERVATION RESTRICTION 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 February 16, 1993 at 7:00 P.M., for the purpose of holding a public hearing on the proposed vacation of the following easements for drainage, utility and conservation restriction purposes:

Utility and Drainage Easement

That part of Lot 1, Block 1, JYLAND WHITNEY ADDITION and that part of Lot 1, Block 1, PETER ANDREA ADDITION, Hennepin County, Minnesota, described as being 5.00 feet on each side of the following described line:

Beginning at the southwest corner of said Lot 1, Block 1, JYLAND WHITNEY ADDITION; thence northerly, along the west line of said Lot 1, a distance of 46.75 feet, to an angle point in said west line; thence northeasterly, along the northwesterly line of said Lot 1, a distance of 153.65 feet to the northwest corner of said Lot 1 and said line there terminating, except the south 10.00 feet of said Lot 1 and except the most southeasterly 10.00 feet and the north 5.00 feet of Lot 1, Block 1, said PETER ANDREA ADDITION and except that part of Lot 1, Block 1 said JYLAND WHITNEY ADDITION lying northerly of the following described line:

Beginning at a point on the northwesterly line of Lot 1, Block 1, said JYLAND WHITNEY ADDITION, distant 24.00 feet southwesterly of the northwest corner thereof; thence easterly, parallel with the north line of said Lot 1, a distance of 70.00 feet and said line there terminating.

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Conservation Restriction Easement

Easement area is over that part of Lot 1, Block 1, PETER ANDREA ADDITION, lying northeasterly of a line drawn from a point on the east line of said Lot 1, distant 105.00 feet southwest of the northeast corner thereof, to a point on the north line of said Lot 1, distant 142.00 feet west of the northeast corner thereof and there terminating, and also that part of the north 35.00 feet, as measured at right angles to the north line of said Lot, which lies westerly of the above described line, Hennepin County, Minnesota, and recorded as Document Number 2239526.

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 television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such 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
Marcella M. Daehn
City Clerk

1/27/93

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

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
VACATION OF DRAINAGE AND UTILITY, AND
CONSERVATION RESTRICTION EASEMENTS
LOT 1, BLOCK 1, PETER ANDREA ADDITION AND
LOT 1, BLOCK 1, JYLAND WHITNEY ADDITION

The undersigned, being first duly sworn, upon oath deposes and says that he/she is a duly appointed and acting Police Officer for the City of Edina, Hennepin County, Minnesota, and that on February 27, 1993 he/she posted the Notice of Hearing on the vacation described above to be held on February 16, 1993, a true and correct copy of which is attached hereto, 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 01-27-93

Signed J. Elroy

Signed and sworn to before me, a Notary Public
in and for Hennepin County, Minnesota, this
27th day of January, 1993.

Maudie M. Dachs



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ON VACATION OF DRAINAGE AND UTILITY EASEMENTS
AND CONSERVATION RESTRICTION EASEMENT
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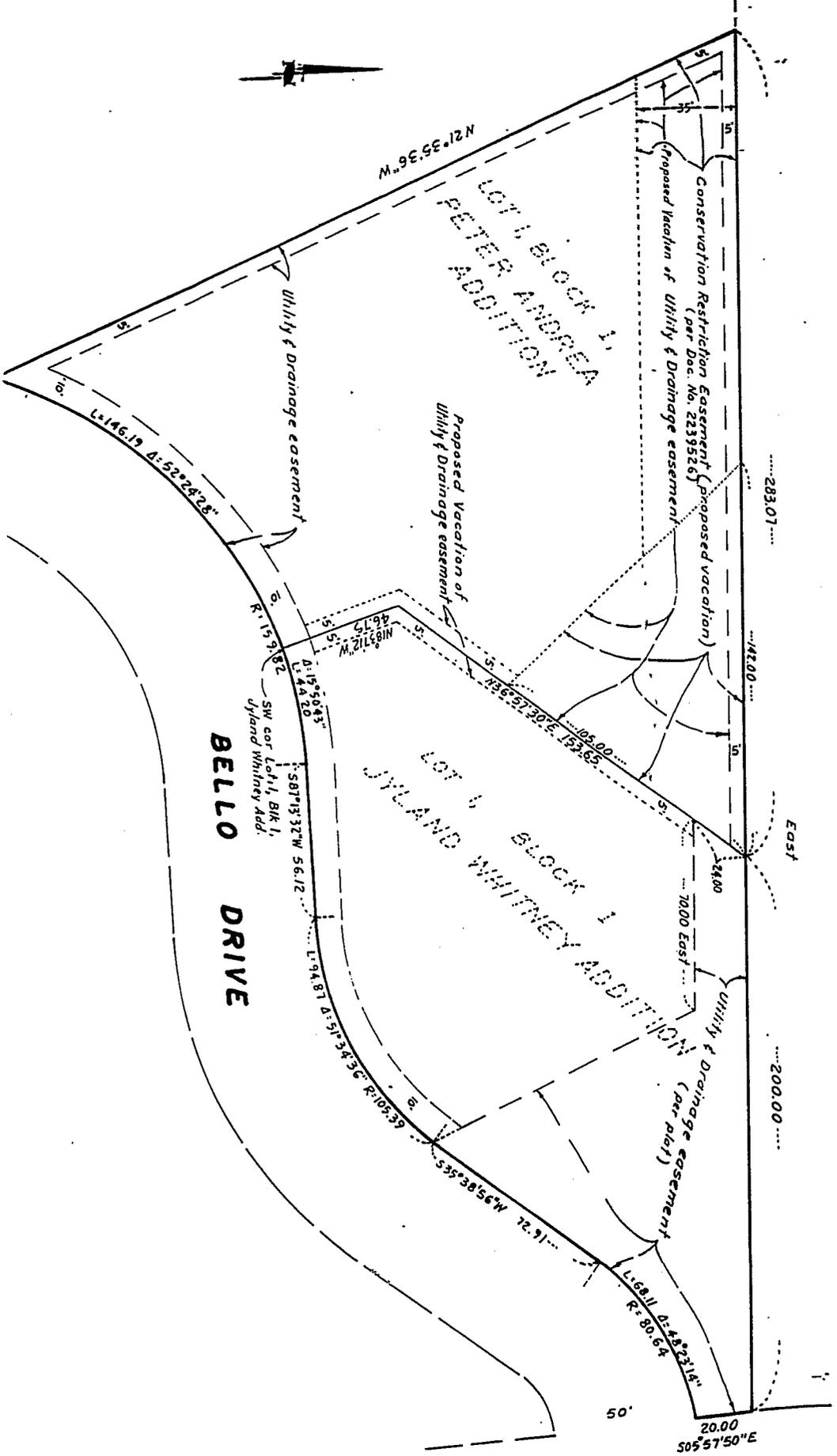
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BY ORDER OF THE EDINA CITY COUNCIL
Marcella M. Daehn
City Clerk

1/27/93





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ON VACATION OF DRAINAGE AND UTILITY EASEMENTS
AND CONSERVATION RESTRICTION EASEMENT
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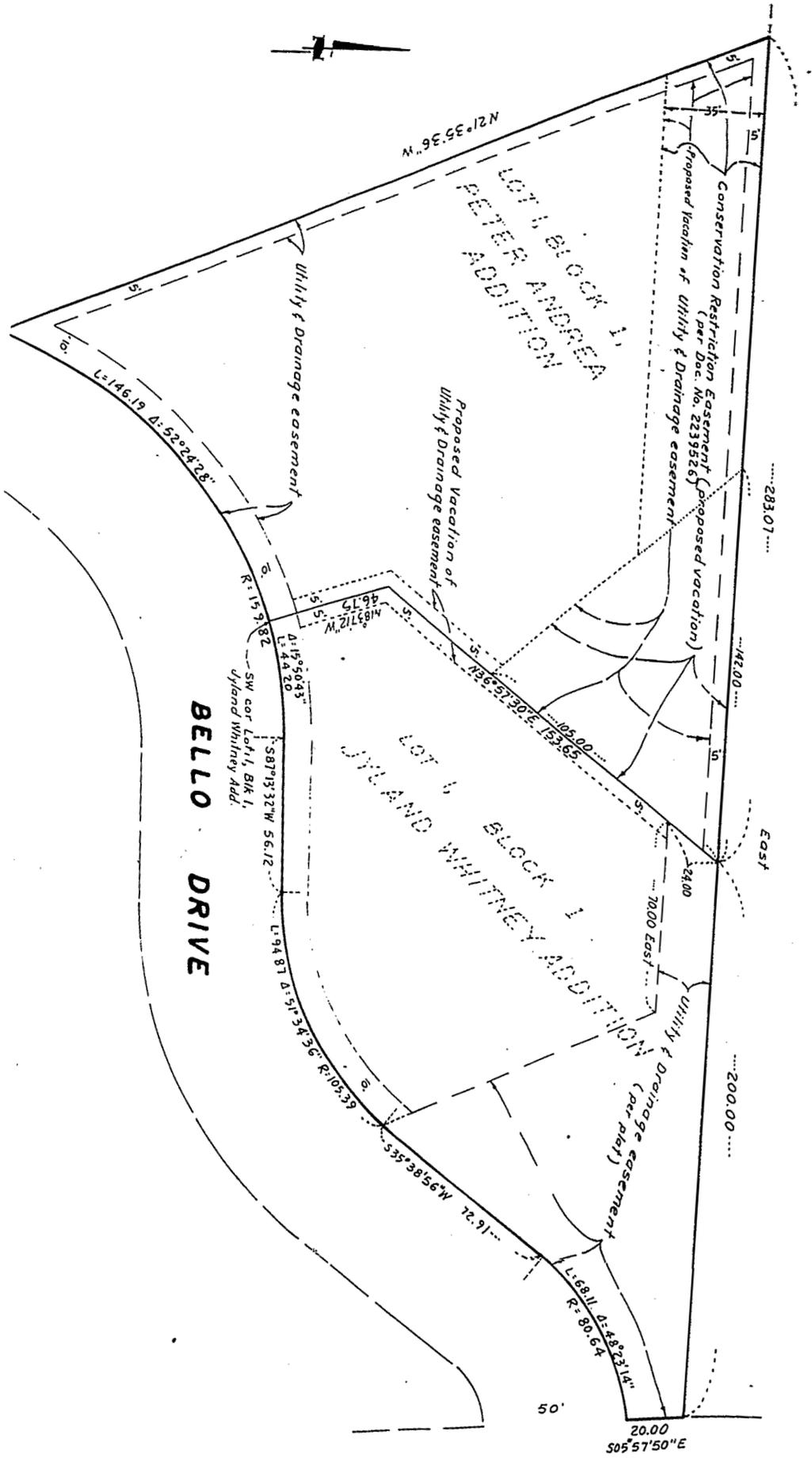
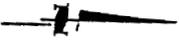
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BY ORDER OF THE EDINA CITY COUNCIL
Marcella M. Daehn
City Clerk

1/27/93





REPORT/RECOMMENDATION

To: KEN ROSLAND, MANAGER	Agenda Item # VII.A
From: MARCELLA DAEHN, CLERK	Consent <input checked="" type="checkbox"/>
Date: JANUARY 14, 1993	Information Only <input type="checkbox"/>
Subject: PETITION TO VACATE UTILITY, DRAINAGE & CONSERVATION RESTRICTION EASEMENTS	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:

Adopt a Council resolution setting February 16, 1993, as hearing date on the petition to vacate utility, drainage and conservation restriction easements on Lot 1, Block 1, PETER ANDREA ADDITION and on Lot 1, Block 1, JYLAND WHITNEY ADDITION.

Info/Background:

A petition has been filed with the City requesting vacation of utility, drainage and conservation restrictions on Lot 1, Block 1, PETER ANDREA ADDITION and on Lot 1, Block 1, JYLAND WHITNEY ADDITION.

Staff would recommend that February 16, 1993, be set as hearing date. A copy of the petition is attached.

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated January 5, 1993

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

- Street Alley Utility Easement
 Drainage Easement Other Conservation Restriction
(describe)

Legal description of area proposed to be vacated:

Lot 1, Block 1 Jyland Whitney

Lot 1, Block 1 Peter Andrea

see attached description (3 pages)

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

Signature [Handwritten Signature]
 Address 4808 Heatherwood Circle
 Telephone 605-339-3815

2) Review

- CITY ENGINEER by _____ Acceptable Opposed Conditional
 Conditions _____
- MINNEGASCO by _____ Acceptable Opposed Conditional
 Conditions _____
- N.W. BELL by _____ Acceptable Opposed Conditional
 Conditions _____
- N.S.P. by _____ Acceptable Opposed Conditional
 Conditions _____

Proposed Vacation of Utility and Drainage Easement

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#10226
01/05/93

Proposed Vacation of Utility and Drainage Easement

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#10226
01/05/93

Proposed Vacation of a Conservation Restriction Easement
Recorded as Document Number 2239526

Easement area is over that part of Lot 1, Block 1, PETER ANDREA ADDITION, lying northeasterly of a line drawn from a point on the east line of said Lot 1, distant 105.00 feet southwest of the northeast corner thereof, to a point on the north line of said Lot 1, distant 142.00 feet west of the northeast corner thereof and there terminating, and also that part of the north 35.00 feet, as measured at right angles to the north line of said Lot, which lies westerly of the above described line, Hennepin County, Minnesota and recorded as Document Number 2239526.

#10226
01/05/93

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 Drainage Easement Other Conservation Restriction
(describe)

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Lot 1, Block 1 Peter Andrea

see attached description (3 PAGES)

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

Signature [Signature]
 Address 4808 Heatherwood Circle
 Telephone 605-339-3815

2) Review

CITY ENGINEER by _____ Acceptable Opposed Conditional

Conditions



12800 WHITEWATER DRIVE
 SUITE 120
 MINNETONKA, MN 55343

*CRAIG,
 PLEASE CALL ME IF YOU
 NEED FURTHER INFO, OR
 ANY CHANGES FOR 1st TIME
 PASSAGE!*

PHONE (612) 935-5300 • FAX (612) 935-9443

Acceptable Opposed Conditional
 Acceptable Opposed Conditional
 Acceptable Opposed Conditional

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#10226
01/05/93

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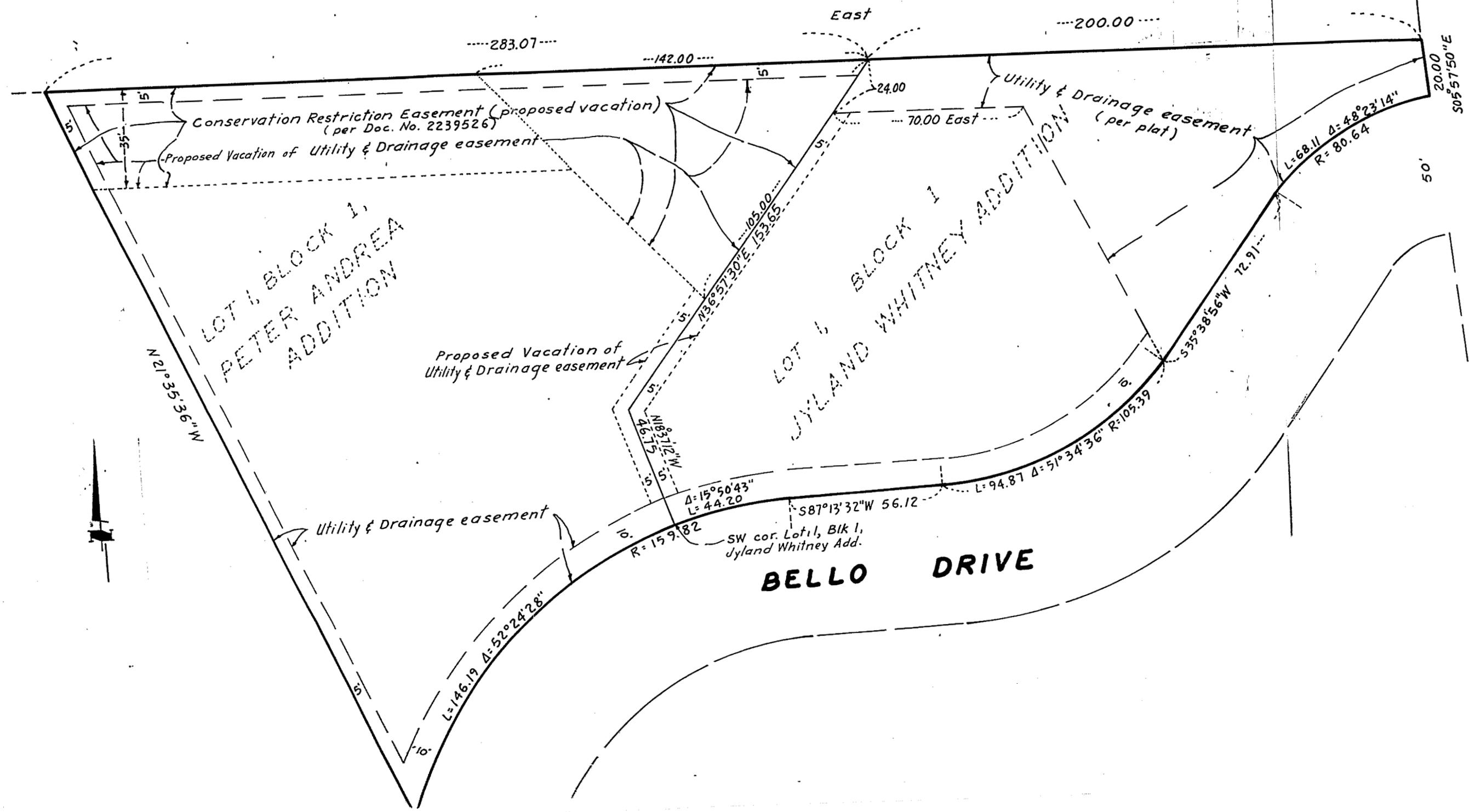
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#10226
01/05/93

Proposed Vacation of a Conservation Restriction Easement
Recorded as Document Number 2239526

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#10226
01/05/93



VALLEY VIEW ROAD

• Jyland/Andrea Mailing
vacation / Conservation easement

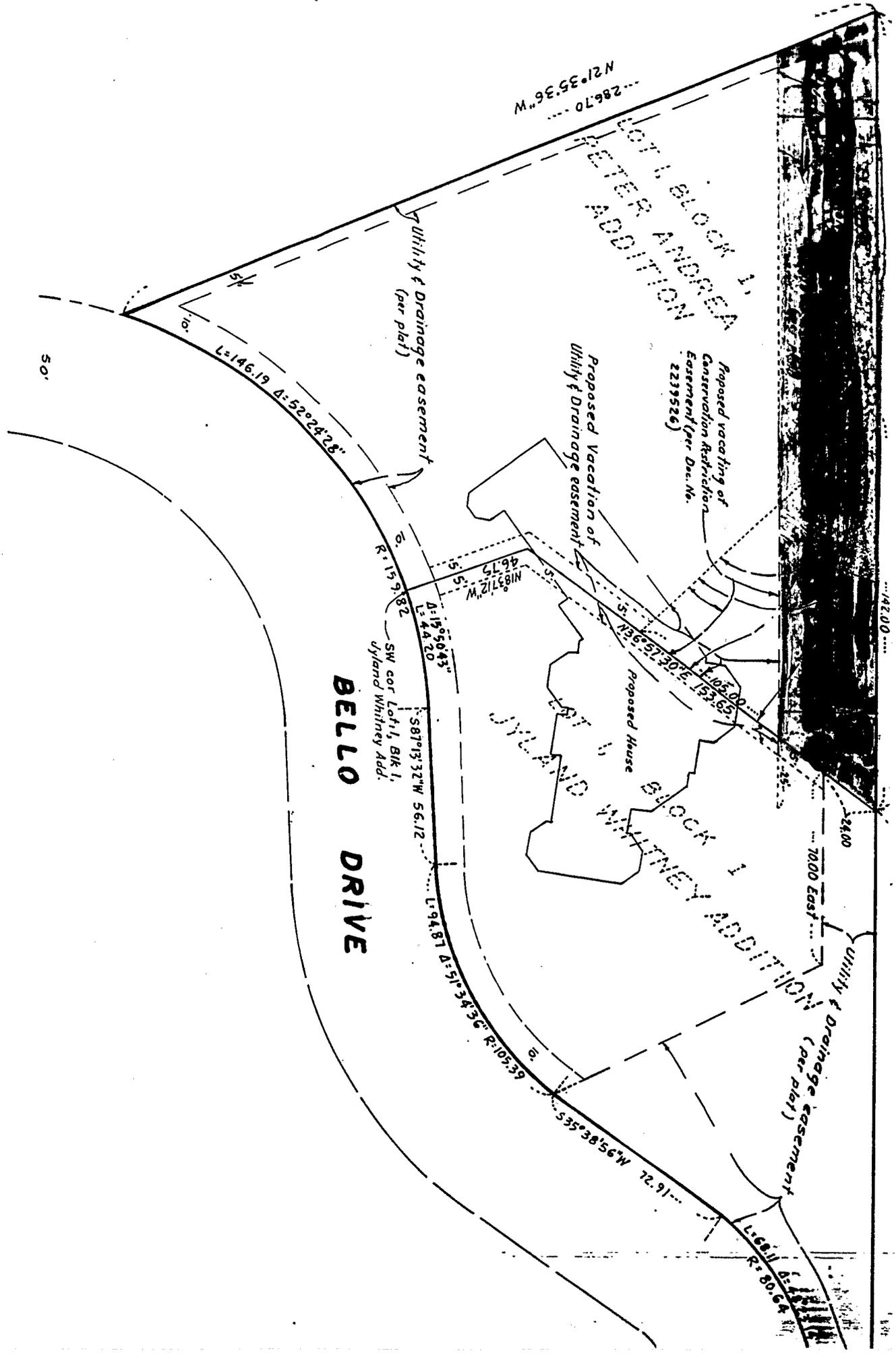
07-116-21-21-

- 0057* Kurt Schellhas - #16 Overholt
0056* Peter Andrea - 24 Bello Dr.
0050* Jyland Deye. 12800 Whitewater Dr #120 MTKa 55343
0052* Whitney Peyton - 25 Bello Dr.
0051 Jyland Deye.

Marce only contact addresses with*
06-116-21-34

- 004* G. Blesi - Trust 6505 Shawnee Cr
003* S. & B. Rebers - 6916 Dakota Tr.
0038* Gordon Knudsvig - 6920 Dakota Tr.

55439



N 21° 35' 36" W
286.70

LOT 1, BLOCK 1,
METER ANDREA
ADDITION

Utility & Drainage easement
(per plat)

L: 146.19 D: 52° 24' 28"

50'

Proposed vacating of
Conservation Restriction
Easement (per Dec. No.
2239526)

Proposed Vacation of
Utility & Drainage easement

R: 115.982
L: 44.20
S 19° 50' 43"

SW cor Lot 1, Blk 1,
Uyland Whitney Add.

BELLO
DRIVE

LOT 1,
BLOCK 1,
UYLAND WHITNEY
ADDITION

Proposed House

L: 94.81 D: 15° 34' 36"

Utility & Drainage easement
(per plat)

L: 80.64
R: 80.64

N 55° 38' 56" W
12.91

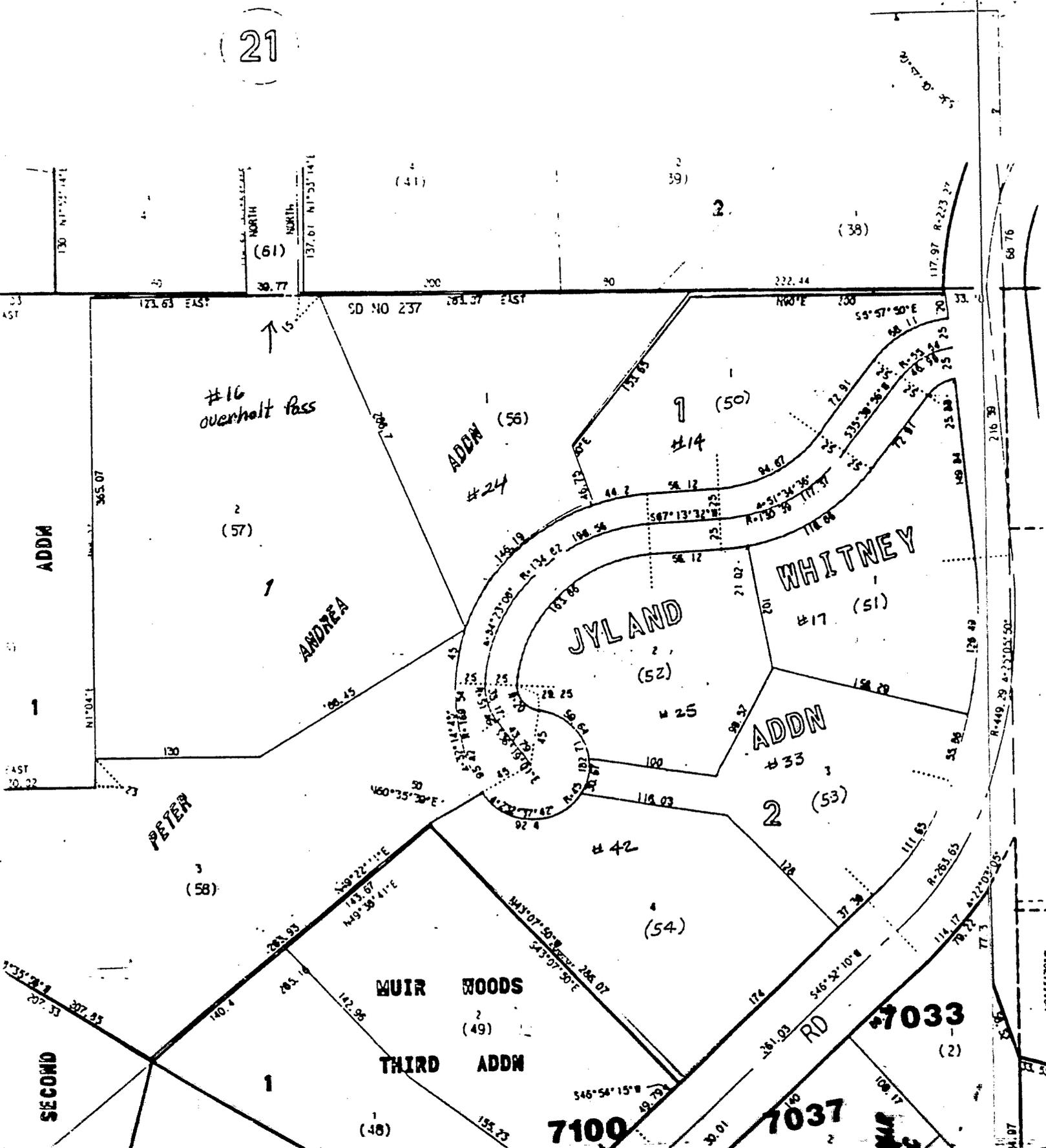
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7000 East

R. 21

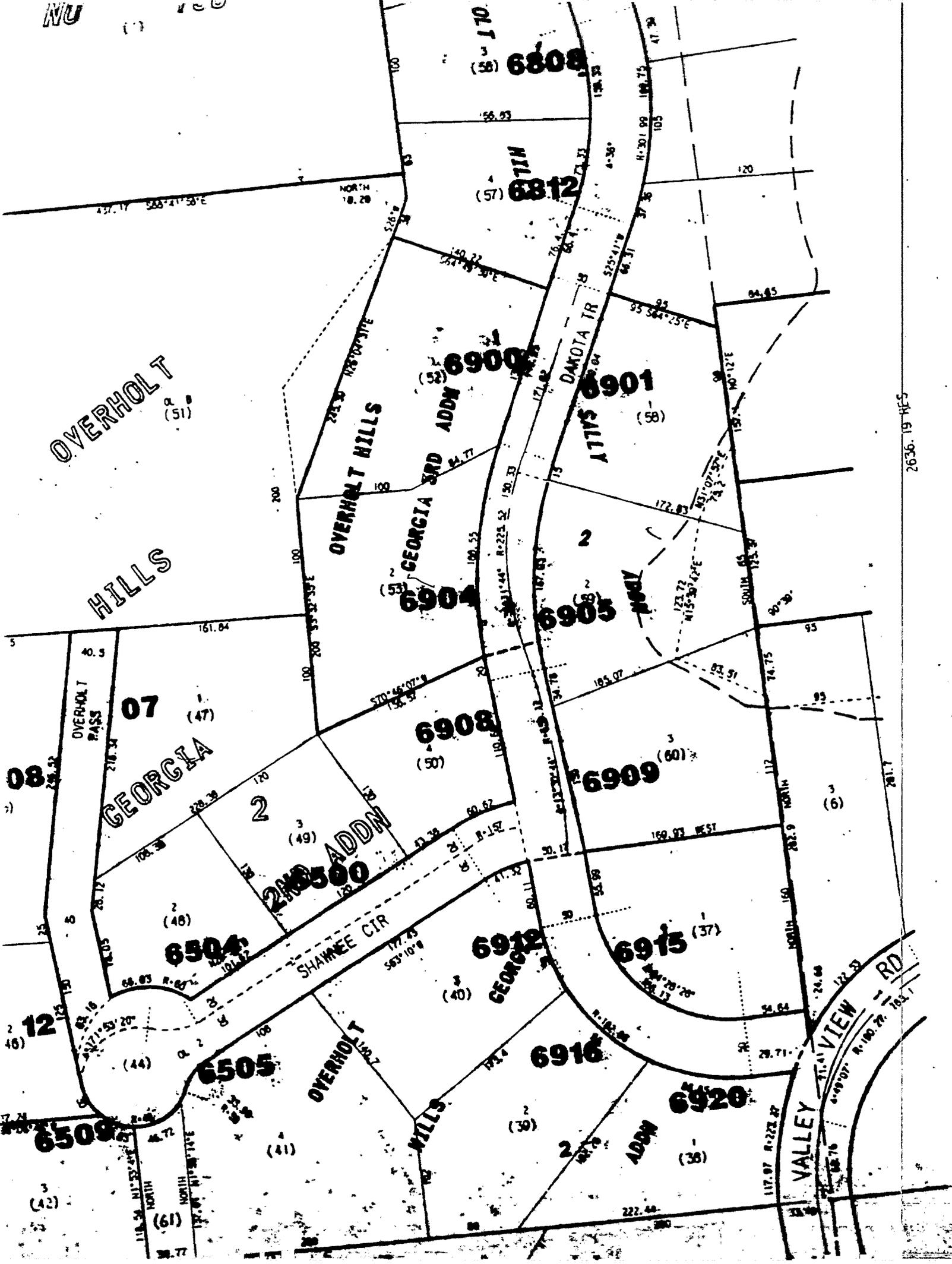
EDINA-24

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OVERHOLT
HILLS

OVERHOLT HILLS

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OVERHOLT HILLS

VALLEY VIEW RD

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