

11/3/86 VACATION OF DRAINAGE/UTILITY
EASEMENT - Lot 4, Block 2,
OAK RIDGE OF EDINA

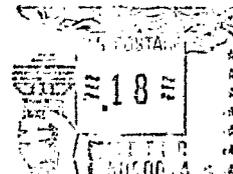
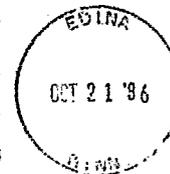
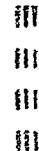


CITY OF

EDINA

4801 WEST 50TH STREET, EDINA, MINNESOTA 55424

PRESORT
FIRST CLASS MAIL



Oak Ridge of Edina Ltd
3140 N. Harbor Lane, Suite 103
Plymouth MN 55441

MOVED
FORWARDING
EXPIRED
RETURN TO SENDER



NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE & 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 November 3, 1986, 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:

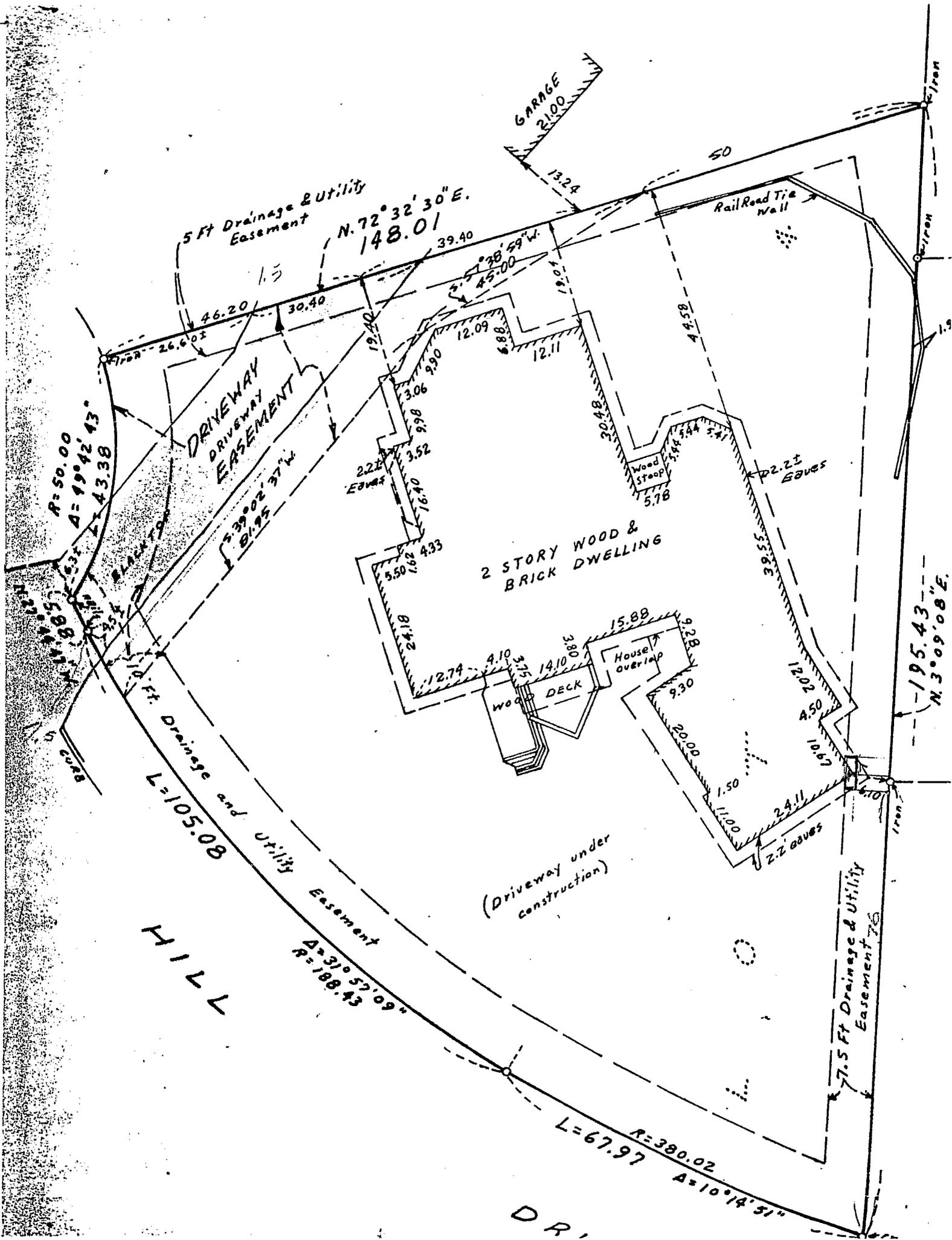
That portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 3 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

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 or telephone 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





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

November 4, 1986

Michael A. Halley, President
Michael Halley Homes, Inc.
11095 Viking Drive, Suite 380
Eden Prairie, MN 55344

Re: Vacation of Easement - Lot 4, Block 2, Oak Ridge of Edina

Dear Mr. Halley:

Enclosed are two copies each of Notice of Completion of Proceedings and the Resolution on the above referenced vacation which the Edina City Council approved at its meeting of November 3, 1986.

It is my understanding that you will arrange to have these documents filed with the Register of Deeds and entered into the transfer record of the County Auditor.

Very truly yours,


Marcella M. Daehn
City Clerk

cc: Thomas S. Erickson P.A.
Dorsey and Whitney



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

RESOLUTION VACATING EASEMENT FOR
DRAINAGE AND UTILITY PURPOSES

WHEREAS, a resolution of the City Council, adopted the 6th day of October, 1986, fixed a date for a public hearing on a proposed vacation of easement for drainage and utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 3rd day of November, 1986, 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 or telephone 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 portion of the easement is hereby vacated:

That portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 3 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

and that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 3rd day of November, 1986.

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

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina, do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of November 3, 1986, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 4th day of November, 1986.

Manilla M. Dasher

City Clerk



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

NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF EASEMENT FOR DRAINAGE AND UTILITY PURPOSES

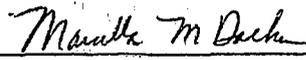
NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, on November 3, 1986, adopted a Resolution Vacating Easement for Drainage and Utility Purposes after public hearing and notice thereof as required by law and after determining it to be in the best interest of 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 portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 3 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

The time of completion of proceedings and the effective date of said vacation is November 4, 1986.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA



Marcella M. Daehn
City Clerk

RESOLUTION VACATING EASEMENT FOR
DRAINAGE AND UTILITY PURPOSES

WHEREAS, a resolution of the City Council, adopted the 6th day of October, 1986, fixed a date for a public hearing on a proposed vacation of easement for drainage and utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 3rd day of November, 1986, 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 or telephone 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 portion of the easement is hereby vacated:

That portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 3 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

and that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 3rd day of November, 1986.

NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF EASEMENT FOR DRAINAGE AND UTILITY PURPOSES

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, on November 3, 1986, 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:

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The time of completion of proceedings and the effective date of said vacation is November 4, 1986.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE & 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 November 3, 1986, 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 portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 3 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

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 or telephone 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

Michael Halley Homes, Inc.
One Southwest Crossing
11095 Viking Drive - Suite 380
Eden Prairie, MN 55344
(612) 944-1056

October 16, 1986

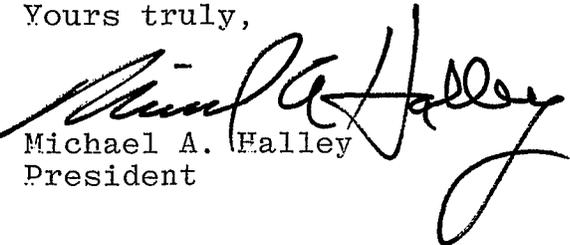
Mr. Fran Hoffman, City Engineer
City of Edina
4801 W. 50th Street
Edina, MN 55424

Dear Mr. Hoffman:

Re: Vacation of easement at 5004 Nob Hill Drive (Lot 4,
Block 2, Oak Ridge of Edina).

As we discussed, we are seeking vacation of approximately two (2) feet of drainage and utility easement at the above property. I understand you have recommended the vacation. If, however, the Council would prefer to retain a full fifteen (15) feet of width (7 1/2' off each property line) then we will agree to provide an additional five (5) feet of drainage and utility easement right on the rear of Lot 2, Block 2, which we own. This proposed granting is outlined in red on the attached. If the Council so desires, we will prepare a legal description for this additional five (5) feet.

Yours truly,


Michael A. Halley
President

MAH/bb

Michael Halley Homes, Inc.

One Southwest Crossing
11095 Viking Drive - Suite 380
Eden Prairie, MN 55344
(612) 944-1056

October 29, 1986

Mayor Wayne Courtney
4313 Eton Place
Edina, MN 55424

RE: Vacation of a portion of a Drainage and Utility Easement
at 5004 Nob Hill Drive (Lot 4, Block 2, Oak Ridge of Edina).

Dear Mayor Courtney:

The above item is on your agenda for the City Council meeting scheduled for November 3, 1986. Since we built this home, we are the petitioner in this easement vacation. However, we also purchased the land that Oak Ridge of Edina was platted into, and recorded a Declaration of Covenants that applied to the entire Oak Ridge of Edina subdivision. Because of the Declaration, we solicited the consent of the property owners in the Oak Ridge of Edina subdivision. Many of these consents have been received by us and we have attached photocopies of them herein. We are not aware of anyone who objects to this easement vacation except one party, Mr. Barry Willmert, who lives at 6630 Normandale Road. From speaking with Mr. Willmert, it has been clear to us that his objection concerning the easement vacation is based solely on his unrelated objection to our construction of a home at 6634 Normandale Road. Although this new home at 6634 Normandale Road conforms to all building setbacks required by the City of Edina, Mr. Willmert, who lives next door, basically objects to the construction of the new home on the assumption that he never thought it would be developed. Ironically, Mr. Willmert, his wife, and his mother-in-law were the sellers of the entire property, which consists of Oak Ridge of Edina. As a part of that transaction, he was required to and consented to the platting of the subdivision.

Obviously, it disturbs us that he objects to an easement vacation on an unrelated matter. Consequently, if possible, we would appreciate your reviewing our request prior to the council meeting. We understand that the city engineer has recommended the easement vacation.

The purchasers of the new home at 5004 Nob Hill Drive are anxious to close with us and to move into the home. However, their Lender, F.B.S. Mortgage Company, has stated that favorable council action is required prior to closing. Therefore, we hope that we will receive a favorable decision on November 3rd from you.

Yours truly,


Michael A. Halley
President

MAH/bb

CONSENT AND WAIVER

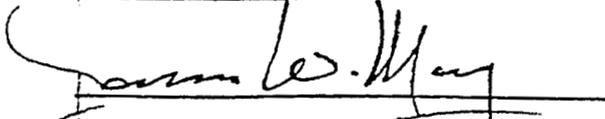
The undersigned, the owner of Lot 1, Block 1, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

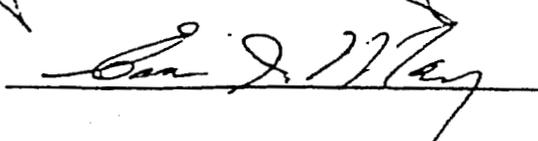
The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 15 day of OCTOBER, 1986.





CONSENT AND WAIVER

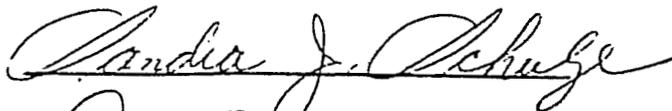
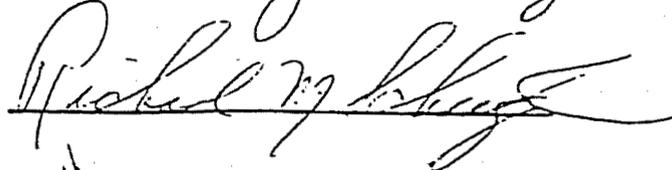
The undersigned, the owner of Lot 2, Block 1, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 3 day of October, 1986.

CONSENT AND WAIVER

The undersigned, the owner of Lot 3, Block 1, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

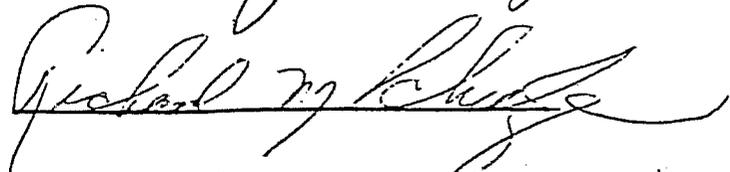
The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 3 day of October, 1986.





CONSENT AND WAIVER

The undersigned, the owner of Lot 4, Block 1, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 3rd day of October, 1986.

Edward D. Curtis

Imogene M. Andersen

CONSENT AND WAIVER

The undersigned, the owner of Lot 5, Block 1, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 2nd day of October, 1986.

Robert W Kern

Imogene M. Kern

CONSENT AND WAIVER

The undersigned, the owner of Lot 6, Block 1, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 6 day of October 1986.

Kenneth J. Andersen

Imogene M. Andersen

CONSENT AND WAIVER

The undersigned, the owner of Lot 2, Block 2, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 29th day of September, 1986.

Kenneth J. Andersen
Imogene M. Andersen

CONSENT AND WAIVER

The undersigned, the owner of Lot 4, Block 2, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

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The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 29th day of September, 1986.

Edward Holley Home, Inc

Edward Holley

CONSENT AND WAIVER

The undersigned, the owner of Lot _____, Block _____, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

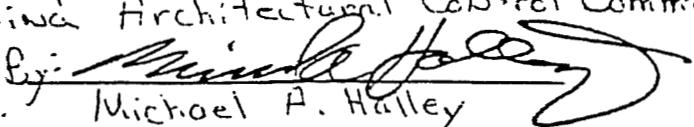
The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

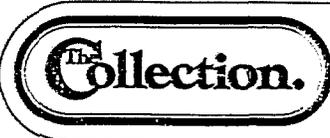
The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this 29th day of September, 1986.

Oak Ridge of Edina Architectural Control Committee

By: 
Michael A. Halley

III-B



INTERNATIONAL MARKET SQUARE • 275 Market Street • Suite 547 • Minneapolis, MN 55405 • 612-338-0404

October 31, 1986

City Council of Edina
City Hall
Edina, Mn 55435

Dear Members,

Attached is a letter sent to Mr. Halley..

According to the Covent of Oak Ridge Of Edina filed in Hennepin County under Doucument 4741036, no structure, fencing or planting, should be placed or allowed to remain on the easement..

This easement has been violated and I am requesting that it be returned to its original contour and natural state..

Thank you...

Sincerely,

Barry M Willmert

Barry M Willmert
6630 Normandale Rd
Edina, Mn 55435

October 31, 1986

Michael Halley Homes, Inc
Mr. Michael Halley
One Southwest Crossing
11095 Viking Drive - Suite 380
Eden Prairie, Minnesota 55344

Dear Mr. Halley,

This is in reply to your letters of September 29 and October 16, 1986 in reference to our consent to waive the location as shown on the survey of the railroad tie wall and the building which now occupy portions of the easement. We choose at this time not to sign your waiver.

We also request the easement be cleared of above obstructions and the return of the topography in all areas of the easement to its original contour and natural state.

Sincerely,



Barry M. Willmert

Copy: City of Edina

BMW/jc

Michael Halley Homes, Inc.
One Southwest Crossing
11095 Viking Drive - Suite 380
Eden Prairie, MN 55344
(612) 944-1056

September 29, 1986

Dear Oak Ridge Resident:

Re: 5004 Nob Hill Drive
(1986 Parade Home)

You'll note on the enclosed survey, in red, that approximately 8" of the foundation of the home encroaches on the utility easement area and that a timber retaining wall is built on this easement area. The City of Edina Engineer's Department is recommending the "vacation" of the easement where this approximate 8" encroachment exists, and the acceptance of the timber wall.

The "Covenants of Oak Ridge of Edina" requires notification of this matter to you. We'd appreciate your signature on the attached "consent and waiver" form, and the return of it to our office via the enclosed stamped envelope.

If you have any questions, please call us at 944-1056.

Thank you for your cooperation.

Yours truly,


Michael A. Halley

Enclosures

MAH/bb

P.S. As I may not have addressed this letter with your correct legal name, please sign the form with your legal name: first, middle initial, and last name. Thank you.

CONSENT AND WAIVER

The undersigned, the owner of Lot 1, Block 2, Oak Ridge of Edina hereby acknowledges that the undersigned has been provided with a copy of that certain "as-built" survey of Lot 4, Block 2, Oak Ridge of Edina, prepared by Egan, Field & Nowak, Inc., and dated September 2, 1986. The undersigned acknowledges that said survey reflects the fact that a wall, designated on the survey as the "Railroad Tie Wall" is located on a portion of the drainage and utility easement which is located along the easterly boundary of said Lot 4, Block 2, and that said Railroad Tie Wall encroaches on a portion of the drainage and utility easement located along the westerly boundary line of Lot 2, Block 2, Oak Ridge of Edina. The undersigned further acknowledges that said survey reflects that a portion of the building constructed on said Lot 4, Block 2 encroaches upon the drainage and utility easement located along the easterly boundary of said Lot 4, Block 2.

The undersigned further acknowledges that the undersigned is aware of the fact that Article III of that certain Declaration of Covenants, Conditions and Restrictions, filed for record as Document No. 4741036 in the office of the County Recorder for Hennepin County, provides, in part, that within the drainage and utility easement shown on the recorded plat of Oak Ridge of Edina, no structure, fence, planting or other material shall be placed, or permitted to remain, which may damage or interfere with the maintenance of utilities or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements.

The undersigned hereby consent to the location, as shown on said survey, of (i) the Railroad Tie Wall; and (ii) the building, and hereby waive any right which the undersigned may have under said Declaration, or otherwise, to object to said location of the Railroad Tie Wall and said building.

The undersigned further acknowledges that the undersigneds' execution of this Consent and Waiver has been requested by Kenneth J. Andersen and Imogene M. Andersen who intend to purchase said Lot 4, Block 2, Oak Ridge of Edina, and that this Consent and Waiver will be relied upon by the Andersens in connection with their purchase of said Lot 4, Block 2.

Dated this ____ day of _____, 1986.

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 October 20, 1986, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing on Vacation of Easement for Drainage/Utility Purposes (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 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 17th day of October, 1986.

Marilyn M. Dachs

Edina City Clerk

NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE & 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 November 3, 1986, 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:

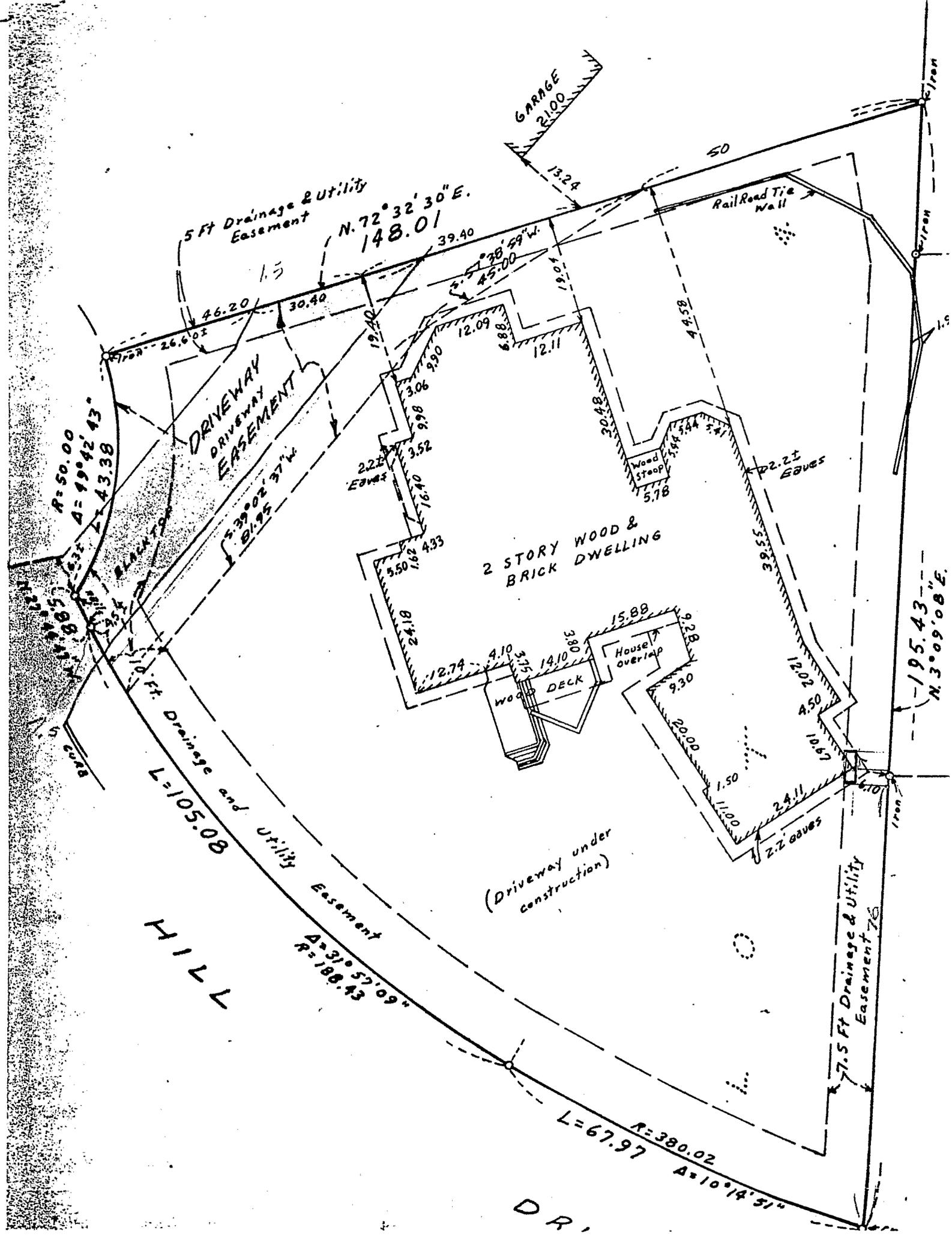
That portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 3 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

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 or telephone 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



D R I

MAILING LIST - Drainage & Utility Eastment Vacation - Lot 4, Block 2,
Oak Ridge of Edina

04-116-21-31-0046 Oak Ridge of Edina Ltd
3140 N. Harbor Lane Suite 103
Plymouth MN 55441

0043 Joanne C and Barry M Willmert
6630 Normandale Rd.
Edina MN 55435

0044 Oak Ridge of Edina Ltd

0045 James E. Sorensen
5000 Nob Hill Dr
Edina MN 55435

0047 J.V. & N.A. Christensen
5008 Nob Hill Dr.
Edina MN 55435

Michael Halley
One Southwest Crossing
11095 Viking Drive, Suite 380
Eden Prairie, MN 55344

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

William Schramm
Minnegasco
700 Linden Avenue W.
Minneapolis, MN 55403

Don Romain
NW Bell Telephone Company
6244 Cedar Avenue So.
Richfield, MN 55423

boundaries of the land above described and of the location thereon, and all visible encroachments, if any, from or on dated this 29th day of August, 1986.

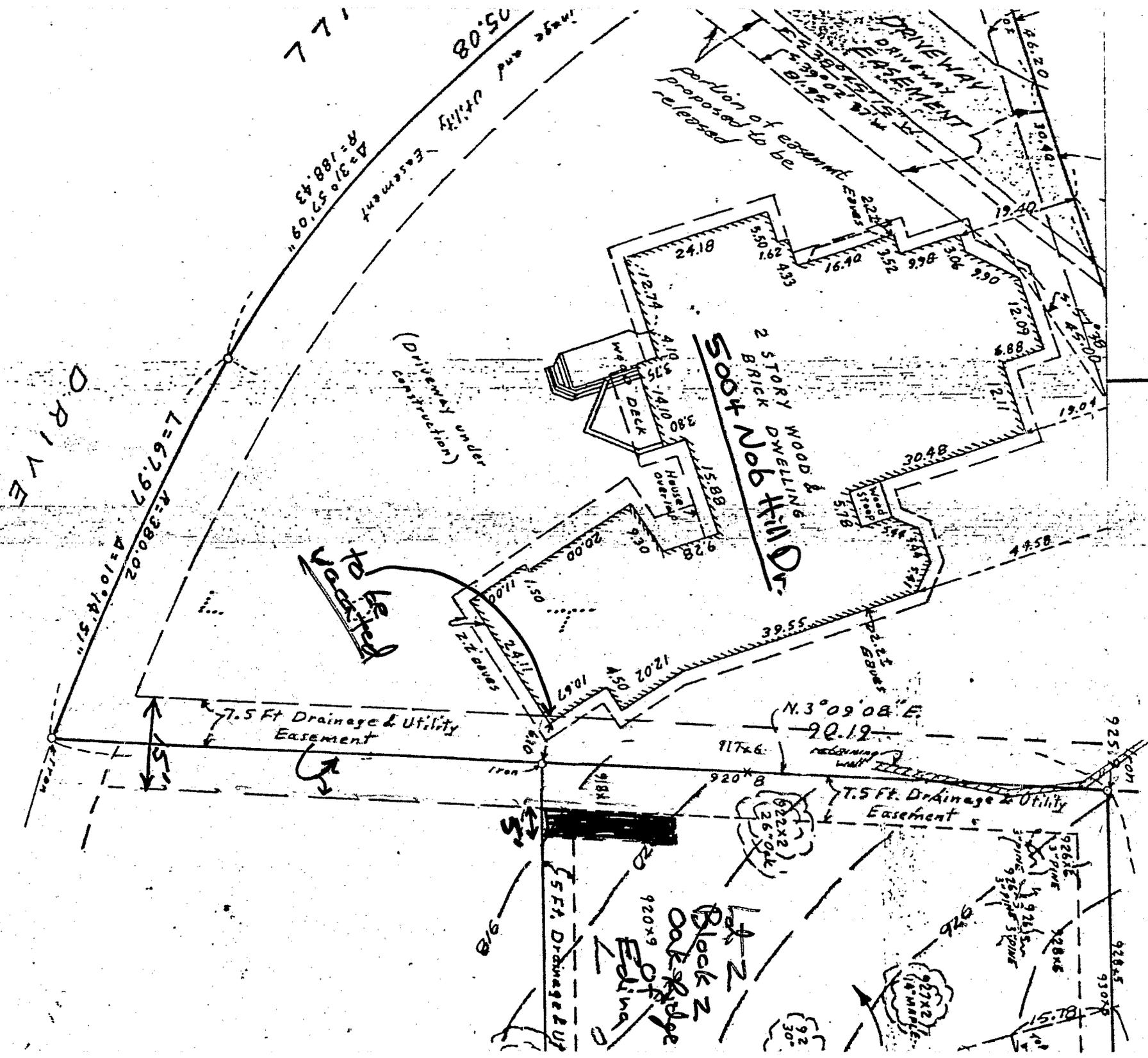
EGAN FIELD C NOWAK, I N C.

Surveyors

by *Russell J. Blinn*

Minnesota Registration No. 17253

92843



MICHAEL HALLEY HOMES, INC.

Lot 4, Block 2, OAK RIDGE OF EDINA.

(5004 Job Hill Dr)

y to Kenneth and Imogene Andersen, Title Insurance esota; and FBS Mortgage Company, that this is a true esentation of a survey of the boundaries of the land nd of the location of all buildings, if any, thereon,

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by _____ Acceptable Opposed Conditional

CONDITIONS _____

LOCATION Lot 4, Block 2, OAK RIDGE OF EDINA

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to:

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by *Play Done* Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by _____ Acceptable Opposed Conditional

CONDITIONS _____

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Edina, MN 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by *J. C. Van Pelt* Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by _____ Acceptable Opposed Conditional

CONDITIONS _____

LOCATION Lot 4, Block 2, OAK RIDGE OF EDINA

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4801 W. 50th Street
Edina, MN 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by *R. Steffen* ¹⁰⁻²²⁻⁸⁹ Acceptable Opposed Conditional

CONDITIONS _____

LOCATION Lot 4, Block 2, OAK RIDGE OF EDINA

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

Return to:

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

Minnesota Suburban Newspapers, Inc.

AFFIDAVIT OF PUBLICATION

(Official Publication)
 CITY OF EDINA
 4801 W. 50th Street
 Edina, Minnesota 55424
**NOTICE OF PUBLIC HEARING
 ON VACATION OF EASEMENT
 FOR DRAINAGE & UTILITY
 PURPOSES IN THE CITY OF
 EDINA**

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

Donald K. Mortenson, 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 15 day of October, 1986, and was thereafter printed and published on every Wednesday to and including Wednesday, the 22 day of Oct, 1986; 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: Donald K. Mortenson

TITLE: Operations Manager

Subscribed and sworn to before me on this

24 day of Oct, 1986

 Notary Public **MERIDEL M. HEDBLOM**
 NOTARY PUBLIC — MINNESOTA
 HENNEPIN COUNTY
 MY commission expires 7-2-92

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space	\$ <u>2.10 per line</u> (Line, word, or inch rate)
(2) Maximum rate allowed by law for the above matter	\$ <u>365¢ per line</u> (Line, word, or inch rate)
(3) Rate actually charged for the above matter	\$ <u>35¢ per line</u> (Line, word, or inch rate)

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 November 3, 1986, 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 portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 8 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

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 or telephone 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
 (Oct. 15 & 22, 1986) - ED

Minnesota Suburban Newspapers, Inc.

AFFIDAVIT OF PUBLICATION

(Official Publication)
 CITY OF EDINA
 4801 W. 50th Street
 Edina, Minnesota 55424
**NOTICE OF PUBLIC HEARING
 ON VACATION OF EASEMENT
 FOR DRAINAGE & UTILITY
 PURPOSES IN THE CITY OF
 EDINA**
 HENNEPIN COUNTY,
 MINNESOTA

STATE OF MINNESOTA) ss.
 COUNTY OF HENNEPIN)

Donald K. Mortenson, 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.

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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 15 day of October, 1986, and was thereafter printed and published on every Wednesday to and including Wednesday, the 22 day of Oct, 1986; 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: Donald K. Mortenson

TITLE: Operations Manager

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 BY ORDER OF THE
 EDINA CITY COUNCIL
 MARCELLA M. DAEHN
 City Clerk
 (Oct. 15 & 22, 1986)-ED

Subscribed and sworn to before me on this

24 day of Oct, 1986

 Notary Public **MERIDEL M. HEDBLOM**
 NOTARY PUBLIC - MINNESOTA
 HENNEPIN COUNTY
 My commission expires 7-2-92

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space	\$ <u>2.10 per line</u> (Line, word, or inch rate)
(2) Maximum rate allowed by law for the above matter	\$ <u>365¢ per line</u> (Line, word, or inch rate)
(3) Rate actually charged for the above matter	\$ <u>35¢ per line</u> (Line, word, or inch rate)

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

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
VACATION OF EASEMENT FOR DRAINAGE/UTILITY
PURPOSES - Lot 4, Block 2, Oak Ridge of Edina

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 October 20, 1986 he/she posted the Notice of Hearing on the vacation described above to be held on November 3, 1986, 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 10/20/86

Signed *[Signature]*
Police Officer

Signed and sworn to before me, a Notary Public
in and for Hennepin County, Minnesota, this
20th day of October, 1986.

[Signature]



NOTICE OF PUBLIC HEARING
ON VACATION OF EASEMENT FOR DRAINAGE & 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 November 3, 1986, 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 portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

Commencing at the most southerly corner of said Lot 4; thence on an assumed bearing of North 3 degrees 09 minutes 08 seconds East along the easterly line of said Lot 4, a distance of 76 feet; thence North 86 degrees 50 minutes 52 seconds West, a distance of 5.50 feet to the point of beginning of the tract of land to be described; thence North 86 degrees 50 minutes 52 seconds West, a distance of 2.00 feet; thence North 3 degrees 09 minutes 08 seconds East, parallel with the easterly line of said Lot 4, a distance of 7.00 feet; thence South 86 degrees 50 minutes 52 seconds East, a distance of 2.00 feet; thence South 3 degrees 09 minutes 08 seconds West, a distance of 7.00 feet to the point of beginning.

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 or telephone 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

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HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

(Official Publication)
CITY OF EDINA
4801 W. 50th Street
Edina, Minnesota 55424

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

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BY ORDER OF THE EDINA CITY COUNCIL

Marcella M. Daehn, City Clerk

Please publish in the Edina Sun-Current on October 15 and 22, 1986.
Please send two Affidavits of Publication.

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated Sept 29, 1986

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

<input type="checkbox"/> Street	<input type="checkbox"/> Alley	<input checked="" type="checkbox"/> Utility Easement
<input checked="" type="checkbox"/> Drainage Easement	<input type="checkbox"/> Other _____ (describe)	

Description of area proposed to be vacated:

See attached description by
Figon Field dated Sept 29, 1986 TOTAL 75.00

09/29/86

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

Signature Michael Halsey Jones, Inc
by Michael A. Halsey
Address 11095 Viking Dr, Eden Prairie
Telephone 944-1050 55344

2) Review

CITY ENGINEER by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			
MINNEGASCO by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			
N.W. BELL by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			
N.S.P. by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Conditions _____			



Phone: 546-6837

PRESIDENT
VERNON A. NICKOLS
REGISTERED LAND SURVEYOR

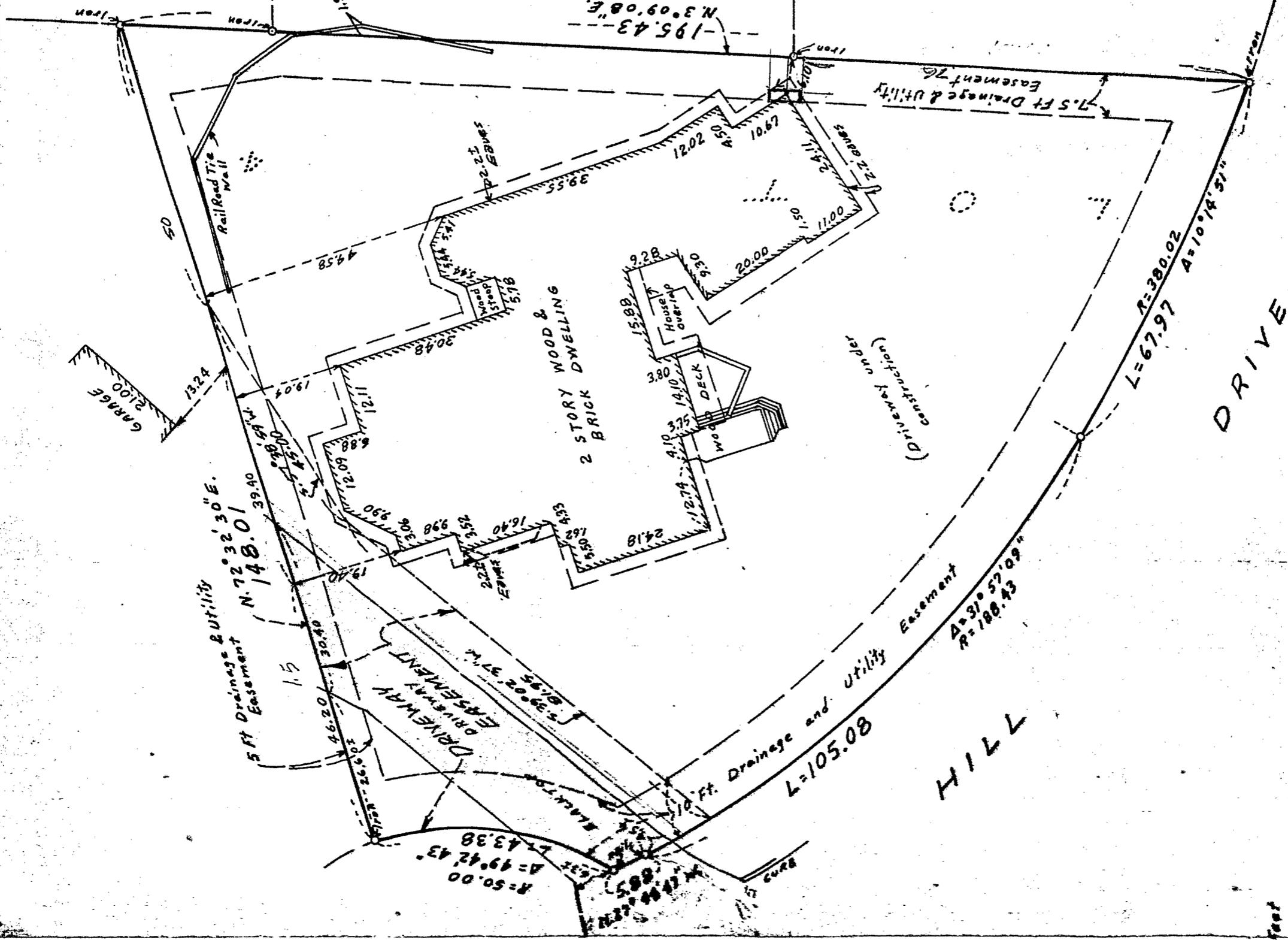
September 29, 1986

DESCRIPTION OF PROPOSED EASEMENT VACATION

Vacate that portion of the 7.5 foot Drainage and Utility Easement across the easterly portion of Lot 4, Block 2, OAK RIDGE OF EDINA, described as follows:

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9/29/ Checked by Eng. Dept
+ s Keyed



VEY FOR: MICHAEL HALLEY HOMES, INC.

SCRIPTION: Lot 4, Block 2, OAK RIDGE OF EDINA.

ereby certify to Kenneth and Imogene Andersen, Title Insurance
 pan of Minnesota and FBS Mortgage Company, that this is a true
 and correct representation of the boundaries of the land and
 as described and of the location of all buildings if any thereon



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

September 25, 1986

TO: Michael Halley
One Southwest Crossing
11095 Viking Drive - Suite 380
Eden Prairie, Minnesota 55344

FROM: Francis Hoffman, P.E.
Edina City Engineer

SUBJECT: Foundation Encroachment of Utility Easement
Lot 4, Block 2, Oak Ridge of Edina

Per the survey for the said lot listed above, the home does encroach upon an existing utility easement used by the City.

However, if you wish to petition to vacate the utility easement which underlies the encroachment, I will support your request. Please file the appropriate legal description covering the utility easement area you wish to be vacated with the City Clerk.

FJH:1m

From the Desk of
MICHAEL A. HALLEY

To: City of
Edina
Engineering
Dept.

Fran,

Please give
me a letter of your
recommendation that requests
the City Council vacates
the foundation
encroachment of
the easement (as
shown in red on
the attached).

Thank You,

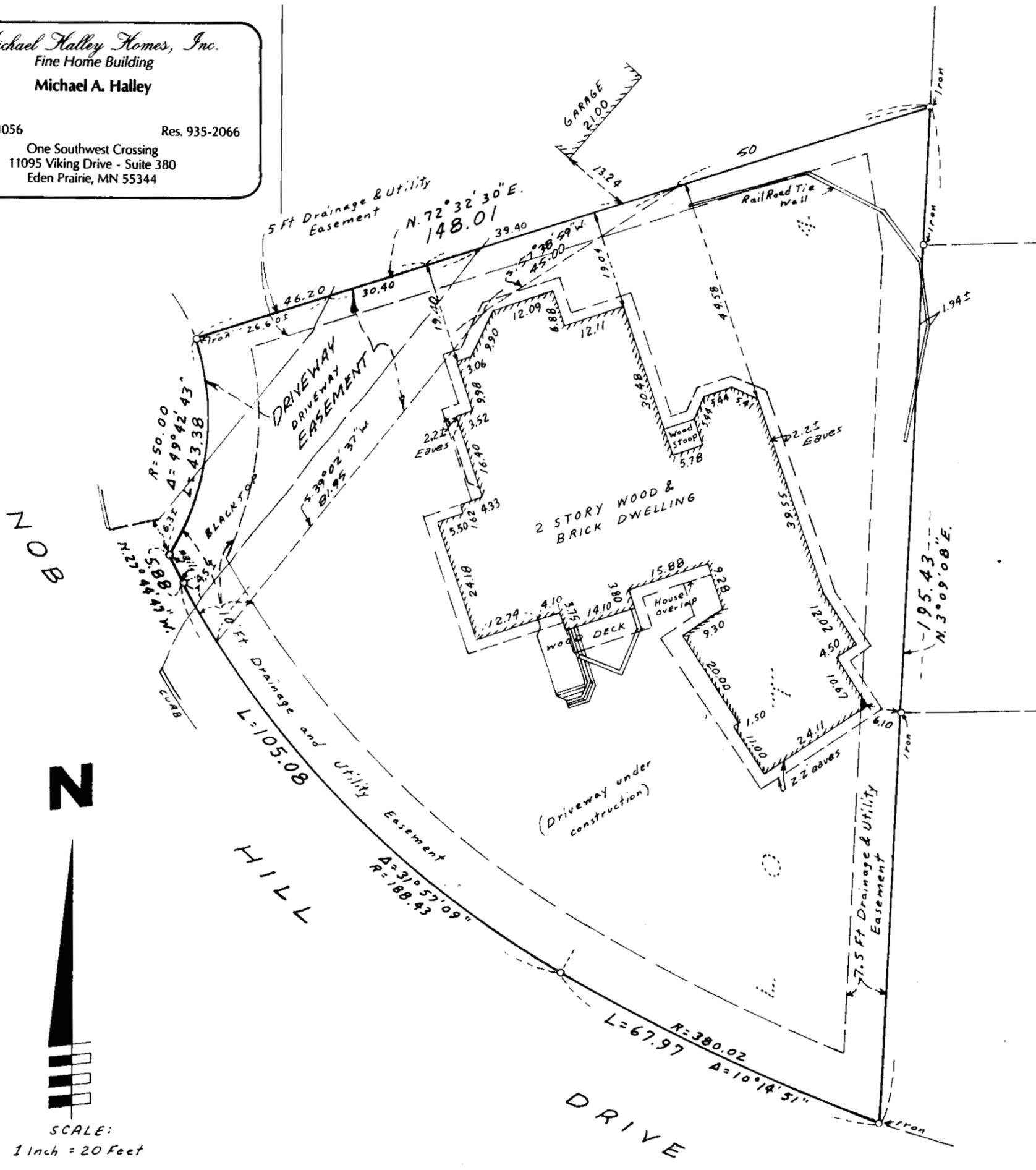
Mike H.

(612) 944-1056

(612) 935-2066

One Southwest Crossing
11095 Viking Drive - Suite 380
Eden Prairie, MN 55344

Michael Halley Homes, Inc.
 Fine Home Building
 Michael A. Halley
 Bus. 944-1056 Res. 935-2066
 One Southwest Crossing
 11095 Viking Drive - Suite 380
 Eden Prairie, MN 55344



SURVEY FOR: MICHAEL HALLEY HOMES, INC.

DESCRIPTION: Lot 4, Block 2, OAK RIDGE OF EDINA.

We hereby certify to Kenneth and Imogene Andersen, Title Insurance Company of Minnesota, and FBS Mortgage Company, that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.
 Dated this 2nd day of September, 1986.

EGAN, FIELD & NOWAK, INC.
 Surveyors

by Bruce W. Gura
 Minnesota Registration No. 17253

NOTES: Total lot area is 18,578 square feet.
 Bearings shown are assumed.