

8/7/89 VACATION OF DRAINAGE & UTILITY
EASEMENT - Lot 6, Blk 1, Indian
Hills West (6728 Apache Rd)

*waiting
for description
8/21/89*

DORSEY & WHITNEY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

350 PARK AVENUE
NEW YORK, NEW YORK 10022
(212) 415-9200

1330 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 857-0700

3 GRACECHURCH STREET
LONDON EC3V 0AT, ENGLAND
01-929-3334

36, RUE TRONCHET
75009 PARIS, FRANCE
01-42-66-59-49

FAR EAST FINANCE CENTER
HONG KONG
852-5-8612555

2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINNESOTA 55402

(612) 340-2600

TELEX 29-0605
FAX (612) 340-2868

340 FIRST NATIONAL BANK BUILDING
ROCHESTER, MINNESOTA 55903
(507) 288-3156

315 FIRST NATIONAL BANK BUILDING
WAYZATA, MINNESOTA 55391
(612) 475-0373

1200 FIRST INTERSTATE CENTER
BILLINGS, MONTANA 59103
(406) 252-3800

201 DAVIDSON BUILDING
GREAT FALLS, MONTANA 59401
(406) 727-3632

127 EAST FRONT STREET
MISSOULA, MONTANA 59802
(406) 721-6023

August 15, 1989

Ms. Marcella M. Daehn
City Clerk
City of Edina
4801 West 50th Street
Edina, Minnesota 55424

Re: Recorded Easement Vacations

Dear Ms. Daehn:

Enclosed please find the following recorded documents:

1. Resolution Vacating Easement for Street Purposes, Document No. 5557481;
2. Notice of Completion of Proceedings on Vacation of Easement for Street Purposes, Document No. 5557482;
3. Notice of Completing Proceedings on Vacation of Easement for Drainage and Utility Purposes, Document No. 5562897 (duplicate filing); and
4. Notice of Completion of Proceedings on Vacation of Easement for Street Purposes, Document No. 5562898 (duplicate filing).

*Edinburgh way
7/24/89*

*6725 Apache Rd.
3/27/89*

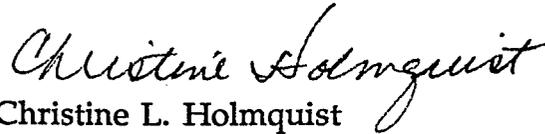
*Frontage Rd.
Super America
5/15/89*

Ms. Marcella M. Daehn
August 15, 1989
Page 2

DORSEY & WHITNEY

The original recorded documents of nos. 3 and 4 above will be forwarded to you upon receipt.

Very truly yours,



Christine L. Holmquist
Legal Assistant to
Thomas S. Erickson

CLH/aal
Enclosures
cc: Thomas S. Erickson, Esq. (w/enc.)

Minnesota Suburban Newspapers AFFIDAVIT OF PUBLICATION

City of Edina

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR
DRAINAGE AND UTILITY PURPOSES
IN THE CITY OF EDINA,
HENNEPIN COUNTY, MINNESOTA
NOTICE IS HEREBY GIVEN that the City
Council of the City of Edina, Hennepin County,
Minnesota, will meet at the Edina City Hall, 4801
W. 50th Street on August 7, 1989 at 7:00 p.m., for
the purpose of holding a public hearing on the pro-
posed vacation of the following easement for
drainage and utility purposes:

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

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

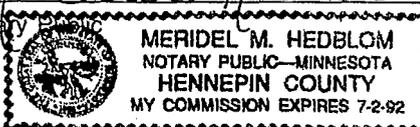
(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper
as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week
for one successive weeks; it was first published on Wednesday, the 19
of July, 19 89, and was thereafter printed and published on every _____
and including _____, the _____ day of _____, 19____; and printed below
a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the _____
and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz
BY: *Gregory Ptacin*
TITLE: General Manager

Acknowledged before me on this

29 day of September, 19 89
Meridel M. Hedblom
Notary


That part of Lot 6, Block 1, INDIAN HILLS WEST, according to the recorded plat thereof, described as follows:
Commencing at the Southeast corner of said Lot 6; thence North 0 degrees 01 minutes 29 seconds West, assumed bearing, a distance of 30.00 feet along the east line of said Lot 6; thence South 89 degrees 58 minutes 31 seconds West a distance of 10.00 feet to an angle point in the westerly line of the drainage and utility easement as shown on said plat of INDIAN HILLS WEST and the point of beginning of the land to be described; thence North 26 degrees 35 minutes 02 seconds West a distance of 13.20 feet along said westerly line; thence on a bearing of North a distance of 13.35 feet; thence on a bearing of West a distance of 6.68 feet to said westerly line; thence North 26 degrees 35 minutes 02 seconds West a distance of 19.96 feet along said westerly line; thence on a bearing of North 18.26 feet; thence on a bearing of West a distance of 3.63 feet; thence on a bearing of North a distance of 7.15 feet; thence on a bearing of West a distance of 4.50 feet; thence on a bearing of North a distance of 12.76 feet; thence on a bearing of West a distance of 10.86 feet; thence on a bearing of South a distance of 3.17 feet to the southerly line of said drainage and utility easement; thence on a bearing of East a distance of 2.47 feet along the southerly line to an intersection with said westerly line of the drainage and utility easement; thence South 26 degrees 35 minutes 02 seconds East a distance of 10.00 feet along said westerly line to the point of beginning.
All persons who desire to be heard with respect to the question of whether or not the above proposed street 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 street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.
BY ORDER OF THE EDINA CITY COUNCIL
MARCELLA M. DAEHN
City Clerk

(July 19, 1989)-ED

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space	\$ <u>1.00 per line</u> (Line, word, or inch rate)
(2) Maximum rate allowed by law for the above matter	\$ <u>54.4¢ per line</u> (Line, word, or inch rate)
(3) Rate actually charged for the above matter	\$ <u>49.7¢ per line</u> (Line, word, or inch rate)



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on August 7, 1989, adopted a Resolution Vacating 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 drainage and utility purposes, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Lot 6, Block 1, INDIAN HILLS WEST, according to the recorded plat thereof, described as follows:

Commencing at the Southeast corner of said Lot 6; thence North 0 degrees 01 minutes 29 seconds West, assumed bearing, a distance of 30.00 feet along the east line of said Lot 6; thence South 89 degrees 58 minutes 31 seconds West a distance of 10.00 feet to an angle point in the westerly line of the drainage and utility easement as shown on said plat of INDIAN HILLS WEST and the point of beginning of the land to be described; thence North 26 degrees 35 minutes 02 seconds West a distance of 13.20 feet along said westerly line; thence on a bearing of North a distance of 13.35 feet; thence on a bearing of West a distance of 6.68 feet to said westerly line; thence North 26 degrees 35 minutes 02 seconds West a distance of 19.96 feet along said westerly line; thence on a bearing of North 15.26 feet; thence on a bearing of West a distance of 3.63 feet; thence on a bearing of North a distance of 7.15 feet; thence on a bearing of West a distance of 4.50 feet; thence on a bearing of North a distance of 12.76 feet; thence on a bearing of West a distance of 10.36 feet; thence on a bearing of South a distance of 3.17 feet to the southerly line of said drainage and utility easement; thence on a bearing of East a distance of 2.47 feet along said southerly line to an intersection with said westerly line of the drainage and utility easement; thence South 26 degrees 35 minutes 02 seconds East a distance of 83.87 feet along said westerly line to the point of beginning.

The time of completion of proceedings and the effective date of said vacation is August 8, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn

Marcella M. Daehn, City Clerk
City of Edina

TRANSFER ENTERED
DEPT. OF PROPERTY TAX & PUBLIC RECORDS

AUG 11 1989

HENNEPIN COUNTY MINN.
BY *[Signature]* DEPUTY

OFFICE OF COUNTY RECORDER
ST. LOUIS COUNTY, MISSOURI

CERTIFIED FILED AND OK
RECORDED ON

89 AUG 11 PM 4:28

AS DOCUMENT # **5562897**
R. Dan Carlson CO. RECORDER

R. Dan Carlson DEPUTY

Duplicate
Filing
Certificate
50 Cents



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

August 8, 1989

Thomas S. Erickson, P.A.
Dorsey and Whitney
2200 First Bank Place East
Minneapolis, MN 55402

Re: Vacation of Easement - Lot 6, Block I, Indian Hills West
6728 Apache Road

Dear Tom:

Enclosed are two certified copies of Notice of Completion of Proceedings for the above referenced easement vacation.

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

Thanks for your assistance.

Very truly yours,

Marcella M. Daehn
City Clerk

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IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

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The time of completion of proceedings and the effective date of said vacation is August 8, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn, City Clerk
City of Edina



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

NOTICE OF COMPLETION OF PROCEEDINGS
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The time of completion of proceedings and the effective date of said vacation is August 8, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA



Marcella M. Daehn, City Clerk
City of Edina



REPORT/RECOMMENDATION

To: Kenneth Rosland	Agenda Item # III. A.
From: Craig Larsen	Consent <input type="checkbox"/>
Date: August 7, 1989	Information Only <input type="checkbox"/>
Subject: Vacation of Drainage and Utility easement. 6728 Apache Road	Mgr. Recommends <input type="checkbox"/> To HRA
	<input checked="" type="checkbox"/> To Council
	Action <input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Resolution
	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Discussion

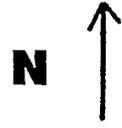
Recommendation:

Approve proposed drainage easement vacation.

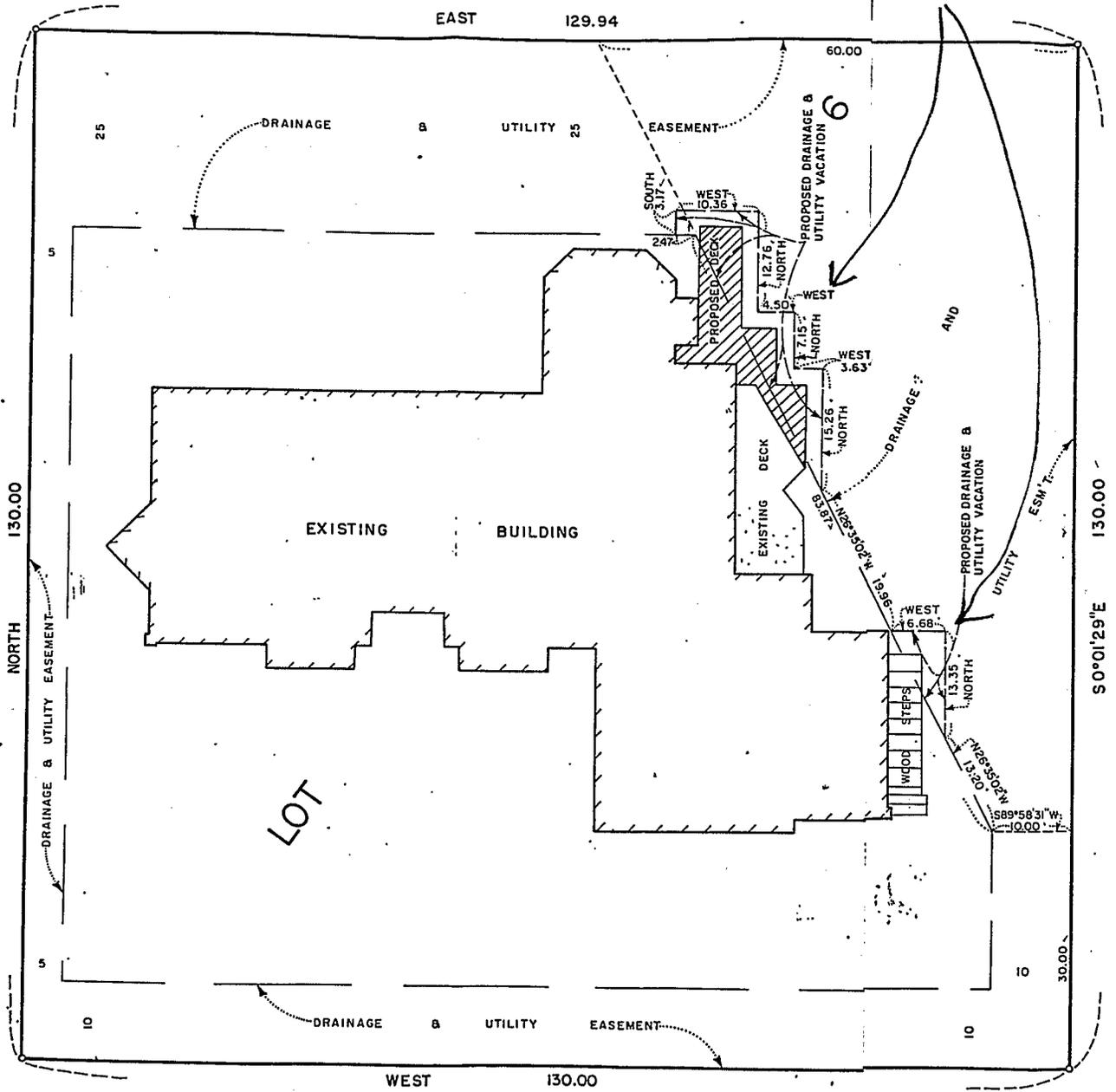
Info/Background:

The proposed vacation would allow for the construction of additional decking and for stairs from new and existing deck areas. The proposed area to be vacated is small and all of the vacated area is above the 100 year flood elevation for the pond.

The proposed vacation has been reviewed and approved by the private utility companies and by the City Engineer.



Proposed Vacation



60

APACHE ROAD

ROAD

60

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated 6-21-89

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

Street Alley Utility Easement

Drainage Easement Other _____
(describe)

Description of area proposed to be vacated:	TOTAL	75.00
<u>Flat, grassy near eastern side of house.</u>		<u>07/05/87</u>
<u>Lot 6, Blk 1, Indian Hills West 06-116-21-32-0068</u>		

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

Signature James D. Hopy

Address 6728 Upacke Rd.

Telephone 942-6677

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 _____

RECEIVED AUG 07 1989

August 7, 1989

Dear Edina City Council Members,

Thank you for considering our request to vacate a small portion of the easement which is located on our property at 6728 Apache Road. Unfortunately, my husband and I are out of town and can not attend the meeting, however, we have arranged for Ed Baines, our landscape architect, to represent us and answer any questions you may have.

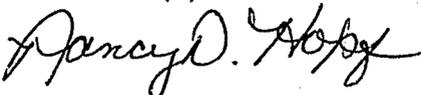
We would like part of the easement forgiven so that we can add stairs from the deck to the backyard and square off the triangular shaped deck. Currently the deck's small size and shape does not permit room for any seating and does not allow access to the backyard.

We have discussed alternative solutions to this problem with the Edina inspector on site. Our conclusion is that the attached proposal is the only workable one and requires the least amount of modification of the easement.

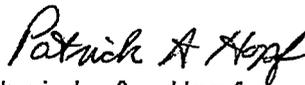
We believe that the support posts will not affect our property or that of any of our neighbors in any adverse way.

Again, thank you for your consideration of this matter.

Sincerely,



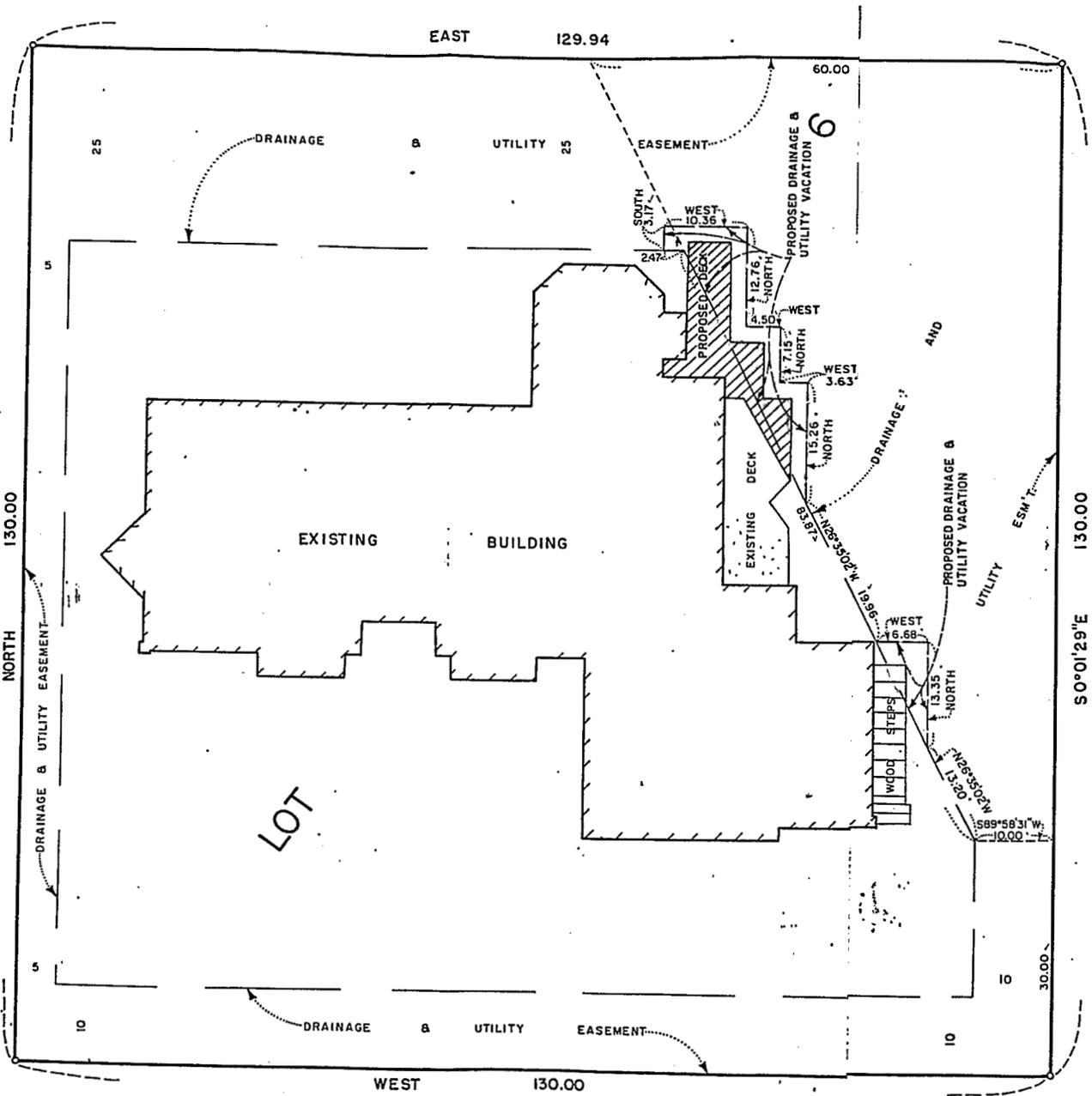
Nancy D. Hopf



Patrick A. Hopf

6728 Apache Road, Edina, MN 55435

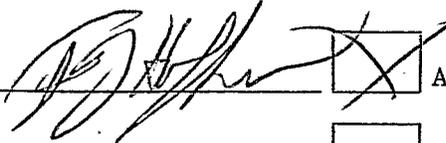
942-6677



APACHE ROAD

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

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS: _____

LOCATION: Lot 6, Block 1, INDIAN HILLS WEST (6728 Apache Road)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE AND UTILITY PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on August 7, 1989 at 7:00 p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage and utility purposes:

That part of Lot 6, Block 1, INDIAN HILLS WEST, according to the recorded plat thereof, described as follows:

Commencing at the Southeast corner of said Lot 6; thence North 0 degrees 01 minutes 29 seconds West, assumed bearing, a distance of 30.00 feet along the east line of said Lot 6; thence South 89 degrees 58 minutes 31 seconds West a distance of 10.00 feet to an angle point in the westerly line of the drainage and utility easement as shown on said plat of INDIAN HILLS WEST and the point of beginning of the land to be described; thence North 26 degrees 35 minutes 02 seconds West a distance of 13.20 feet along said westerly line; thence on a bearing of North a distance of 13.35 feet; thence on a bearing of West a distance of 6.68 feet to said westerly line; thence North 26 degrees 35 minutes 02 seconds West a distance of 19.96 feet along said westerly line; thence on a bearing of North 15.26 feet; thence on a bearing of West a distance of 3.63 feet; thence on a bearing of North a distance of 7.15 feet; thence on a bearing of West a distance of 4.50 feet; thence on a bearing of North a distance of 12.76 feet; thence on a bearing of West a distance of 10.36 feet; thence on a bearing of South a distance of 3.17 feet to the southerly line of said drainage and utility easement; thence on a bearing of East a distance of 2.47 feet along said southerly line to an intersection with said westerly line of the drainage and utility easement; thence South 26 degrees 35 minutes 02 seconds East a distance of 83.87 feet along said westerly line to the point of beginning.

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

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

July 21, 1989

CITY OF EDINA
4801 W. 50th Street
Edina, Minnesota 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

7-25-89
MINNEGASCO by Stana VonBoga Acceptable Opposed Conditional

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS: _____

LOCATION: Lot 6, Block 1, INDIAN HILLS WEST (6728 Apache Road)

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 ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

A.C. VANAMAN
U.S. WEST COMMUNICATIONS by SCU Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS: _____

LOCATION: _____

Lot 6, Block 1, INDIAN HILLS WEST (6728 Apache Road)

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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 ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by S. E. Fraser Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS:

LOCATION:

Lot 6, Block 1, INDIAN HILLS WEST (6728 Apache Road)

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CITY OF EDINA
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STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by Ron Goodin Acceptable Opposed Conditional

CONDITIONS: ROGERS is currently planning to run underground mainline cable past this address, but we will remain within the 6' easement along the street on the north side of Apache Road.

LOCATION: Lot 6, Block 1, INDIAN HILLS WEST (6728 Apache Road)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

Ronald Goodin

@Ronald Goodin
Verifications Technician
522-5200 Extension 754

JUL 28 1989

Bob,

Bob I shot
points "A" + "B" and
the low point between
the two. It's all
above 868.30.

Ben

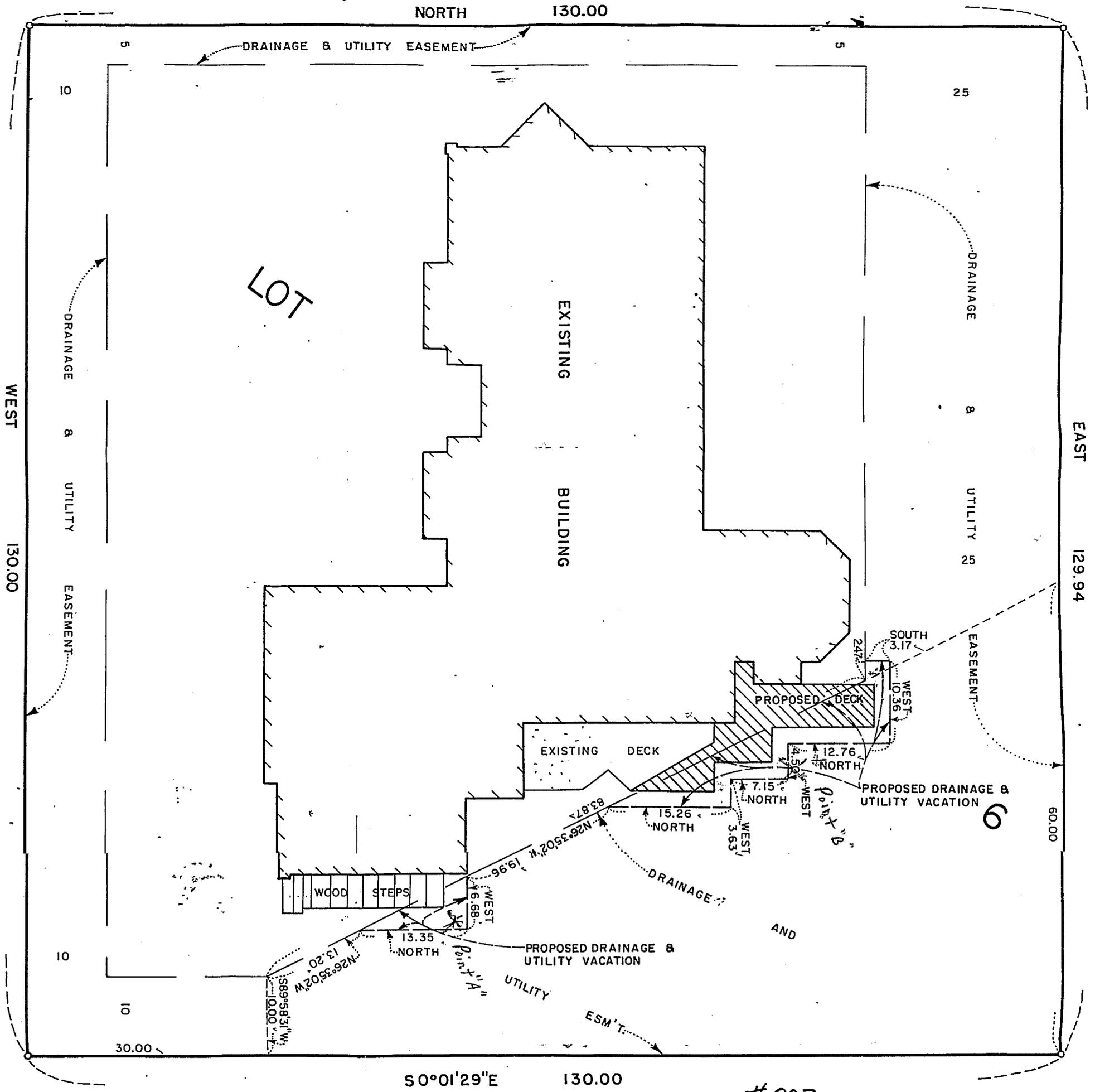


COPY EQUIPMENT, INC.

1000 WEST 79th STREET • MINNEAPOLIS, MINN. 55420

612/884-3581

60 APACHE ROAD 60



PAWNAFE

ISSUE 868.30

#897 #901

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

AFFIDAVIT OF POSTING NOTICE OF HEARING ON

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 _____ he/she posted the Notice of Hearing on the vacation described above to be held on _____, a true and correct copy of which is hereto attached, at each of the following official City Bulletin Boards located at conspicuous places within the City:

- 1) City Hall, 4801 W. 50th Street
- 2) 50th and France Business Area, 3943 W. 50th Street
- 3) Amundson Avenue Shopping Center - NW corner of Parking Lot

Dated 07-19-89

Signed Jeff Elasky
Police Officer

Signed and sworn to before me, a Notary Public
in and for Hennepin County, Minnesota, this
19th day of July, 19 89.

Martha M. Bach



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE AND UTILITY PURPOSES
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on August 7, 1989 at 7:00 p.m., for the purpose of holding a public hearing on the proposed vacation of the following easement for drainage and utility purposes:

That part of Lot 6, Block 1, INDIAN HILLS WEST, according to the recorded plat thereof, described as follows:

Commencing at the Southeast corner of said Lot 6; thence North 0 degrees 01 minutes 29 seconds West, assumed bearing, a distance of 30.00 feet along the east line of said Lot 6; thence South 89 degrees 58 minutes 31 seconds West a distance of 10.00 feet to an angle point in the westerly line of the drainage and utility easement as shown on said plat of INDIAN HILLS WEST and the point of beginning of the land to be described; thence North 26 degrees 35 minutes 02 seconds West a distance of 13.20 feet along said westerly line; thence on a bearing of North a distance of 13.35 feet; thence on a bearing of West a distance of 6.68 feet to said westerly line; thence North 26 degrees 35 minutes 02 seconds West a distance of 19.96 feet along said westerly line; thence on a bearing of North 15.26 feet; thence on a bearing of West a distance of 3.63 feet; thence on a bearing of North a distance of 7.15 feet; thence on a bearing of West a distance of 4.50 feet; thence on a bearing of North a distance of 12.76 feet; thence on a bearing of West a distance of 10.36 feet; thence on a bearing of South a distance of 3.17 feet to the southerly line of said drainage and utility easement; thence on a bearing of East a distance of 2.47 feet along said southerly line to an intersection with said westerly line of the drainage and utility easement; thence South 26 degrees 35 minutes 02 seconds East a distance of 83.87 feet along said westerly line to the point of beginning.

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

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

July 21, 1989



REPORT/RECOMMENDATION

To: KEN ROSLAND, MANAGER	Agenda Item # VL.B
From: MARCELLA DAEHN, CLERK	Consent <input checked="" type="checkbox"/>
Date: JULY 7, 1989	Information Only <input type="checkbox"/>
Subject: PETITION FOR VACATION OF DRAINAGE EASEMENT	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 August 7, 1989 as hearing date for the vacation of a drainage easement on property at 6728 Apache Road.

Info/Background:

A petition has been filed with the City requesting vacation of a drainage easement on property at 6728 Apache Road (Lot 6, Block 1, Indian Hills West).

A hearing date of August 7, 1989 is recommended to allow time for the required publication and mailing of notices to adjacent property owners and utility companies.

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated 6-21-89

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

Street Alley Utility Easement

Drainage Easement Other _____
(describe)

Description of area proposed to be vacated: TOTAL 75.00
Flat, grassy near eastern side of house. 07/05/89

Lot 6, Blk 1, Indian Hills West 06-116-21-32-0068

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

Signature J. Nancy D. Hopy
Address 6728 Opache Rd
Telephone 942-6677

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 _____

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

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

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

Please publish in the Edina Sun-Current on July 19, 1989
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 July 19, 19 89, acting on behalf of said City I deposited in the United States mail copies of the attached NOTICE OF PUBLIC HEARING - VACATION OF EASEMENT - LOT 6, BLK 1 INDIAN HILLS WEST (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 19th day of July, 19 89.

Mabelle M. Dasher
Edina City Clerk



4801 WEST 50TH STREET, EDINA, MINNESOTA 55424
612-927-8861

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

July 21, 1989

MAILING LIST - VACATION OF DRAINAGE & UTILITY EASEMENT - LOT 6, BLK 1, INDIAN HILLS WEST
(6729 Apache Rd)

06-116-21-32-0068

Patrick A. & Nancy D. Hopf
6728 Apache Rd
Edina MN 55435

0069

(6732 Apache Road)
Michael Halley Homes, Inc.
11095 Viking Dr. Unit 380
Eden Prairie MN 55344

0074

Michael Halley Homes, Inc.
(Same as above)

0006

Oren Westling
6620 Pawnee Road
Edina MN 55435

Matt Haveland
Rogers Cablesystems
801 Plymouth Avenue No.
Minneapolis MN 55411

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

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

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



REPORT/RECOMMENDATION

To: KEN ROSLAND, MANAGER	Agenda Item # VL.B
From: MARCELLA DAEHN, CLERK	Consent <input checked="" type="checkbox"/>
Date: JULY 7, 1989	Information Only <input type="checkbox"/>
Subject: PETITION FOR VACATION OF DRAINAGE EASEMENT	Mgr. Recommends <input type="checkbox"/> To HRA
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Recommendation:

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Info/Background:

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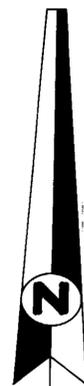
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BY ORDER OF THE EDINA CITY COUNCIL
Marcella M. Daehn, City Clerk

OUTLOT

A



1"=10'

PROPOSED DRAINAGE AND UTILITY EASEMENT VACATION SURVEY FOR: Nunez Hopf
8728 Apache Road
Edina, Minnesota

EXISTING DESCRIPTION:

That part of Lot 6, Block 1, INDIAN HILLS WEST, according to the recorded plat thereof as dedicated by and shown on said plat as a drainage and utility easement.

PROPOSED DRAINAGE AND UTILITY EASEMENT VACATION DESCRIPTION:

That part of Lot 6, Block 1, INDIAN HILLS WEST, according to the recorded plat thereof, described as follows:

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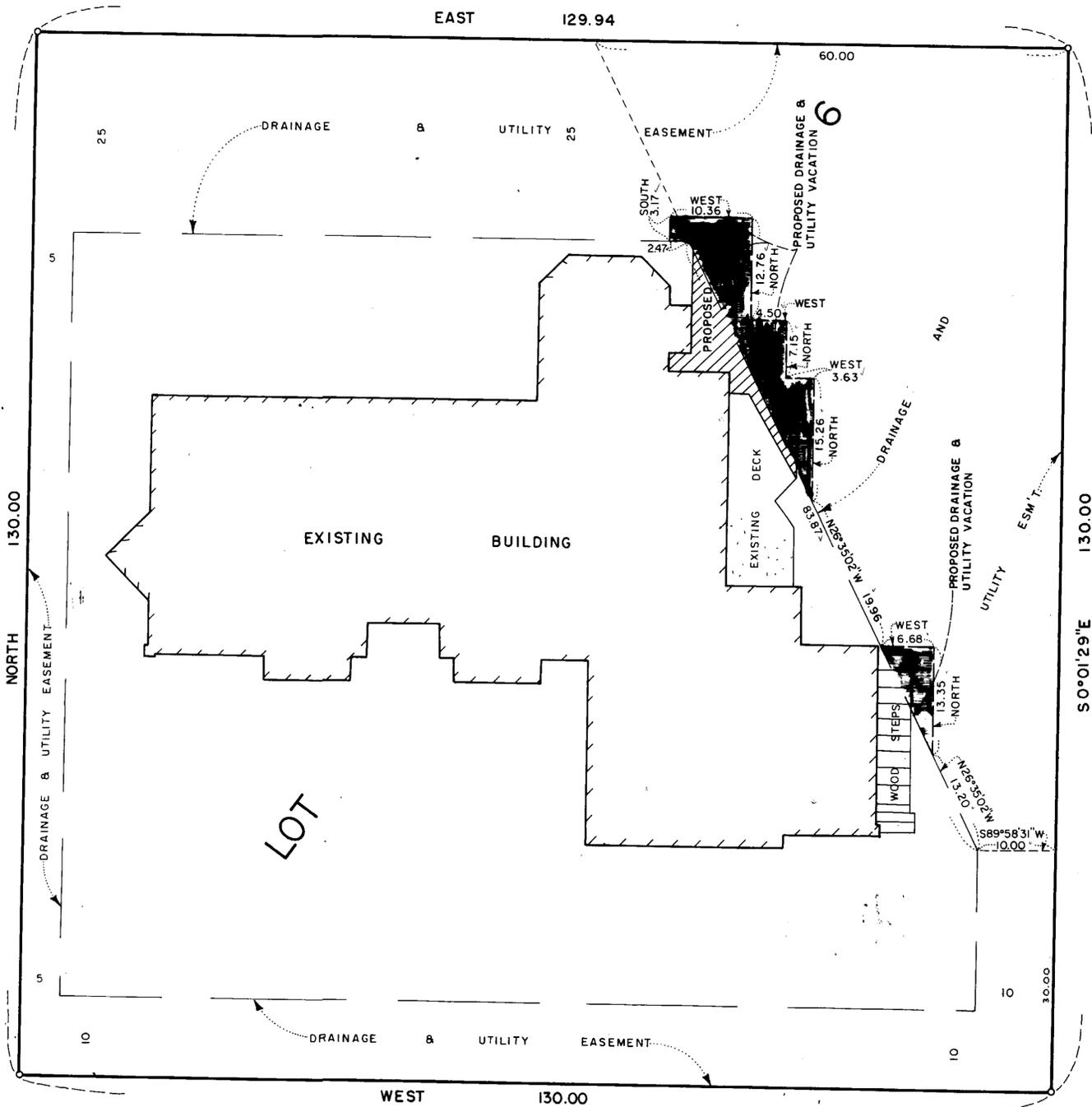
I hereby certify that this survey was done by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Dated this 10th day of July, 1989.

EGAN, FIELD & NOWAK, INC.
Surveyors

by: Dennis J. Purcell
Dennis J. Purcell
Minnesota License No. 13594

EGAN, FIELD & NOWAK, INC.
Surveyors
7415 Wayzata Boulevard
Minneapolis, MN 55426
(612) 546-6837



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