

1/15/02 VACATION OF PORTION OF
CIRCLE WEST ADJACENT TO #20
CIRCLE WEST



REPORT/RECOMMENDATION

To: Mayor & City Council	Agenda Item # <u>V.J.</u>
From: Debra Mangen City Clerk	Consent <input checked="" type="checkbox"/>
Date: January 21, 2003	Information Only <input type="checkbox"/>
Subject: Technical Correction to Vacation Legal Description	Mgr. Recommends <input type="checkbox"/> To HRA <input checked="" type="checkbox"/> To Council Action <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Discussion

Recommendation:

Adopt Resolution 2003-10 with the corrected legal description.

Info/Background:

We received a communication from the attorney for the Manoles, 20 Circle West, regarding the vacation the City Council granted their property January 15, 2002. Rick Little of the Hennepin County Examiner of Title's has required that legal description of the vacated property be modified. Mr. Little prepared a modified legal description that describes exactly the area vacated by the City January 15, 2002. However, Mr. Little believes his description clarifies the description of the right-of-way area vacated. It is the opinion of the City staff that in order to have an audit trail the Council should adopt a resolution clarifying the legal. Attached is a resolution containing the corrected legal description for consideration by Council.

**RESOLUTION NO. 2003-10
VACATING CIRCLE WEST
PUBLIC RIGHT-OF-WAY
ADJACENT TO 20 CIRCLE WEST**

WHEREAS, a motion of the City Council, on the 18th day of December, 2001, fixed a date for a public hearing on a proposed vacation of the portion of Circle West public right-of-way adjacent to 20 Circle West; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on January 15, 2002, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and given an opportunity to be heard thereon; and

WHEREAS, the Council deemed it to be in the best interest of the City and of the public that said public street right-of-way vacation be made; and

WHEREAS, the Council considered the extent the vacation affected existing easements within the area of the vacation and the extent to which the vacation affected 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; and

WHEREAS, the City Council of the City of Edina, Hennepin County, Minnesota, granted a vacation to the property adjacent to 20 Circle West effective January 15, 2002 for the following described property:

Circle West Vacation

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating. And;

WHEREAS, the proponent has requested a clarification to the legal description of the previously granted vacation at the direction of the Hennepin County Examiner of Titles.

NOW, THEREFORE, BE IT RESOLVED that the following legal description shall be used for the previously granted vacation of public right-of-way adjacent to 20 Circle West:

That part of vacated Circle West dedicated in "HILLCDALE, HENNEPIN COUNTY, MINNESOTA" described as follows:

Beginning at the most Westerly corner of Lot 1, Block 4, said plat; thence Northwesterly along a curve which is tangential to that part of the Southwesterly line of said Lot 1 shown on said plat as having a length of 53.7 feet and which has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, which curve is concave to the East and has a radius of 160.0 feet, a length of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds, to the Northerly line of said plat; thence Southeasterly along the Northerly line of said plat 36.05 feet, more or less, to the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks; thence Southerly to the point of beginning.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause an amended notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 21st day of January, 2003.

Attest

Debra A. Mangen, City Clerk

Dennis F. Maetzold, Mayor

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 is a true and correct copy of the Resolution duly adopted by the Edina City Council at its regular meeting of January 21, 2003, and as recorded in the Minutes of said regular meeting.

WITNESS, my hand and seal of said City this _____ day of _____, 2003.

Debra A. Mangen, City Clerk

MILLER, STEINER & CURTISS, P.A.

ATTORNEYS AT LAW
400 WELLS FARGO BANK BUILDING
1011 FIRST STREET SOUTH
HOPKINS, MN 55343

JERRE A. MILLER
JEREMY S. STEINER*
WYNN CURTISS
KIRSTEN A. HOLSETH

*Real Property Law Specialist, certified
by the Minnesota State Bar Association

(952) 938-7635
FAX (952) 938-7670

Writer's Direct Dial No. 952-938-6219

December 20, 2002

Mr. Wayne Houle, City Engineer
City of Edina
Department of Administration
4801 West 50th Street
Edina, MN 55424-1394

Re: Vacation of Part of Right of Way of Circle West
Our Clients: Dr. Elias and Mary Lu Manoes

Dear Wayne:

This letter follows up on our telephone conference of December 19. As we discussed, I have completed a proceeding subsequent to add that part of the right of way of Circle West that was vacated by the Edina City Council on January 15, 2002, to the Certificate of Title for the Manoles' property at 20 Circle West. As part of completing the proceeding subsequent, Rick Little of the Hennepin County Examiner of Title's office has required that the legal description of the vacated right-of-way area be modified. Enclosed with this letter are copies of the original survey prepared by Frank Cardarelle showing the description that he prepared and a drawing of the right-of-way area vacated by the City Council on January 15, the Notice of Completion of Proceedings on Vacation from the City and the revised legal description that Rick Little prepared. As you will see in reviewing these documents, the revised description describes the identical right-of-way area that was vacated by the Edina City Council on January 15, 2002.

Mr. Little has asked that I obtain a letter from the City of Edina consenting to the revised legal description that he prepared. Because the revised legal description from Mr. Little describes the identical area vacated by the City Council on January 15 and merely clarifies the description of the vacated right-of-way area, I trust you will have no problem providing such a consent. Therefore, I would request that you write a letter addressed to me consenting to the modification of the legal description of the right-of-way area of Circle West vacated by the Edina City Council on January 15, 2002, to read as stated in the revised right-of-way vacation description prepared by Rick Little. I would suggest that you simply attach a copy of that revised description to your letter as an exhibit.

Send to
Value of
completes
to Jerry
Steiner
2003-10

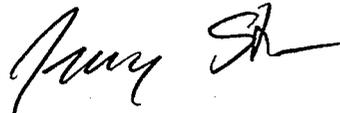
Mr. Wayne Houle, City Engineer

- 2 -

December 20, 2002

Your assistance in providing the requested consent is appreciated. You should, of course, feel free to call me if you have any questions.

Very truly yours,



Jeremy S. Steiner

JSS/drs

Enc.

cc: Dr. Nick and Mary Lu Manoles w/o enc.

3549377

TRANSFER ENTERED
HENNEPIN COUNTY TAXPAYER SERVICES

MAY 24 2002

HENNEPIN COUNTY MINN.
BY [Signature] DEPUTY

16-
4.502

REGISTRAR OF TITLES
BY [Signature] DEPUTY

MAY 24 2002

OFFICE OF THE REGISTRAR
OF TITLES
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FIELD ON/14C

4680340

3549377

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF
PUBLIC STREET RIGHT-OF-WAY (CIRCLE WEST)
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on January 15, 2002, adopted a Resolution Vacating the Easement for Public Street Right-of-Way (Circle West) 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 public street right-of-way purposes:

Circle West Vacation

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.

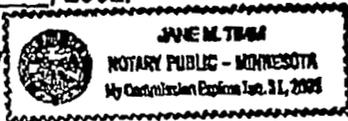
The time of completion of proceedings and the effective date of said vacation is 15th day of January, 2002..

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

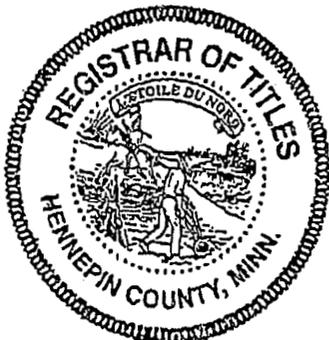
[Signature]
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this
13 day of May, 2002.

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



[Signature]
Notary Public

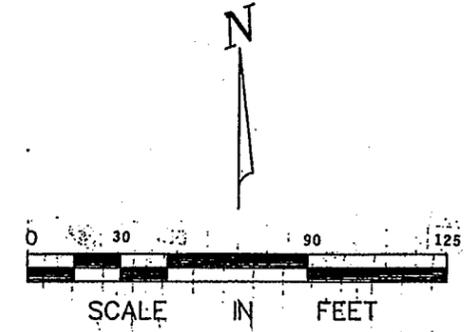
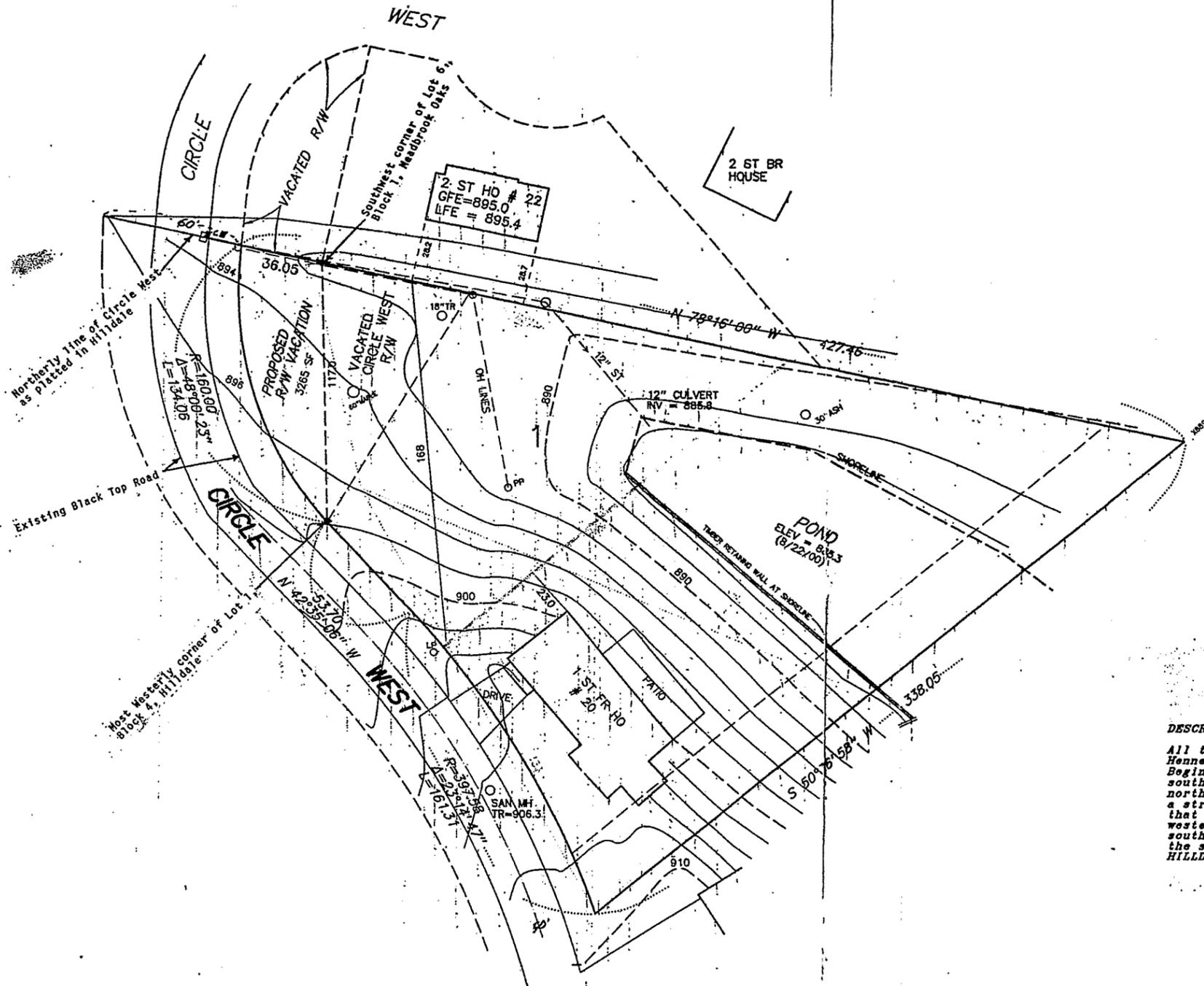


STATE OF MINNESOTA, COUNTY OF HENNEPIN
Certified to be a true and correct copy of the
original on file and of record in my office
JUL 30 2002
MICHAEL H. CUNIFF, REGISTRAR OF TITLES
By [Signature] Deputy

REVISED RIGHT-OF-WAY VACATION DESCRIPTION
PREPARED BY HENNEPIN COUNTY EXAMINER OF TITLES

That part of vacated Circle West dedicated in "HILLDALE, HENNEPIN COUNTY, MINNESOTA" described as follows:

Beginning at the most Westerly corner of Lot 1, Block 4, said plat; thence Northwesterly along a curve which is tangential to that part of the Southwesterly line of said Lot 1 shown on said plat as having a length of 53.7 feet and which has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, which curve is concave to the East and has a radius of 160.00 feet, a length of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds, to the Northerly line of said plat; thence Southeasterly along the Northerly line of said plat 36.05 feet, more or less, to the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks; thence Southerly to the point of beginning.



EXISTING LOT AND VAC:R/W = 56450 S.F.
 PROPOSED R/W VACATION = 3250 S.F.
 TOTAL AREA = 59750 / 1.37 ACRES

DESCRIPTION

All that part of Lot 1 and that part of Lot 2, in Block 4, HILDALE, Hennepin County, Mn. lying northwesterly of the following described line; Beginning at a point in the westerly line of said Lot 2, distant 29.3 feet southeasterly measured along the southwesterly line of said lot 2, from the northeasterly or most westerly corner of said lot; thence northeasterly in a straight line to the most westerly corner of Lot 2, HILDALE, including that portion of Circle West, vacated, described as beginning at the most westerly corner of Lot 1, Block 4, HILDALE, thence northerly to the southwest corner of Lot 6, Block 1, MEADOWBROOK OAKS, thence easterly along the south line of said Lot 6, to the most northerly corner of Lot 1, Block 4, HILDALE, thence southwesterly to the point of beginning.

PROPOSED VACATION DESCRIPTION

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:
 Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.



Surveyor
Frank R. Cardarelle
 6440 FLYING CLOUD DRIVE
 EDEN PRairie, MN 55343
 TELE = (612) 941-3031 FAX (612) 941-3030

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: 12-12-01 REGISTRATION NO. 16508

TOPOGRAPHIC SURVEY
 LOCATION
ELLIAS MANOLES
20 CIRCLE WEST
EDINA, MN

REVISION
 SEPT. 12, 2000
 11-12-2001
 12-14-2001
 DATE
 AUG 29, 2000
 PROJECT NO
 2065 FRC
 SHEET NO
 1



City of Edina

January 22, 2003

Mr. Jeremy S. Steiner
Miller, Steiner & Curtiss, P.A.
400 Wells Fargo Bank Building
1011 First Street South
Hopkins, MN 55435

Dear Mr. Steiner:

Attached please find one certified copy of City of Edina Resolution 2003-10 modifying the legal description of the land vacated by the Edina City Council January 15, 2002. I have also attached two Notices of Completion for your use. I hope this satisfies the Hennepin County Examiner of Title. Please contact me at your convenience if you need further documentation in this matter.

Sincerely,

Debra A. Mangen
Edina City Clerk

Enclosures

**AMENDED
NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF
PUBLIC STREET RIGHT-OF-WAY (CIRCLE WEST)
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on January 15, 2002, adopted a Resolution Vacating the Easement for Public Street Right-of-Way (Circle West) 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 public street right-of-way purposes:

Circle West Vacation

That part of vacated Circle West dedicated in "HILLDALE, HENNEPIN COUNTY, MINNESOTA" described as follows:

Beginning at the most Westerly corner of Lot 1, Block 4, said plat; thence Northwesterly along a curve which is tangential to that part of the Southwesterly line of said Lot 1 shown on said plat as having a length of 53.7 feet and which has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, which curve is concave to the East and has a radius of 160.0 feet, a length of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds, to the Northerly line of said plat; thence Southeasterly along the Northerly line of said plat 36.05 feet, more or less, to the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks; thence Southerly to the point of beginning.

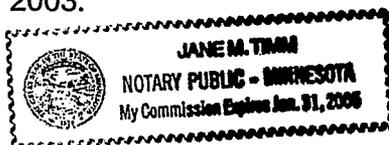
The time of completion of proceedings and the effective date of said vacation is 15th day of January, 2002 and modified by the Edina City Council on January 21, 2003.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA


City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this 22 day of January, 2003.

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




Notary Public



**RESOLUTION NO. 2003-10
VACATING CIRCLE WEST
PUBLIC RIGHT-OF-WAY
ADJACENT TO 20 CIRCLE WEST**

City of Edina

WHEREAS, a motion of the City Council, on the 18th day of December, 2001, fixed a date for a public hearing on a proposed vacation of the portion of Circle West public right-of-way adjacent to 20 Circle West; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on January 15, 2002, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and given an opportunity to be heard thereon; and

WHEREAS, the Council deemed it to be in the best interest of the City and of the public that said public street right-of-way vacation be made; and

WHEREAS, the Council considered the extent the vacation affected existing easements within the area of the vacation and the extent to which the vacation affected 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; and

WHEREAS, the City Council of the City of Edina, Hennepin County, Minnesota, granted a vacation to the property adjacent to 20 Circle West effective January 15, 2002 for the following described property:

Circle West Vacation

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating. And;

WHEREAS, the proponent has requested a clarification to the legal description of the previously granted vacation at the direction of the Hennepin County Examiner of Titles.

NOW, THEREFORE, BE IT RESOLVED that the following legal description shall be used for the previously granted vacation of public right-of-way adjacent to 20 Circle West:

That part of vacated Circle West dedicated in "HILLDALE, HENNEPIN COUNTY, MINNESOTA" described as follows:

Beginning at the most Westerly corner of Lot 1, Block 4, said plat; thence Northwesterly along a curve which is tangential to that part of the Southwesterly line of said Lot 1 shown on said plat as having a length of 53.7 feet and which has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, which curve is concave to the East and has a radius of 160.0 feet, a length of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds, to the Northerly line of said plat; thence Southeasterly along the Northerly line of said plat 36.05 feet, more or less, to the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks; thence Southerly to the point of beginning.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause an amended notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 21st day of January, 2003.

Attest Debra A. Mangan
Debra A. Mangan, City Clerk

Dennis F. Maetzold
Dennis F. Maetzold, Mayor

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 is a true and correct copy of the Resolution duly adopted by the Edina City Council at its regular meeting of January 21, 2003, and as recorded in the Minutes of said regular meeting.

WITNESS, my hand and seal of said City this 22nd day of Jan, 2003.

Debra A. Mangan
Debra A. Mangan, City Clerk



RESOLUTION NO. 2002-10

City of Edina

VACATING CIRCLE WEST
PUBLIC RIGHT-OF-WAY
ADJACENT TO 20 CIRCLE WEST

WHEREAS, a motion of the City Council, on the 18th day of December, 2001, fixed a date for a public hearing on a proposed vacation of the portion of Circle West public right-of-way adjacent to 20 Circle West; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on January 15, 2002, 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 public street right-of-way vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described Eden Circle public right-of-way easement is hereby vacated effective as of January 15, 2002:

Circle West Vacation

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded

plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.

BE IT FURTHER RESOLVED, 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 County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 15th day of January 2002.

ATTEST: Debra A. Mungen Edward Metzold
City Clerk Mayor

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 January 15, 2002, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 15th day of March, 2002

Debra A. Mungen
City Clerk

SUN
newspapers
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

Gene Carr, being duly sworn on an oath states or affirms, that he is the publisher of the newspaper known as Sun-Current, and has full knowledge of the facts stated below:

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

(B) The printed public notice that is attached was published in the newspaper once each week, for two successive weeks; it was first published on Wednesday, the 26 day of December, 2001, and was thereafter printed and published on every Wednesday to and including Wednesday, the 2 day of January, 2002; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]
President and Publisher

Subscribed and sworn to or affirmed before me on this 2 day of Jan, 2002.

[Signature]

Notary Public
MERIDEL M. HEDBLOM
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-2005

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 2.85 per line
- (2) Maximum rate allowed by law \$ 6.20 per line
- (3) Rate actually charged \$ 1.40 per line

City of Edina

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF PORTION PUBLIC STREET
RIGHT-OF-WAY (CIRCLE WEST)
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on January 15, 2002, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following described portion of Circle West street right-of-way and alley right-of-way:

Circle West Vacation
That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:
Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.

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

BY ORDER OF THE EDINA CITY COUNCIL
Debra A. Mangen, City Clerk
Dated: December 18, 2001

(December 26, 2001 & January 2, 2002)D1/Circle West

Thomas J. & Judith R. Mahoney
21 Circle West
Edina, MN 55436
(952) 920-9478

January 10, 2002

Craig Larsen, Chair
Edina Planning Commission
City of Edina
4801 West 50th Street
Edina, MN 55424

RE: Proposed Vacation of a Portion of Circle West abutting 20 Circle West

Dear Mr. Larsen,

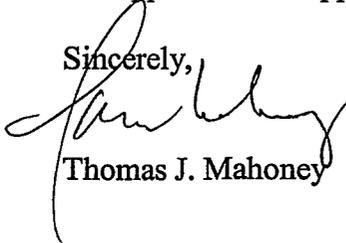
This letter is in response to the proposed vacation of City property abutting 20 Circle West, residence of Nick and Mary Lu Manoles. We have lived at the above address for the past nineteen years and have had the pleasure to be the Manoles' neighbor during that time. We oppose the vacation of such property as it would negatively impact the neighborhood for the following reasons stated below.

1. **Vacation of Property tied to Subdivision.** The primary reason to oppose is that we believe this action is related to the owners' earlier attempt to subdivide their property. We opposed that action and expressed our concerns in a letter to the City dated January 25, 2001. We believe that this current proposal is simply an attempt to achieve subdivision of their property using different tactics. For this reason, vacation of this piece of property is inextricably linked to subdivision and should only be considered as part of any decision relating to subdivision.
2. **Vacation of Property enriches Owners unfairly.** Our understanding is that the City proposes to vacate this land and deed it to the Manoles at no cost to the Manoles. It is also our understanding that the Manoles do not currently own such property. If this is true, the Manoles would be unfairly enriched by such vacation, especially since others have expressed interest in purchasing this piece of property. If they are able to use this vacation of property to achieve subdivision of their property, as we believe, then the Manoles would be unjustly enriched.

We would not oppose this proposal if there was a way that the Manoles would be willing to permanently disavow any intentions to subdivide their property. One possible solution would be to place a deed restriction on subdividing their property. If they are willing to take such action, we would be willing to pull our opposition.

We appreciate the opportunity to be heard on this matter.

Sincerely,



Thomas J. Mahoney



City of Edina

May 17, 2002

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

RE: Notice of Completion for street vacation – Circle West Vacation

Dear Jerry:

I am enclosing two Notices of Completion for a the City Council approved on January 15, 2002. 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 documents to me.

If you need further documents, please call. Thank you for your cooperation.

Sincerely,

Debra A. Mangen
City Clerk

Enclosures: (2)

**NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF
PUBLIC STREET RIGHT-OF-WAY (CIRCLE WEST)
PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on January 15, 2002, adopted a Resolution Vacating the Easement for Public Street Right-of-Way (Circle West) 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 public street right-of-way purposes:

Circle West Vacation

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.

The time of completion of proceedings and the effective date of said vacation is 15th day of January, 2002..

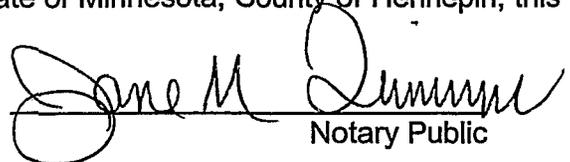
BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA


City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this
13 day of May, 2002.

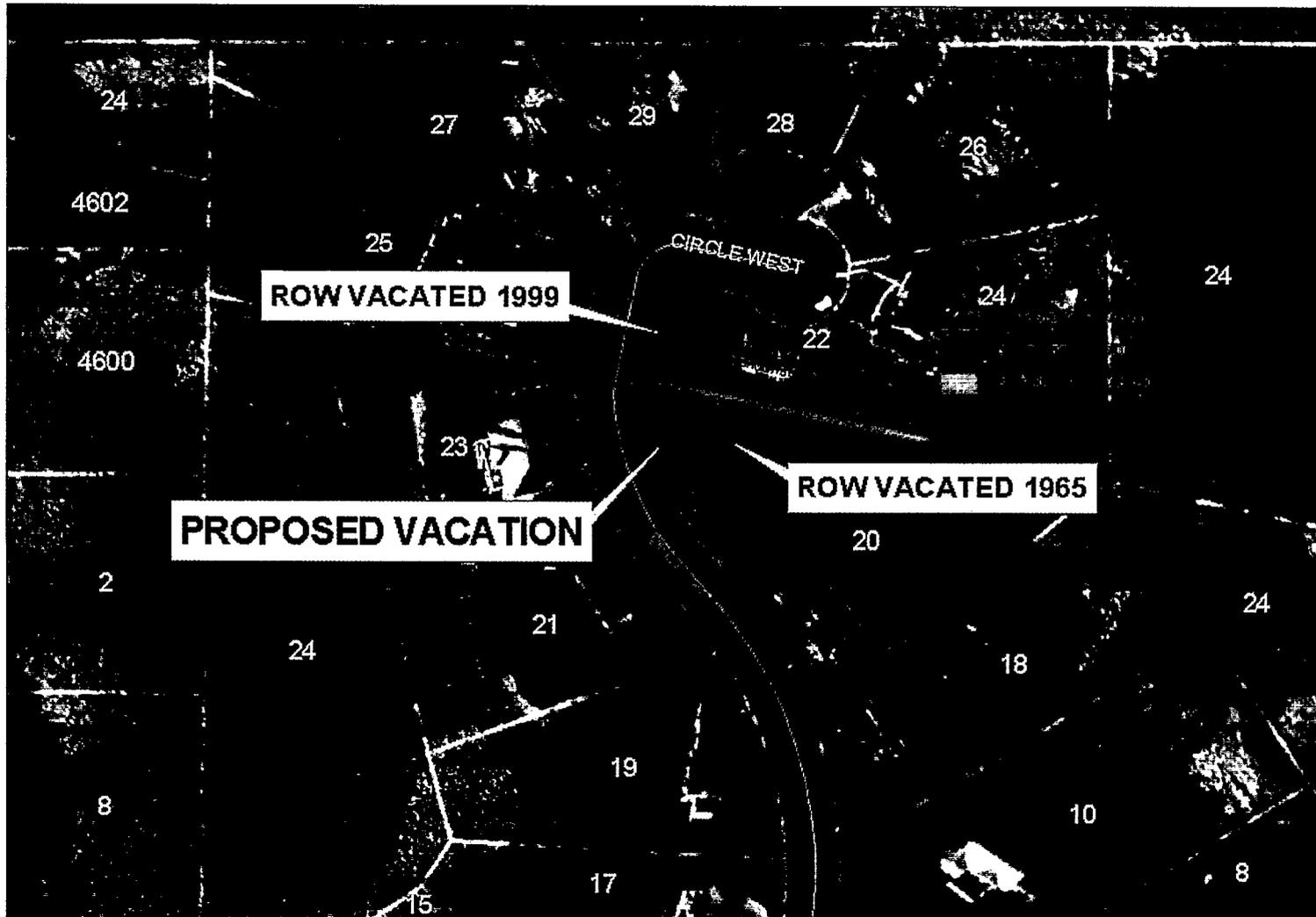
This document was drafted by:
City of Edina
4801 West 50th Street
Edina, MN 55424




Notary Public



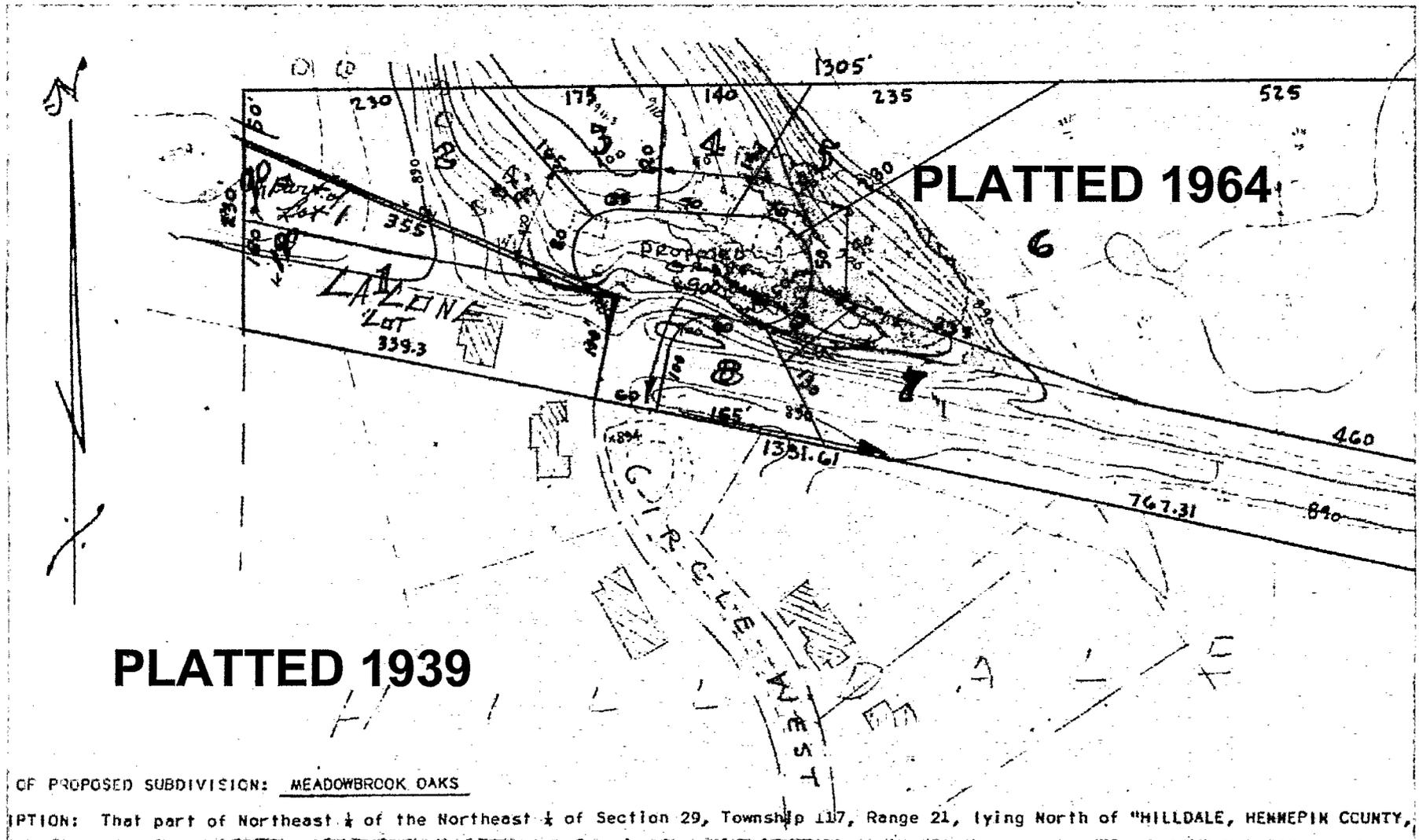
RIGHT- OF- WAY VACATION CIRCLE WEST



RIGHT-OF-WAY VACATION: CIRCLE WEST

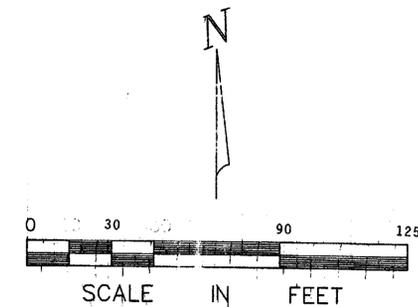
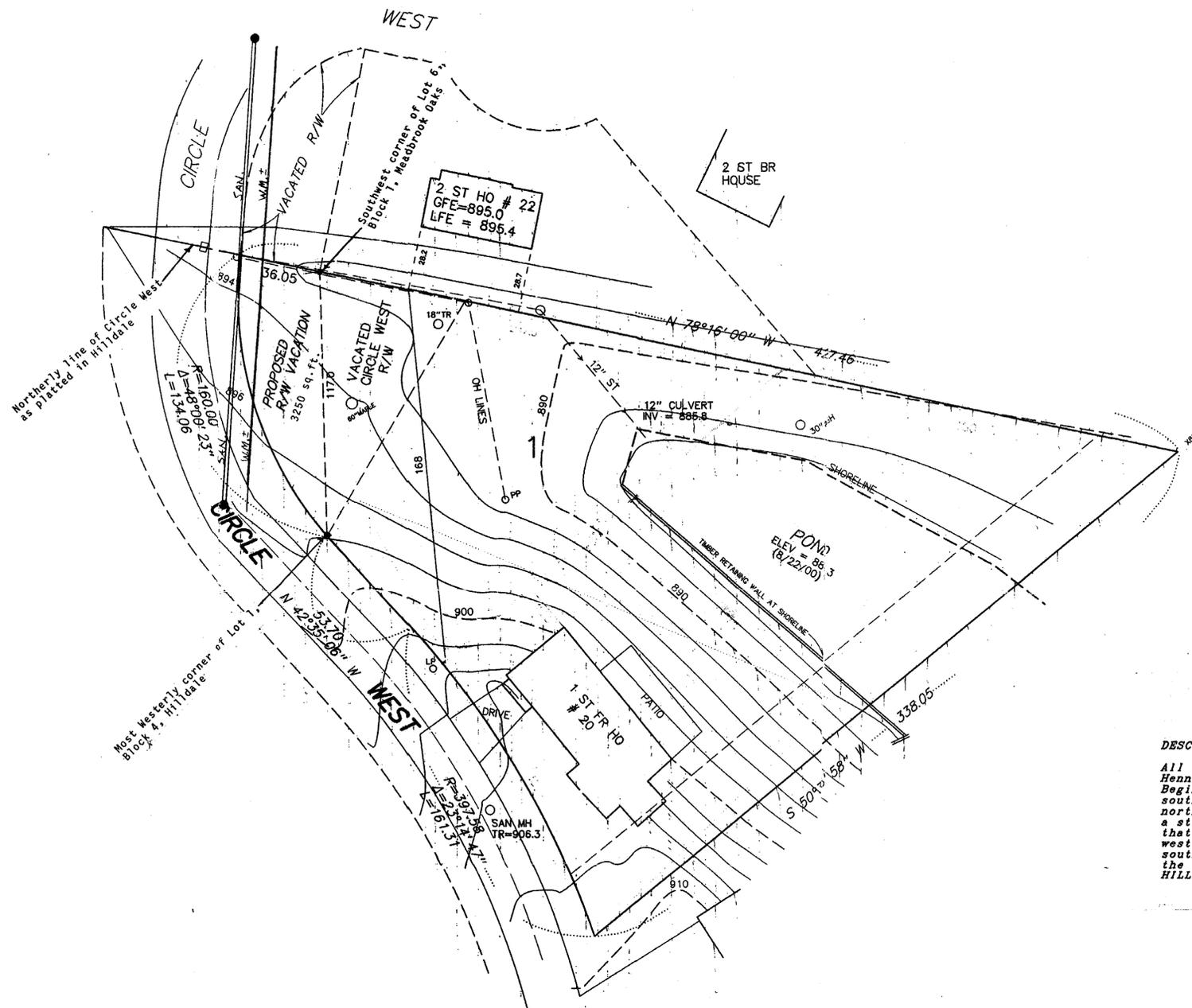


RIGHT-OF-WAY VACATION CIRCLE WEST



OF PROPOSED SUBDIVISION: MEADOWBROOK OAKS

PTION: That part of Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Township 117, Range 21, lying North of "HILDALE, HENNEPIN COUNTY,



EXISTING LOT AND VAC. R/W = 56450 S.F.
 PROPOSED R/W VACATION = 3250 S.F.
 TOTAL AREA = 59700 / 1.37 ACRES

DESCRIPTION

All that part of Lot 1 and that part of Lot 2, in Block 4, HILLDALE, Hennepin County, Mn, lying northwesterly of the following described line; Beginning at a point in the westerly line of said Lot 2, distant 89.3 feet southeasterly measured along the southwesterly line of said lot 2, from the northwesterly or most westerly corner of said lot; thence northeasterly in a straight line to the most westerly corner of Lot B, HILLDALE, including that portion of Circle West, vacated, described as beginning at the most westerly corner of Lot 6, Block 1, MEADOWBROOK OAKS, thence northerly to the south line of said Lot 6, to the most northerly corner of Lot 1, Block 4, HILLDALE, thence southwesterly to the point of beginning.

PROPOSED VACATION DESCRIPTION

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:
 Beginning at the westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.01 feet and a central angle of 48 degrees 00 minutes 23 second; to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota, thence Southerly to the point of beginning and there terminating.

Surveyor
Frank R. Cardarelli
 6440 FLYING CLOUD DRIVE
 EDEN PRAIRIE, MN 55343
 TELE = (612) 941-3031 FAX (612) 941-3030

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: 7/22/00 REGISTRATION NO. 67028

TOPOGRAPHIC SURVEY
 ELLIAS MANOLES
 # 20 CIRCLE WEST
 EDINA, MN

REVISIONS
 SEPT. 12, 2000
 11-12-2001
 DATE
 AUG 29, 2000
 PROJECT NO.
 2065 FRC
 SHEET NO.
 1

J. ANDREW HERRING
22 CIRCLE WEST
EDINA, MINNESOTA 55436
952.285.4464

January 14, 2001

(sent via fax to 952.826.0390)

Craig Larsen, City Planner
City of Edina Planning Department
4301 West 50th Street
Edina, MN 55424

RE: Proposed Vacation of A Portion of Circle West Abutting 20 Circle West

Dear Craig:

This letter is to follow-up on my letter to you dated January 10, 2002, regarding the proposed vacation of the property abutting our lot at 22 Circle West and the Manoles property at 20 Circle West. Based on our conversation today, it is unclear to me whether the property being vacated is actually owned by the City or is a municipal easement across the property owned by the Manoles'.

If the property is in fact owned by the City, I would like to offer to purchase the property rather than seeing the property vacated to the Manoles'. It seems to me that it is in the City's best interest to recover the fair value of the property to be vacated rather than merely vacating it for no value.

Alternatively, if the City does not wish to sell the property, I would respectfully request that a portion of the property be vacated to us. Inasmuch as the property abuts our lot as well as the Manoles property, we do not understand why some portion of the property would not be vacated to us. We would very much like to have the additional frontage along the street added to our existing property.

I apologize for this letter arriving so close to the meeting tomorrow evening; however, I was originally told the Manoles' owned the property to be vacated and the City only held an easement with respect to the property. If the City owns the property to be vacated, I think that raises different issues, including the possibility the City could sell the property. Also, if the property is owned by the City, and abuts both our property and the Manoles property, we believe it would only be fair for a portion of the property to be vacated to us.

If you have any questions with the respect to the above matter, please feel free to call me at 952.828.4441.

Sincerely,



Andy Herring

cc: Gordon Hughes, City of Edina (via fax 952.826.0390)
Jerry Gilligan, Dorsey Whitney (via fax 612.340.2644)



REPORT/RECOMMENDATION

<p>To: Mayor & City Council</p> <p>From: Wayne D. Houle, PE <i>WHD</i> City Engineer</p> <p>Date: January 15, 2002</p> <p>Subject: Vacation of Existing Roadway Right-of-way over a portion of the Circle West.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Agenda Item #</td> <td style="width: 40%;">II.A.</td> </tr> <tr> <td style="text-align: center;">Consent</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Information Only</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Mgr. Recommends</td> <td style="text-align: center;"><input type="checkbox"/> To HRA</td> </tr> <tr> <td style="text-align: center;">Action</td> <td style="text-align: center;"><input checked="" type="checkbox"/> To Council</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> Motion</td> </tr> <tr> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/> Resolution</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> Ordinance</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> Discussion</td> </tr> </table>	Agenda Item #	II.A.	Consent	<input type="checkbox"/>	Information Only	<input type="checkbox"/>	Mgr. Recommends	<input type="checkbox"/> To HRA	Action	<input checked="" type="checkbox"/> To Council		<input type="checkbox"/> Motion		<input checked="" type="checkbox"/> Resolution		<input type="checkbox"/> Ordinance		<input type="checkbox"/> Discussion
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Action	<input checked="" type="checkbox"/> To Council																		
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	<input checked="" type="checkbox"/> Resolution																		
	<input type="checkbox"/> Ordinance																		
	<input type="checkbox"/> Discussion																		

Recommendation:

Vacate existing right-of-way for street purposes and retain all utility easements located over a portion of Circle West as described and shown on attached Exhibit A.

Info/Background:

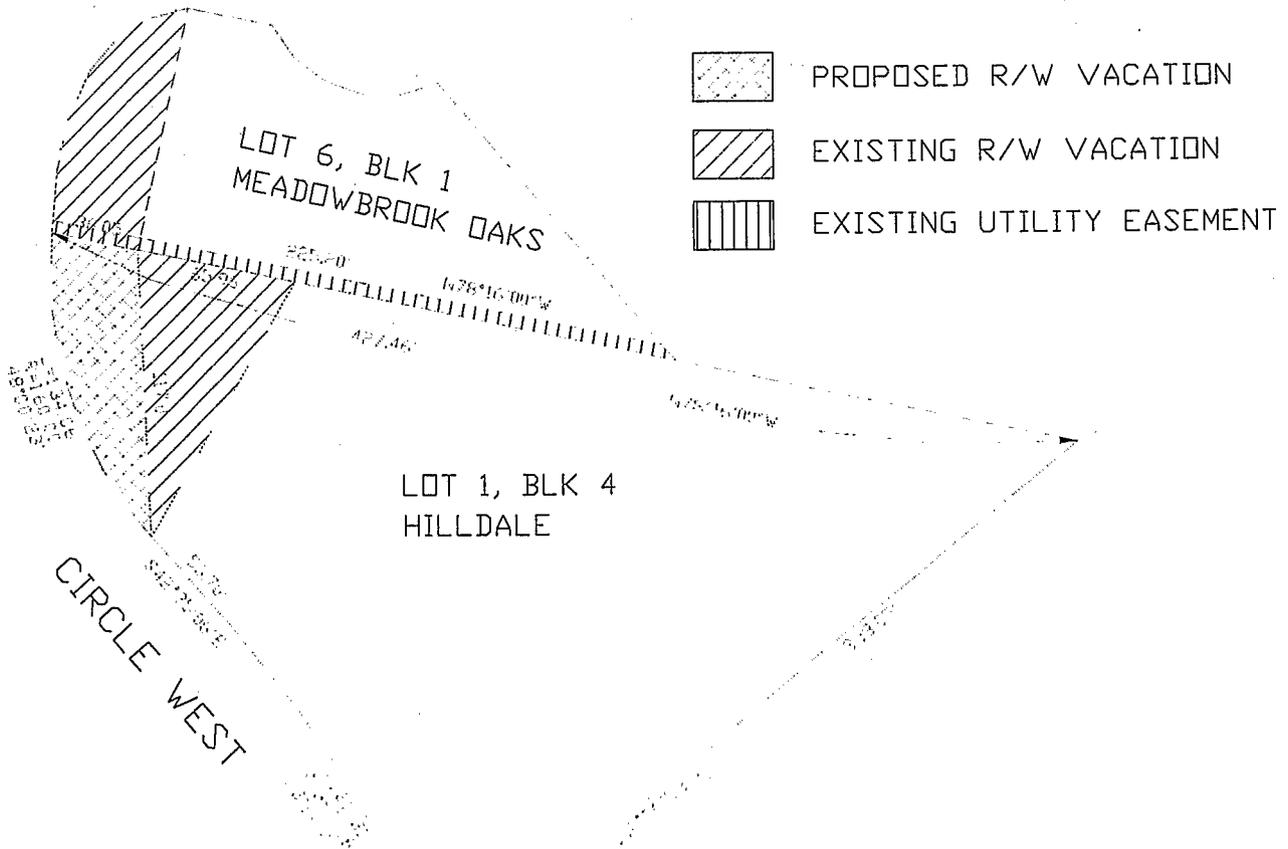
The proposed vacation of the existing easement is requested by the owner of the property at 20 Circle West that is located directly east of the proposed vacation. Two previous vacations of the roadway right-of-way have occurred. A portion to the east and one to the north of the proposed vacation was vacated in 1965 and 1999, respectively. The Planning Department has received a number of phone calls regarding the vacation. Staff has also received the two letters that are attached to this report. Time Warner and Reliant Energy have both approved the request. Excel Energy and Qwest have approved the request with the condition of retaining utility easements. A City owned watermain and sanitary sewer exist within the proposed vacation. Staff recommends the vacation be approved on condition of retaining all existing utility easements on the property.

EXHIBIT A

PROPOSED VACATION DESCRIPTION

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a Distance of 134.06 feet and a central angle of 48 degrees 00 Minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale: thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West According to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.



Thomas J. & Judith R. Mahoney
21 Circle West
Edina, MN 55436
(952) 920-9478

January 10, 2002

Craig Larsen, Chair
Edina Planning Commission
City of Edina
4801 West 50th Street
Edina, MN 55424

RE: Proposed Vacation of a Portion of Circle West abutting 20 Circle West

Dear Mr. Larsen,

This letter is in response to the proposed vacation of City property abutting 20 Circle West, residence of Nick and Mary Lu Manoles. We have lived at the above address for the past nineteen years and have had the pleasure to be the Manoles' neighbor during that time. We oppose the vacation of such property as it would negatively impact the neighborhood for the following reasons stated below.

1. **Vacation of Property tied to Subdivision.** The primary reason to oppose is that we believe this action is related to the owners' earlier attempt to subdivide their property. We opposed that action and expressed our concerns in a letter to the City dated January 25, 2001. We believe that this current proposal is simply an attempt to achieve subdivision of their property using different tactics. For this reason, vacation of this piece of property is inextricably linked to subdivision and should only be considered as part of any decision relating to subdivision.
2. **Vacation of Property enriches Owners unfairly.** Our understanding is that the City proposes to vacate this land and deed it to the Manoles at no cost to the Manoles. It is also our understanding that the Manoles do not currently own such property. If this is true, the Manoles would be unfairly enriched by such vacation, especially since others have expressed interest in purchasing this piece of property. If they are able to use this vacation of property to achieve subdivision of their property, as we believe, then the Manoles would be unjustly enriched.

We would not oppose this proposal if there was a way that the Manoles would be willing to permanently disavow any intentions to subdivide their property. One possible solution would be to place a deed restriction on subdividing their property. If they are willing to take such action, we would be willing to pull our opposition.

We appreciate the opportunity to be heard on this matter.

Sincerely,

Thomas J. Mahoney

January 10, 2001⁰²

(hand delivered)

Craig Larsen, City Planner
City of Edina Planning Department
4801 West 50th Street
Edina, MN 55424

RE: Proposed Vacation of A Portion of Circle West Abutting 20 Circle West

Dear Craig:

The purpose of this letter is to express our opposition to the proposed vacation of the property abutting our lot at 22 Circle West and the Manoles property at 20 Circle West. We are concerned that it represents the first step in an effort to subdivide the property at 20 Circle West, which we continue to oppose.

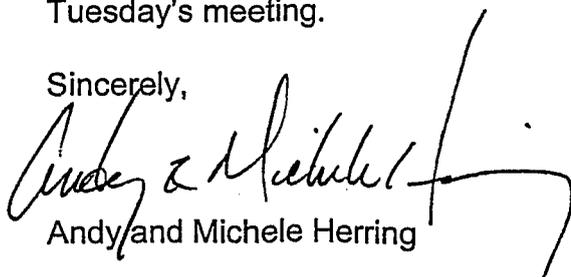
The Manoles' proposed a subdivision of the property at 20 Circle West approximately one year ago. At that time, more than 20 members of the neighborhood wrote in opposition of the subdivision. For your information, we have enclosed the Planning Commission's file with respect to the proposed subdivision, which includes an explanation of the subdivision request and correspondence in opposition to the proposed subdivision. Further, we note that, included in the file is the Edina Planning Commission's staff report, dated January 31, 2001, in which the staff recommended denial of the proposed preliminary plat because of the "number and magnitude" of variances required.

We do not believe any of the circumstances existing last year have changed, and we continue to be opposed to the subdivision of the lot at 20 Circle West for the same reasons enumerated in our earlier letter to you dated January 26, 2001. Further, there has been, and continues to be, strong neighborhood opposition to the proposed subdivision, and we have no reason to believe that the staff has otherwise withdrawn its recommendation against the proposed subdivision.

Accordingly, we urge the City not to vacate the property unless it obtains adequate assurances the property at 20 Circle West will not be subdivided.

Please forward copies of this letter and its enclosures to members of the city council prior to Tuesday's meeting.

Sincerely,



Andy and Michele Herring

Enclosures
cc: Gordon Hughes

Submitted by E11234
Mary Lu Manoles, 20 Circle West
11/22/00 - request was
subsequently withdrawn

Explanation of Request

We have owned and lived in our home at 20 Circle West in Edina for 30 years, and it is our fond hope and prayer that we will be able to live there for many more years. Our home is located on a large lot that is approximately 243 feet wide and 269 feet deep. The total area of our lot is 59,706.301 square feet or 1.3706683 acres. The present dimensions and area of our property exceed that of the average of other lots within 500 feet of property, in both the Hilldale portion and the adjacent Meadowbrook Oaks portion of the neighborhood. Due to the fact that our home is placed on the southeastern half of the property, we have a large park-like area on the northwestern half of our property. This portion of the property has been a rather sizable expanse of land for us to care for, but we have greatly enjoyed it. While our four children were growing up, it was a marvelous place for them and their friends in the neighborhood to play. The neighbors also enjoyed it, because it kept their children close by and within seeing and hearing distance. Today, many of our grandchildren come over to play and slide there -- just as their parents did.

During the time that we have lived in the neighborhood, there have been many changes. Many lovely older homes have been torn down, and new, larger and more magnificent homes have been build in their place. As a result of these changes, the amount of open space between the homes had been significantly diminished, and the neighborhood no longer has the same appearance that it did 30 years ago when we moved in. Our home is one of the oldest homes in the neighborhood and one of the few in the neighborhood that has not been radically changed over the years. It is essentially the same (externally) as it was when we move into it 30 years ago.

Over the years, we have been approached, both directly and indirectly, by individuals and developers, who have expressed interest in buying our home and property. Their purpose in purchasing the property was to either tear down the house and build a very large new home, or to divide the property and build another house on the unoccupied portion. Although some of the offers were tempting, we never gave any serious consideration to any of them, because we did not and do not have any intention in exploiting the value of the property or profiting from it by speculation.

In recent months, our son, Dr. Michael Manoles, and his wife, Laurel, expressed a great interest in moving to Edina from their present home in Golden Valley. For many years they have been active in an Edina church, and both of their children attend a private school, Calvin Christian, which is located in Edina. As parents and grandparents, it goes without saying that we would love to have our son, his wife and their children closer to us, especially if they could be our next door neighbors.

At this time, we wish to respectfully request that the City of Edina Planning Commission give thoughtful consideration to our proposal to divide our property at 20 Circle West in Edina, as it is indicated in the Preliminary Lot Division Plan prepared for us by our surveyor, Mr. Frank R. Cardarelle. Upon your approval of the plot division, it is our intent to sell Plot #1 to our son and his wife so that they can build on it. As we stated earlier, we have no desire or intent to sell this property to any other party for development. In addition, if approval to divide the property is given, we are confident that our son and his wife will build a home on it that would be of a size, quality and design that would be complimentary to the existing homes in the contemporaneous neighborhood.

When you review our proposal, you will note that the dimensions and areas proposed for Plot #1 and #2 would be less than the average dimensions and areas of other Hilldale lots within 500 feet of the property. In response to this variance, we would like call your attention to the fact that both Plots would be very comparable in dimension and

area to the immediately adjacent lots in the Meadowbrook Oaks portion of the neighborhood. As a matter of fact, the dimensions in the proposed Plots are greater than the adjacent lot at 22 Circle West and other nearby lots at the end of our street, Circle West. Therefore, the proposed lots would not appear to be out of proportion to nearby lots. Moreover, many of the larger, neighboring Hilldale lots have vast areas of wetlands and swamp on their backsides, which are unbuildable and not visible from the street. Therefore, although many of the lots may be significantly larger in area, they don't appear to be much larger from the streetside vantage point.

Finally, the building of a new home on Plot #1 would result in a benefit to the City of Edina, because the property tax for two plots with homes would more than likely be much greater than it is for the one plot with one home.

We hope that these comments address any concerns that you might have regarding the proposed Plots. We encourage you visit the property and the neighborhood so that you can see for yourself how the proposed division would compliment the neighborhood. We would like to thank you in advance for your consideration of our proposal, and we would like to let you know that we will make ourselves available for any questions you might have regarding it.

Respectfully yours,

Ellias N. Manoles M.D.
Mary Lu Manoles

Ellias N. Manoles M.D.

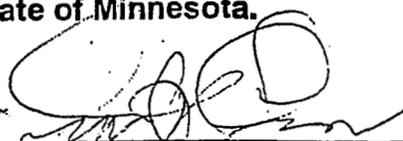
Mary Lu Manoles

**SUBMISSION REQUIREMENTS FOR SUBDIVISION IN THE
R-1, SINGLE DWELLING UNIT DISTRICT**

1. A map drawn to 100 scale showing all residential lots (R-1) within 500 feet of the subject property and reference numbers; (see definition of Neighborhood in 810)Section
2. property owners names and addresses of residential lots (R-1) within the "500 foot neighborhood";
3. legal description of all residential lots (R-1) within the "500 foot neighborhood";
4. lot area for each lot ;
5. the mean and median lot area (in square feet) of all lots within the "500 foot neighborhood"
6. the lot width , as defined by Section 850, for each lot;
7. the mean and median lot width, as defined by Section 850, of all lots;
8. the lot depth, as defined by Section 850, for each lot;
9. the mean and median lot depth, as defined by Section 850, of all the lots;
10. all measurements and data shall come from ¼ section maps prepared by the Hennepin County Surveyor.

Method of Measurement and Calculation used Computer - field & office

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



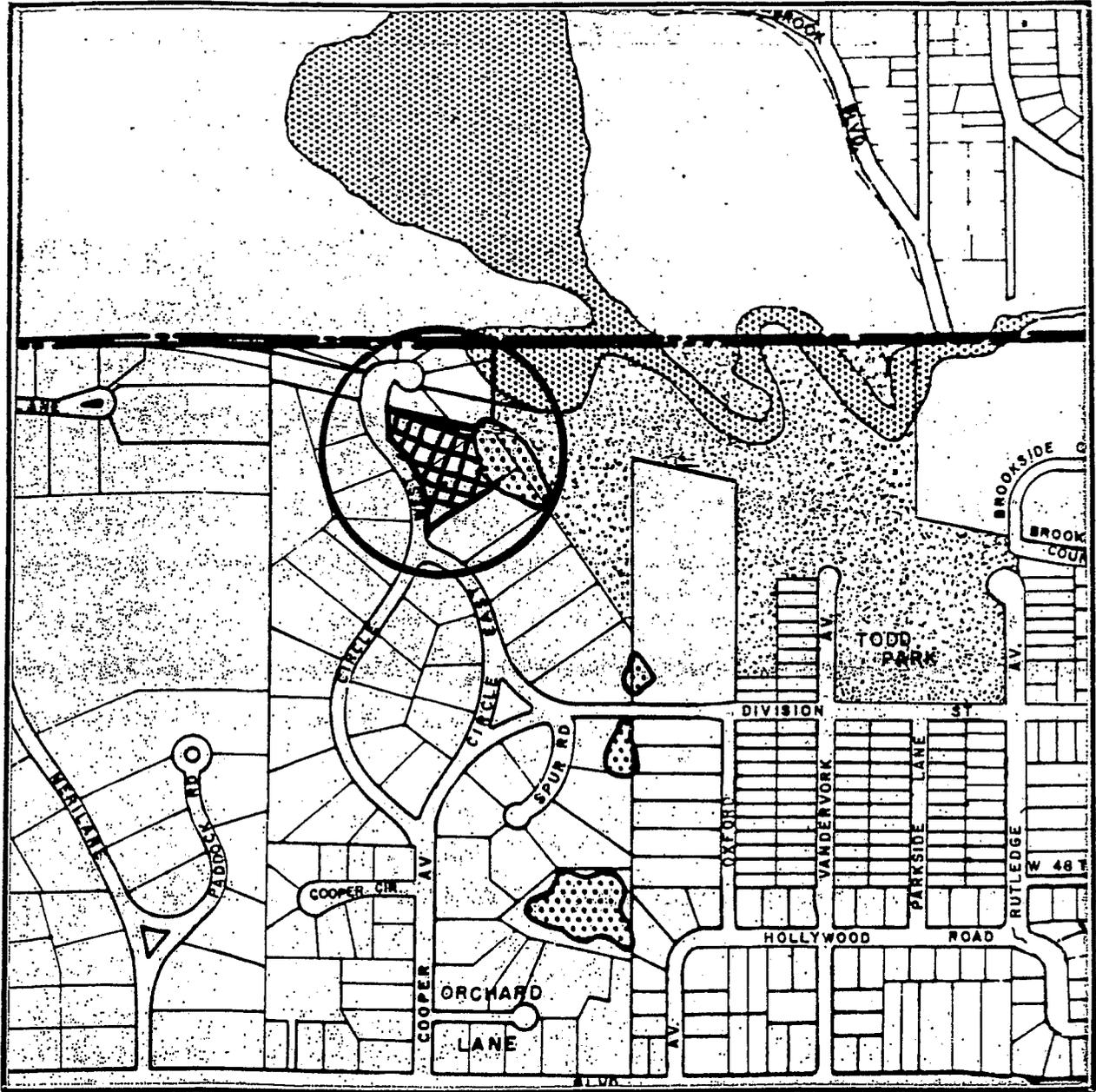
Signature

11-10-00

Date

Minnesota Registered Land Surveyor License No. SAO # 6508

LOCATION MAP



SUBDIVISION

NUMBER S-01-1

LOCATION 20 Circle West

REQUEST Two Lot Subdivision

EDINA PLANNING DEPARTMENT

EDINA PLANNING COMMISSION

JANUARY 31, 2001

STAFF REPORT

B-01-1 **Preliminary Plat Approval**
Ellias N. Manoles and Mary Lu Manoles
20 Circie West

The subject property is a developed single dwelling lot with an area of 53,200 square feet. There is an existing dwelling located in the southwest portion of the lot, and a pond in the rear, or east of the dwelling. The owners have submitted a petition to subdivide the property to create one new lot. The preliminary plat includes a portion of as yet unvacated right of way measuring 3,250 square feet. This right of way has been incorporated into the proposed new lot.

The subdivision ordinance requires the evaluation of subdivisions based on the median lot width, depth and area of all single dwelling lots within 500 feet of the proposed subdivision. In this instance there are 24 lots in the 500 foot neighborhood. Data on the individual lots is attached on a separate sheet. The information relative to the neighborhood shown on the preliminary plat is not complete. The median dimensions and sizes are as follows:

<u>Lot Width</u>	<u>Lot Depth</u>	<u>Lot Area</u>
157 feet	231 feet	44,516 sq. ft.

Lots in the proposed subdivision have the following dimensions and areas:

Lot 1	106 feet*	224 feet*	23,008 sq. ft.*
Lot 2	137 feet*	269 feet	36,700 sq. ft.*

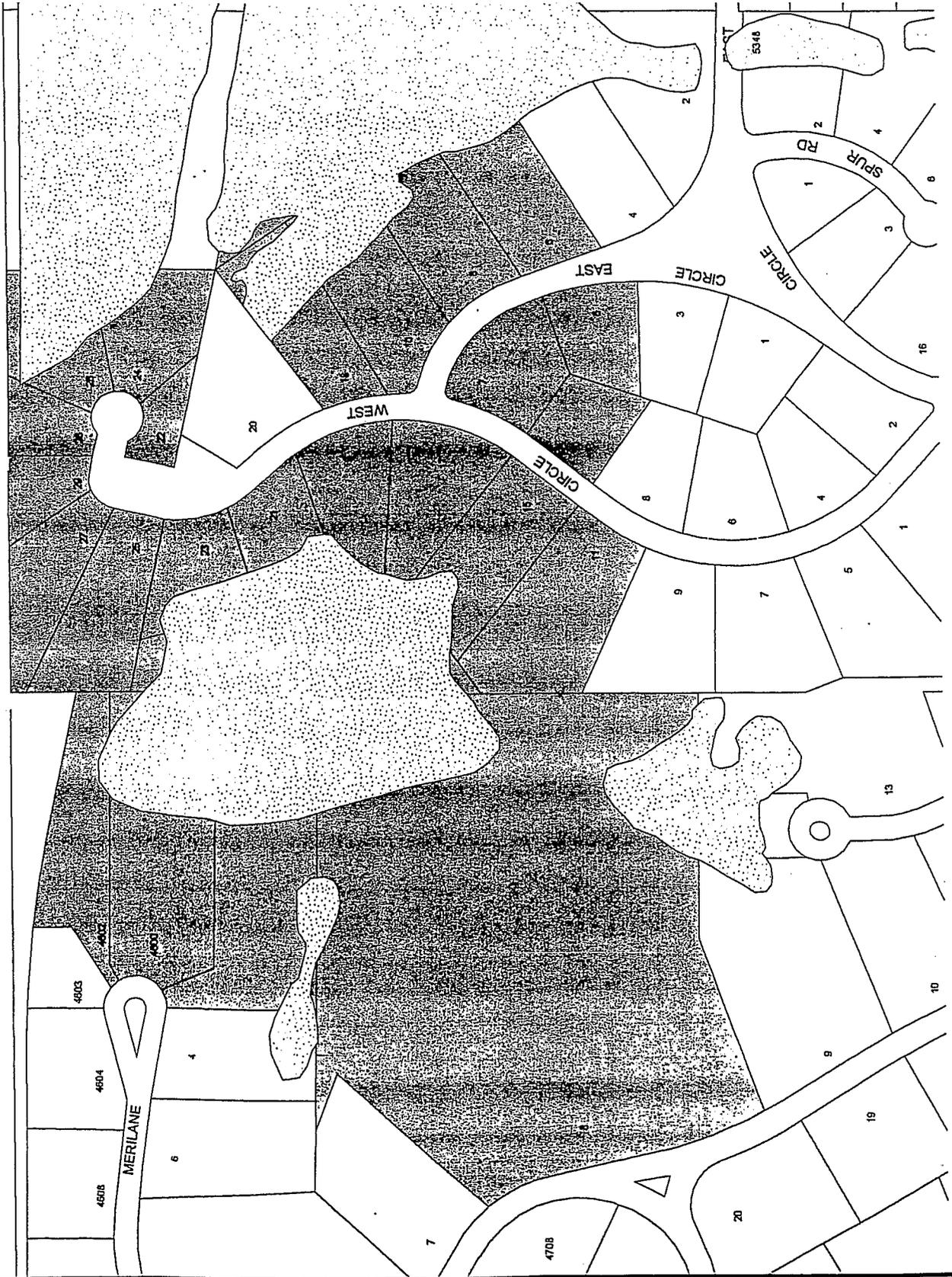
- requires variance

When property proposed for subdivision abuts a naturally occurring pond, the Subdivision Ordinance requires a 100 foot Conservation Restriction upland from waters edge. No structures can be placed in this area. The house pad illustrated on the preliminary plat is approximately 40 feet from the pond. Thus, a 60 foot variance is required.

Recommendation:

Both lots in the proposed subdivision require variances from each of the standards, except for depth on Lot 2. The proposed variances for the new lot are quite large. The proposed lots would not fit the large lot character of the Hilldale neighborhood. Also, the proposed new lot does not provide an adequate buffer around the pond. Staff recommends denial of the proposed Preliminary Plat because of the number and magnitude of variances required.

500 Foot Neighborhood



Legend

- Lot 20
- Water
- Parcel



20 circle west

PID	PROPADDR	PROPZIP	OWNERNAME	OWNERNAME2	OWNERADDR1	OWNERCITY	OWNERSTATE	OWNERZIP	CORP	TAXPAYER	OCCUPANT
2911721120013	8 Merilane	55436 1336	Marion D Short		8 Merilane	Edina	MN	55436 1336	N	Y	Y
2911721120011	2 Merilane	55436	Gerore E Sherman	Linda B Sherman	2 Merilane	Edina	MN	55436	N	Y	Y
2911721120018	4600 Merilane	55436	James A Meger	Laurene I Meger	4600 Merilane	Edina	MN	55436	N	Y	Y
2911721120017	4602 Merilane	55436	Douglas Ketcham	Charlotte Ketcham	4602 Merilane	Edina	MN	55436	N	Y	Y
2911721110006	11 Circle West	55436	William Hodder		11 Circle West	Edina	MN	55436	N	Y	Y
2911721110031	25 Circle West	55436	Mark S Brunsvold	Vicki J Brunsvold	25 Circle West	Edina	MN	55436	N	Y	Y
2911721110021	27 Circle West	55436	Elizabeth N Nordstrom	Duane V Nordstrom	27 Circle West	Edina	MN	55436	N	Y	Y
2911721110005	15 Circle West	55436	Nicholas P Karos	Athena G Karos	15 Circle West	Edina	MN	55436	N	Y	Y
2911721110001	23 Circle West	55436	Michele M Sit	Roger J Sit	23 Circle West	Edina	MN	55436	N	Y	Y
2911721110002	21 Circle West	55436	Thomas J Mahoney	Judith R Mahoney	21 Circle West	Edina	MN	55436	N	Y	Y
2911721110004	17 Circle West	55436	Anthony J Navarro	Jean K Navarro	17 Circle West	Edina	MN	55436	N	Y	Y
2911721110003	19 Circle West	55436	Kenneth L Cutler	Linda S Culler	19 Circle West	Edina	MN	55436	N	Y	Y
2911721110022	29 Circle West	55436	Robert S Hanson	Margaret H Hanson	29 Circle West	Edina	MN	55436	N	Y	Y
2911721110012	10 Circle West	55436	Betty Rentschler		10 Circle West	Edina	MN	55436	N	Y	Y
2911721110023	28 Circle West	55436	Calden Stilt	Kathryn L Stilt	28 Circle West	Edina	MN	55436	N	Y	Y
2911721110026	22 Circle West	55436	Michael Kelly	Mary H Kelly	22 Circle West	Edina	MN	55436	N	Y	Y
2911721110013	20 Circle West	55436	Elias Manoles	Mary Lu Manoles	20 Circle West	Edina	MN	55436	N	Y	Y
2911721110008	7 Circle East	55436	Kent M Bank	Suzanne Bank	7 Circle East	Edina	MN	55436	N	Y	Y
2911721110024	26 Circle West	55436	Janet Dow		3220 W Calhoun Pkwy	Minneapolis	MN	55416-4651	N	Y	N
2911721110014	18 Circle West	55436	James Freeman	Carol Freeman	18 Circle West	Edina	MN	55436	N	Y	Y
2911721110025	24 Circle West	55436	Todd S Johnson	Jan M Johnson	24 Circle West	Edina	MN	55436	N	Y	Y
2911721110009	5 Circle East	55436	Brian R Lawton		6608 Parkwood Rd	Edina	MN	55436	N	Y	N
2911721110015	10 Circle East	55436	Gertrude O Hognander		10 Circle East	Edina	MN	55436	N	Y	Y
2911721110016	8 Circle East	55436	J Cargill		8 Circle East	Edina	MN	55436	N	Y	Y
2911721110017	6 Circle East	55436	Robin C Davidson	Jane E Davidson	6 Circle East	Edina	MN	55436	N	Y	Y

LOT DEPTH

	Address	PID No.	Depth	Width	Area
1	22 Circle West	29-117-21-11-0026	75	170	17,595
2	21 Circle West	29-117-21-11-0002	137	165	38,581
3	28 Circle West	29-117-21-11-0023	143	125	18,708
4	10 Circle West	29-117-21-11-0012	166	160	26,011
5	29 Circle West	29-117-21-11-0022	170	117	18,315
6	26 Circle West	29-117-21-11-0024	190	130	42,181
7	5 Circle East	29-117-21-11-0009	200	120	29,764
8	18 Circle West	29-117-21-11-0014	200	185	50,069
9	7 Circle East	29-117-21-11-0008	208	153	37,083
10	24 Circle West	29-117-21-11-0025	215	154	43,512
11	19 Circle West	29-117-21-11-0003	220	140	40,551
12	23 Circle West	29-117-21-11-0001	222	179	36,721
13	8 Circle East	29-117-21-11-0016	240	161	53,221
14	10 Circle East	29-117-21-11-0015	250	177	62,596
15	17 Circle West	29-117-21-11-0004	257	148	45,519
16	27 Circle West	29-117-21-11-0021	285	100	37,681
17	15 Circle West	29-117-21-11-0005	288	164	56,133
18	2 Merilane	29-117-21-12-0011	310	130	122,698
19	4600 Merilane	29-117-21-12-0018	330	170	110,670
20	25 Circle West	29-117-21-11-0031	350	100	51,304
21	11 Circle West	29-117-221-11-0006	365	165	70,269
22	6 Circle East	29-117-21-11-0017	369	160	57,869
23	4602 Merilane	29-117-21-12-0017	540	40	51,933
24	8 Merilane	29-117-21-12-0013	950	580	655,890

LOT DEPTH

231

LOT WIDTH

	Address	PID No.	Depth	Width	Area
1	4602 Merilane	29-117-21-12-0017	540	40	51,933
2	27 Circle West	29-117-21-11-0021	285	100	37,681
3	25 Circle West	29-117-21-11-0031	350	100	51,304
4	29 Circle West	29-117-21-11-0022	170	117	18,315
5	5 Circle East	29-117-21-11-0009	200	120	29,764
6	28 Circle West	29-117-21-11-0023	143	125	18,708
7	26 Circle West	29-117-21-11-0024	190	130	42,181
8	2 Merilane	29-117-21-12-0011	310	130	122,698
9	19 Circle West	29-117-21-11-0003	220	140	40,551
10	17 Circle West	29-117-21-11-0004	257	148	45,519
11	7 Circle East	29-117-21-11-0008	208	153	37,083
12	24 Circle West	29-117-21-11-0025	215	154	43,512
13	10 Circle West	29-117-21-11-0012	166	160	26,011
14	6 Circle East	29-117-21-11-0017	369	160	57,869
15	8 Circle East	29-117-21-11-0016	240	161	53,221
16	15 Circle West	29-117-21-11-0005	288	164	56,133
17	21 Circle West	29-117-21-11-0002	137	165	38,581
18	11 Circle West	29-117-221-11-0006	365	165	70,269
19	22 Circle West	29-117-21-11-0026	75	170	17,595
20	4600 Merilane	29-117-21-12-0018	330	170	110,670
21	10 Circle East	29-117-21-11-0015	250	177	62,596
22	23 Circle West	29-117-21-11-0001	222	179	36,721
23	18 Circle West	29-117-21-11-0014	200	185	50,069
24	8 Merilane	29-117-21-12-0013	950	580	655,890

LOT WIDTH

157

LOT AREA

	Address	PID No.	Depth	Width	Area
1	22 Circle West	29-117-21-11-0026	75	170	17,595
2	29 Circle West	29-117-21-11-0022	170	117	18,315
3	28 Circle West	29-117-21-11-0023	143	125	18,708
4	10 Circle West	29-117-21-11-0012	166	160	26,011
5	5 Circle East	29-117-21-11-0009	200	120	29,764
6	23 Circle West	29-117-21-11-0001	222	179	36,721
7	7 Circle East	29-117-21-11-0008	208	153	37,083
8	27 Circle West	29-117-21-11-0021	285	100	37,681
9	21 Circle West	29-117-21-11-0002	137	165	38,581
10	19 Circle West	29-117-21-11-0003	220	140	40,551
11	26 Circle West	29-117-21-11-0024	190	130	42,181
12	24 Circle West	29-117-21-11-0025	215	154	43,512
13	17 Circle West	29-117-21-11-0004	257	148	45,519
14	18 Circle West	29-117-21-11-0014	200	185	50,069
15	25 Circle West	29-117-21-11-0031	350	100	51,304
16	4602 Merilane	29-117-21-12-0017	540	40	51,933
17	8 Circle East	29-117-21-11-0016	240	161	53,221
18	15 Circle West	29-117-21-11-0005	288	164	56,133
19	6 Circle East	29-117-21-11-0017	369	160	57,869
20	10 Circle East	29-117-21-11-0015	250	177	62,596
21	11 Circle West	29-117-221-11-0006	365	165	70,269
22	4600 Merilane	29-117-21-12-0018	330	170	110,670
23	2 Merilane	29-117-21-12-0011	310	130	122,698
24	8 Merilane	29-117-21-12-0013	950	580	655,890

LOT AREA

44,516

J. ANDREW HERRING
6012 ERIN TERRACE
EDINA, MINNESOTA 55439
952.942.6835

January 26, 2001

Craig Larsen, City Planner
City of Edina Planning Department
4801 West 50th Street
Edina, MN 55424

sent via fax to 952.826.0390

RE: Proposed Lot Subdivision
Dr. & Mrs. Ellias Manoles
20 Circle West, Edina

Dear Craig:

As we discussed earlier this week, my wife, Michele, and I are in the process of purchasing Mike and Peggy Kelly's house at 22 Circle West in Edina. The purchase of the home will close in May; however, we are renovating the home in the meantime. We have received information concerning the proposed subdivision of the above-referenced property from others in the neighborhood. **We are writing you in opposition of the proposed subdivision.**

Our objections to the proposed subdivision are as follows:

- (1) A key attraction of Hilldale, and part of its beauty, is the large-size lots in the neighborhood. We firmly believe that creating two smaller lots at this location is inconsistent with the original intent of the developers, will detract from the neighborhood and will negatively impact the value of the surrounding homes. The Manoles lot is not a double lot, nor is it an oversize lot for the Hilldale neighborhood. Many of the lots in the neighborhood are larger than one acre. I note from the survey provided from the Manoles that there are four lots within 500 feet of the Manoles property that are larger than 1¼ acres.
- (2) The proposed subdivision of the Manoles property would be the first subdivision in Hilldale and would create two lots that are both smaller than the average size of the lots within 500 feet of the Manoles property.
- (3) Subdividing this property would establish a precedent in Hilldale. We are very concerned that if the subdivision of this property is permitted, there would be many other Hilldale lots that would meet this criteria for subdivision. Property values would clearly be impacted if multiple additional homes were to be built in this established neighborhood.

Craig Larsen
January 26, 2001
Page Two

- (4) It appears that two parcels of City property must be vacated to permit the subdivision of this property. In the absence of these vacations, it does not appear that the proposed subdivision would be possible. In the face of neighborhood opposition to the proposed subdivision, the City should not, through the vacation of these parcels, enable subdivision of the lot.
- (5) The easement for the watershed limits the siting of the house on this property. There is a flood plain along the eastern part of the lot.
- (6) There would be substantial loss of trees and vegetation that would severely detract from the aesthetics in this part of the neighborhood. Again, this is a neighborhood of large lots, where the open space, trees and vegetation add to the beauty of the neighborhood and are enjoyed by all of its residents.

The overarching strategy of the City is to protect the residential character of its neighborhoods. Key to that strategy is ensuring that the character and symmetry of these long-standing neighborhoods is maintained. The proposed lot split is inconsistent with the current character and symmetry of Hilldale, and would establish a very dangerous precedent.

We respectfully urge you to reject the lot subdivision requested.

Sincerely,



Michele and Andy Herring

cc: Gordon Hughes

CORRESPONDENCE

Thomas J. & Judith R. Mahoney
21 Circle West
Edina, MN 55436
(952) 920-9478

25 January, 2001

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

RE: Manoles Proposed Subdivision, 20 Circle West

Dear Mr. Larsen:

We have lived at the above address for the past eighteen years and have had the pleasure to be the neighbors of the Manoles' at 20 Circle West in Edina. Their home is well-situated on one of the nicer lots in Hilldale. Their proposal to subdivide the lot, however, would destroy the beauty of the lot and negatively impact the neighborhood. For that reason and other reasons specified below, we must oppose the proposed subdivision.

The subdivision proposal would impair the neighborhood in the following specific ways:

1. The Subdivided Lots would be less than the median lot area in the neighborhood. Per Sec. 810.11 Subd. 2, the minimum lot area shall be the "greater of 9,000 square feet; or the median lot area of lots in the neighborhood." The median lot area in the Attachment shows 42,181 SF as compared to the proposed lot areas of 23,008 SF and 36,700 SF for Lots 1 and 2 respectively. The proposed lots fail the median test. This would also destroy the character of the neighborhood and in conflict with Sec. 810.11 Subd 1.

It should be noted that the lot areas as represented by the Surveyor, Frank R. Cardarelle, appear to substantially understate the lot areas of the neighborhood. The Attachment summarizes the Lot SF as reported by the Surveyor as compared to the records recorded by Hennepin County. We believe the Hennepin County records to be more reliable than presented by the surveyor.

It also should be mentioned that the Manoles' have claimed its subdivided lots are of the approximate size as the Meadowbrook Addition. It should be remembered that the Manoles' property resides in Hilldale, not Meadowbrook, and if anything the Meadowbrook property should be excluded from the calculations.

2. The new Subdivided Lot would require a 75 feet building variance. Per the City of Edina Planning Department, this new lot requires a 100 feet setback from the pond. The proposed house is currently situated 25 feet from the pond and it is impractical to build any house unless a substantial variance is provided. This again would destroy the character of the neighborhood and in conflict with Sec. 810.11 Subd 1.
- 3: Safety would be at risk relative to ingress and egress. Per Sec. 810.11 Subd. 1.G., "adequacy and safety of ingress to and egress from such lots" must be maintained. As this property is located on a sweeping bend in the road with blind spots for cars and pedestrians, adding a driveway would impair the relative safety of that portion of road. Neighbors already have complained for years about the near-collisions caused on this turn.

4. Inconsistent with Edina's Vision 20/20. Objective #1 of Edina's Vision 20/20 is to "Maintain strong residential neighborhoods" and states: "Residential neighborhoods are a defining characteristic of Edina. Many Edina neighborhoods have a unique character defined by architectural housing styles, street patterns and extensive landscaping." We believe creating two small lots that requires a major building variance and impairs safety is not consistent with maintaining strong residential neighborhoods.
5. Drainage and Cost Issues. Local water runoff is diverted from the streets underground to the pond on Manoles' property and runs right where the proposed house is situated. The proposed subdivision fails to address the issue as to how water runoff would be handled and what the costs might include.

Finally, it is our understanding that a similar proposal was made to the City a number of years ago and rejected. If so, the proposed subdivision plan fails to address such issue and fails to explain what has changed such that the City should reverse its earlier decision.

While we empathize with the Manoles' desire to build a home for their son, from a neighborhood perspective it would impair the quality of life as it exists. For that reason, we recommend the Planning Commission deny this request.

Sincerely,

Thomas J. Mahoney

Manoles Proposed Addition
21 Circle West, Edina MN 55436
31-Jan-01

	Lot SF as Reported By Surveyor	Lot SF as Reported By Hennepin County
<u>Hilldale</u>		
25 Circle West .. Brunsvold ..	34,991	51,304
23 Circle West Sit	33,903	36,721
21 Circle West Mahoney ...	23,639	38,591
19 Circle West Cutler	32,665	40,551
17 Circle West Navarro ..	41,103	45,519
15 Circle West Karos	45,646	56,133
7 Circle East Bank	32,423	37,083
10 Circle West Rentschler	26,180	26,011
18 Circle West Freeman ..	40,357	50,069
10 Circle East Hognander	44,872	62,576
8 Circle East Cargill	41,168	53,221
Hilldale Average excl. Manoles	36,086	45,253
20 Circle West Manoles ..	59,706	51,135
Hilldale Average incl. Manoles	38,054	45,743
<u>Meadowbrook Addition</u>		
27 Circle West Nordstrom .	38,351	37,681
29 Circle West Hanson .	17,522	18,315
28 Circle West Stitt	16,396	18,708
26 Circle West Stalhandske	12,275	42,181
24 Circle West Johnson	37,965	43,512
22 Circle West Kelly .	14,979	14,321
Meadowbrook Average	22,915	29,120
Hilldale and Meadowbrook Average	33,008	40,202
<u>Manoles Proposed Subdivision</u>		
Lot 1		23,008
Lot 2		36,700
Total		59,708
<u>Medians</u>		
Hilldale Only		47,794
Hilldale and Meadowbrook		42,181

Notes

Lot SF Reported by Surveyor source: per FrankR. Cardarelle, Surveyor
Lot SF Reported by Hennepin County source: per "www.co.hennepin.mn.us".

11 Circle West
Edina, MN
January 23, 2001

Dear Mr. Larsen,

We have just heard from a Hilldale neighbor that the property at #20 Circle West (manoles property) might be divided in order to add another home site.

We lucky people in Hilldale have a very special area. The best part is the open spaces between and behind the homes.

Please don't set a precedent so we will eventually end up with an area like the one on Benson Avenue. Could they have squeezed any more homes around that pond?

Let's not spoil Hilldale. It's a wonderfully unique little neighborhood. We value the woods, the ponds, the wildlife, and the open spaces.

Thank you!

Sincerely,

Aue Hodder

Bill Hodder

January 21, 2001

Craig Larsen
Planning Department
City of Edina
Edina, MN.

RE: Manoles Subdivision
20 Circle West
Edina, MN.

Dear Mr. Larsen,

We recently received notice from the Manoles regarding their proposed subdivision.

We don't believe this subdivision would be in compliance with the current city ordinance, which were established in part to protect the aesthetics of neighborhoods such as Hilldale.

We have great concern that many of our neighbors agree with us and will not speak up for their own personal reasons. Since we live near the Manoles we wish to remain anonymous but we would like you to know our position.

We feel very strongly that this proposed subdivision should not be approved.

Sincerely,

A handwritten signature in cursive script that reads "Liz Nordstrom". The signature is written in black ink and is positioned above the typed name.

Duane and Liz Nordstrom
27 Circle West

Madison Marquette

1/3

12/28/00

Mr. Craig Larson
City Planner
City of Edina
4801 W. 50th ST
Edina, MN 55436

Re: Proposed Lot Split
Dr & Mrs. Ellis Mandles
20 Circle West, Edina 55436

Comments:

It is our understanding that our next door neighbors, Dr & Mrs. Ellis Mandles has or shortly will be filing a request for a lot split of 20 Circle West. We are writing this letter in opposition at this time because we will be away frequently during the winter months and may not receive the official notice of such request in a timely manner. Please keep this letter in your file and send copies to the planning commission and Council when appropriate.

We have lived at 22 Circle West for nearly 30 years and were neighbors of Mr & Mrs Charles Hoyt before the Mandles. The Hoyts had also discussed a lot split many years ago and did not move forward because they knew it would not be appropriate for the Hillside neighborhood.

Let us begin by saying the Mandles are fine people and have been good neighbors. We would have absolutely no objection if they wished to expand their existing house or if they desired to tear down their existing house and reposition

Madison Marquette

293

it on their list. Many of our lobbyists negotiators have done well in the other in order to mediating a mutual negotiation.

Our objectives and objectives to a mutual negotiation

list again are as follows:

1. Also make the first list in the list. Lobbyists
is a negotiation of long list and in the light of every
existing agreement should remain so.

2. It will set a precedent when a number of other list
might be created for a list or a "next" list. We
have counted at least 8 ready candidates - 2 each with
7 and 10 each list, 2, 6 and 8 spur detail and behind it
and 16 larger lists - then may be able. In print being
that it opens a list which would be important to them.

3. In 2 list after the list would be understood in an age
compared to other lobbyist lists. Again a precedent setting
event.

4. Creating a neighborhood of mutual small list among large
list would mean a substantial economic and administrative
disadvantage to existing movement.

5. The list split would require removal of many large lists
and work up directly on a multi-pled protocol point - which
also requires action with from each list. In total
likely require building financial resources. Also with a total return
why the existing market have been placed when it was
initially on their list.

6. The design and layout serves to illustrate who stand on
long list between and among the character to small list

Madison Marquette

3/3

would compound what has been a continuing problem of sewer and water line maintenance.

7. The overriding No. 1 goal and strategy for the City of Edina is to protect the residential character of the neighborhood served. Making certain that the character and symmetry of the neighborhood is maintained. The lot split would do permanent and irreparable damage to the neighborhood, long considered one of the oldest and finest in Edina.

We respectfully urge you to reject this lot split request in the best interest of both the City of Edina and the neighborhood involved.

Sincerely yours

Michael and Peggy Kelly
22 Waco West, Edina, MN 55436
Tel. 920-0687

January 21, 2001

Craig Larsen
Planning Dept.
City of Edina
Edina, MN.

RE: Manoles Subdivision
20 Circle West
Edina, MN.

The Hilldale area of Edina is a unique neighborhood whose special character has been created by relatively large lots and sweeping roads. It has been able to remain this way due to adhering to the city ordinances. A Hilldale subdivision in recent history has not been approved and we would not like to see a new precedence set.

We feel this subdivision would detract from the neighborhood both aesthetically and economically.

Our understanding is that the proposed subdivision does not meet the minimum statutory requirements as stated in the City Ordinance No. 810.

We respectfully request that the proposed Manoles subdivision be denied.

Sincerely,

Annie Cronin
23 Cooper Circle
Edina MN 55436
952-926-6572

January 21, 2001

Craig Larsen
Planning Dept.
City of Edina
Edina, MN.

RE: Manoles Subdivision
20 Circle West
Edina, MN.

The Hilldale area of Edina is a unique neighborhood whose special character has been created by relatively large lots and sweeping roads. It has been able to remain this way due to adhering to the city ordinances. A Hilldale subdivision in recent history has not been approved and we would not like to see a new precedence set.

We feel this subdivision would detract from the neighborhood both aesthetically and economically.

Our understanding is that the proposed subdivision does not meet the minimum statutory requirements as stated in the City Ordinance No. 810.

We respectfully request that the proposed Manoles subdivision be denied.

Sincerely,

Matthew and Melinda Pfohl

11 Cooper Avenue

Edina, MN 55436

(952) 922-6250

January 21, 2001

Craig Larsen
Planning Dept.
City of Edina
Edina, MN.

RE: Manoles Subdivision
20 Circle West
Edina, MN.

The Hilldale area of Edina is a unique neighborhood whose special character has been created by relatively large lots and sweeping roads. It has been able to remain this way due to adhering to the city ordinances. A Hilldale subdivision in recent history has not been approved and we would not like to see a new precedence set.

We feel this subdivision would detract from the neighborhood both aesthetically and economically.

Our understanding is that the proposed subdivision does not meet the minimum statutory requirements as stated in the City Ordinance No. 810.

We respectfully request that the proposed Manoles subdivision be denied.

Sincerely,

(signatures attached)

Signature

Address

Signature	Address
Dianna Dupresne	21 Cooper Circle Edison
Dwight Dupresne	21 Cooper Circle Edison

Signature

Address

Signature	Address
Kelly Gimbels	2 Spun Road

January 24, 2001

Craig Larsen
Planning Department
City of Edina
Edina, MN

**RE: Manoles Subdivision – Request,
20 Circle West
Edina, MN**

The Hilldale area of Edina is a unique neighborhood whose special character has been created by relatively large lots and sweeping roads. Hilldale has maintained this character by adhering to the city ordinances.

We feel the proposed subdivision would detract from the neighborhood aesthetically as well as from a safety perspective.

Our understanding is that the proposed subdivision does not meet the minimum statutory requirements for subdivision as stated in the City Ordinance No. 810.

We respectfully request that the proposed Manoles subdivision be denied.

NAME	ADDRESS
<i>[Signature]</i>	6 circle east
Jane Davidson	6 circle east
Chris McCambridge	3 Circle East
<i>[Signature]</i>	3 Circle East
Kathy Bishop	2 Circle East

To: the City Planning Commission

This letter is in response to the proposed subdivision of property by the Manoles family on Circle West. I am adamantly opposed to the subdivision. The resulting lot size would not be consistent with the rest of the Hilldale lots. I am afraid that it would also set a precedent for the area, which would greatly diminish the charm that distinguishes the neighborhood. My vote is no.

Janet Dow-Keller
126 Circle West
Edina 55436

January 21, 2001

Craig Larsen
Planning Dept.
City of Edina
Edina, MN.

RE: Manoles Subdivision
20 Circle West
Edina, MN.

The Hilldale area of Edina is a unique neighborhood whose special character has been created by relatively large lots and sweeping roads. It has been able to remain this way due to adhering to the city ordinances. A Hilldale subdivision in recent history has not been approved and we would not like to see a new precedence set.

We feel this subdivision would detract from the neighborhood both aesthetically and economically.

Our understanding is that the proposed subdivision does not meet the minimum statutory requirements as stated in the City Ordinance No. 810.

We respectfully request that the proposed Manoles subdivision be denied.

Sincerely,

Jim & Lori Swift

January 21, 2001

Craig Larsen
Planning Dept.
City of Edina
Edina, MN.

RE: Manoles Subdivision
20 Circle West
Edina, MN.

The Hilldale area of Edina is a unique neighborhood whose special character has been created by relatively large lots and sweeping roads. It has been able to remain this way due to adhering to the city ordinances. A Hilldale subdivision in recent history has not been approved and we would not like to see a new precedence set.

We feel this subdivision would detract from the neighborhood both aesthetically and economically.

Our understanding is that the proposed subdivision does not meet the minimum statutory requirements as stated in the City Ordinance No. 810.

We respectfully request that the proposed Manoles subdivision be denied.

Sincerely,

Jean Wasmator & Ted Jensen
3 Cooper Ave.

Please don't allow this! It's very important that we maintain the flavor of neighborhoods like ours in our first tier suburbs.

Debra Mangen, City Clerk
4801 West 50th Street
Edina, MN 55424
Phone: 952-826-0408

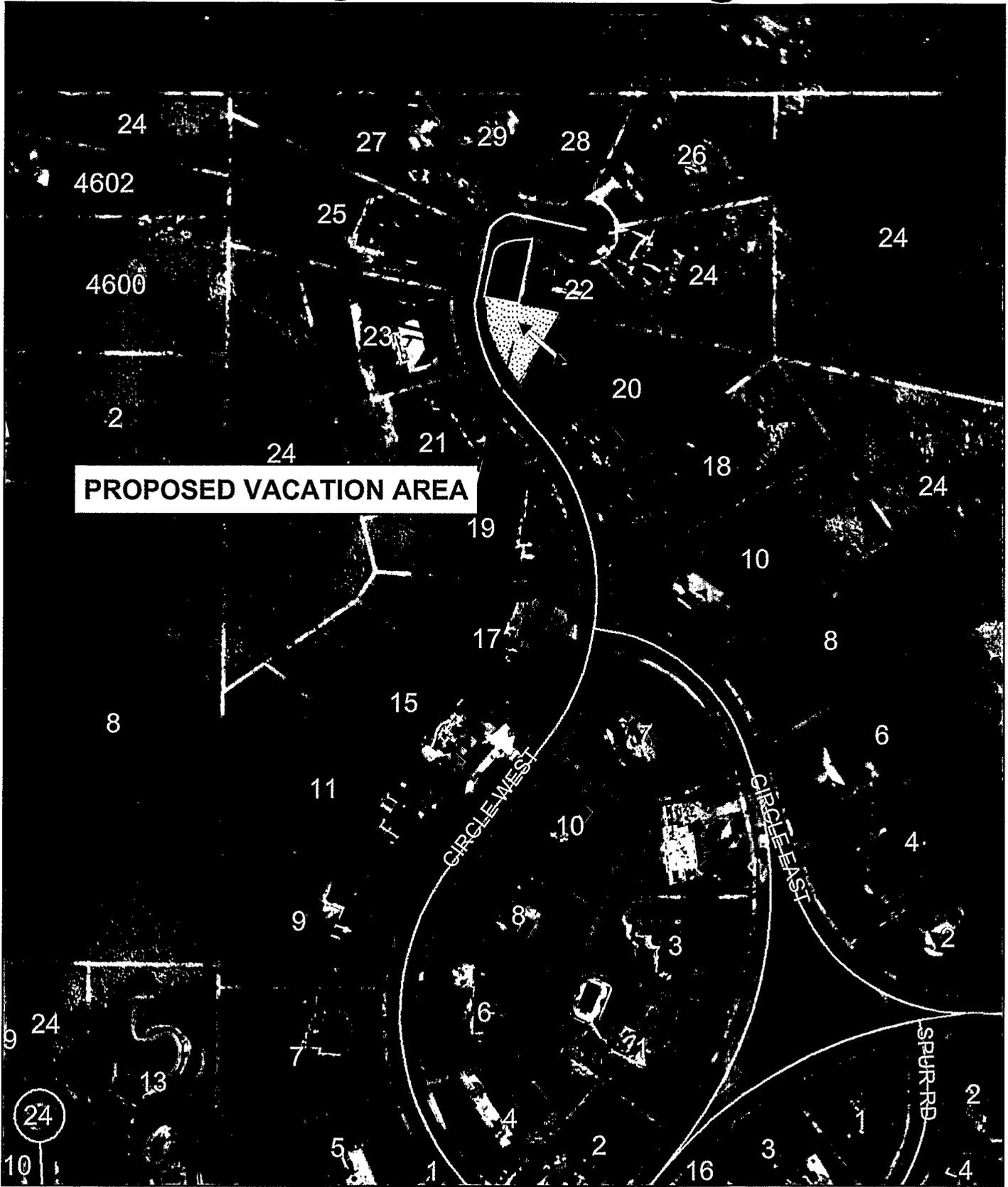
City of Edina

Memo

To: Residents of Circle West and Circle East
From: Debra Mangen
Date: 1/4/2002
Re: Proposed Vacation of A Portion of Circle West abutting 20 Circle West

Recently a public hearing notice for the above mentioned vacation was sent to your home. Many residents have questioned exactly what the hearing would be considering. The resident of 20 Circle West has petitioned to have some unused street right-of-way vacated. The attached graphic depicts in blue the area proposed to be vacated. I hope this clarifies the issue. Thank you for your concern. Should you have any questions regarding this matter feel free to contact me.

The hearing will be held at 7:00 p.m. on Tuesday, January 15, 2002. Please feel free to attend the hearing and voice your concerns.



VACATION AREA LOCATION MAP



City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

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

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

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: Portion of Circle West adjacent to #20 Circle West

City Engineer by Wayne A. [Signature] Acceptable Opposed Conditional

Reliant by _____ Acceptable Opposed Conditional

Xcel Energy by _____ Acceptable Opposed Conditional

Time Warner Cable by _____ Acceptable Opposed Conditional

Qwest by _____ Acceptable Opposed Conditional

Conditions: REMOVE UTILITY EASEMENTS

Location: _____

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

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

VENDING TICKET BUT RESERVING ACCESS RIGHTS FOR UTILITY PURPOSES (SEE INST)



STATE OF MINNESOTA COUNTY OF HENNEPIN
Certified to be a true and correct copy of the
original on file and of record in my office

9-21-99

Michael H. Cuniff, Registrar of Titles

By J.D. Reink Deputy

**NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF PUBLIC RIGHT-OF-WAY
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on September 7, 1999 adopted a Resolution Vacating the Public Right of Way Easement subject to Reservation by the City of an Easement over a Portion thereof, 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 street purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

That part of Circle West as dedicated on the plat of HILLDALE-LALONE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota lying easterly of the following described line:

Commencing at the southeast corner of said Circle West; thence North 78 degrees 16 minutes 00 seconds West assumed bearing along the southerly line of said Circle West a distance of 36.05 feet to the point of beginning of the line to be described; thence North 05 degrees 19 minutes 14 seconds East a distance of 25.36 feet; thence northerly a distance of 42.76 feet along a tangential curve concave to the east, having a radius of 92.00 feet, and a central angle of 26 degrees 37 minutes 51 seconds; thence northeasterly a distance of 47.31 feet along a compound curve concave to the southeast, having a radius of 55.77 feet and a central angle of 48 degrees 35 minutes 59 seconds to the northerly line of said Circle West and there terminating.

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

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

The time of completion of proceedings and the effective date of said vacation is 1st day of June, 1998

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Debra Mauer
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this 9th day of September, 1999.

Jane M. Timm
Notary Public



This document was drafted by:

City of Edina
4801 West 50th Street
Edina, MN 55424

3203516

OFFICE OF THE REGISTRAR
OF TITLES
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FILED ON/4c

SEP 15 1999

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4,505
5 - DETT COPY

Michael H. Cuniff
REGISTRAR OF TITLES
BY J.D. Reink DEPUTY

RESOLUTION VACATING A PORTION OF
CIRCLE WEST

WHEREAS, two week's published notice and mailed notice of a hearing to be held on February 1, 1965, at 7:00 P.M., on the proposed vacation of the street hereinafter described has been given and made, and a hearing has been held thereon by the Village Council:

NOW, THEREFORE, be it resolved by the Village Council of the Village of Edina, Hennepin County, Minnesota, that that portion of Circle West beginning at the most Westerly corner of Lot 1, Block 4, Hilldale; thence Northerly to the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks; thence Easterly along the South line of said Lot 6, a distance of 65.96 feet; thence Southwesterly to a distance of 120.6 feet to the point of beginning, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota, be and is hereby vacated, effective March 3, 1965, unless on or before said date this Resolution is amended, annulled or rescinded by the Village Council.

ATTEST:

(signed) FLORENCE B. HALLBERG
Village Clerk

(signed) ARTHUR C. BREDESEN, JR.
Mayor

I, the undersigned, duly appointed and acting Village Clerk for the Village of Edina, County of Hennepin, Minnesota, do hereby certify that I have compared the attached and foregoing Resolution and that the same is a true and correct copy of a Resolution duly adopted by the Village of Edina Council at its Regular Meeting held Monday, February 1, 1965, and as recorded in the Minutes of said Regular Meeting, and that said Resolution has not been amended, annulled or rescinded since that date by the Village Council.

WITNESS My hand and seal of said Village this 7th day of May, 1965.

Flounee B. Hallberg
Village Clerk
Village of Edina



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

STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: Portion of Circle West adjacent to #20 Circle West

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
122601 Reliant by <u>Steve DeBourge</u>	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Xcel Energy by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Time Warner Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Qwest by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: _____

Location: _____

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

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



City Of Edina, Minnesota
 DEPARTMENT OF ADMINISTRATION
 4801 West 50th Street, Edina, Minnesota 55424-1394
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STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: Portion of Circle West adjacent to #20 Circle West

- | | | | |
|---|-------------------------------------|----------------------------------|---|
| City Engineer by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Reliant by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Xcel Energy by <u><i>Greg Nappi</i></u> | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input checked="" type="checkbox"/> Conditional |
| Time Warner Cable by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Qwest by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |

Conditions: EXISTING FACILITIES HAVE TO BE PROTECTED.

Location: _____

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

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STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: Portion of Circle West adjacent to #20 Circle West

- | | | | |
|--|--|----------------------------------|--------------------------------------|
| City Engineer by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Reliant by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Xcel Energy by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Time Warner Cable by <u><i>[Signature]</i></u> | <input checked="" type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Qwest by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |

Conditions: _____

Location: _____

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

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STREET AND/OR EASEMENT VACATION REVIEW

Proposed Property/Area To Be Vacated: Portion of Circle West adjacent to #20 Circle West

- City Engineer by _____ Acceptable Opposed Conditional
- Reliant by _____ Acceptable Opposed Conditional
- Xcel Energy by _____ Acceptable Opposed Conditional
- Time Warner Cable by _____ Acceptable Opposed Conditional
- Qwest by JAMIE MCINTYRE Acceptable Opposed Conditional

Conditions: QWEST HAS CABLES FEEDING #20 AND #22
CIRCLE WEST THAT WE WOULD LIKE
TO MAINTAIN.

Location: FROM #21 CIRCLE WEST CROSSING STREET AND
RUNNING NORTHWESTERLY & SOUTHEASTERLY IN R/W.
MAY NEED TO HAVE LOCATED FOR EXACT LOCATION.

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

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

FACSIMILE COVER SHEET



QWEST COMMUNICATIONS
6244 CEDAR AVENUE SOUTH
RICHFIELD, MINNESOTA 55423

FROM: JAMIE MCINTYRE

PHONE: 612-861-8782

FAX: 612-861-8173

DATE: 1/3/2002

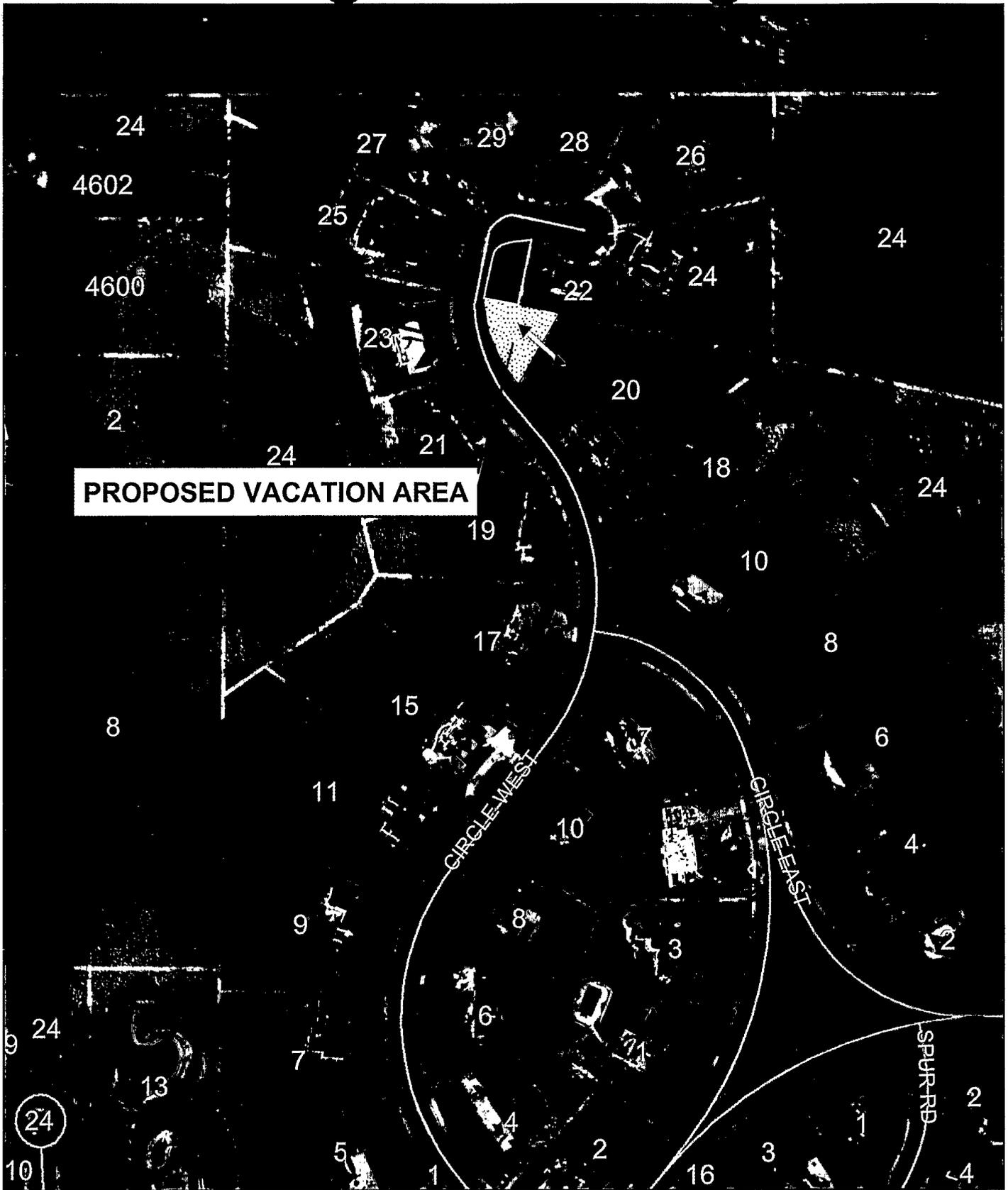
COVER SHEET PLUS 1 PAGE(S)

PLEASE DELIVER TO:

DEBRA MANGEN

FAX NUMBER: 952-826-0390

NOTES:



VACATION AREA LOCATION MAP

2911721140038
STRACHOTA ROBERT J N Y Y
7 CIRCLE WEST
EDINA, MN 55436

2911721110004
NAVARRO ANTHONY J N Y Y
17 CIRCLE WEST
EDINA, MN 55436

2911721110008
BANK KENT M N Y Y
7 CIRCLE EAST
EDINA, MN 55436

2911721110007
GREENO EDWARD H N Y Y
9 CIRCLE WEST
EDINA, MN 55436

2911721110003
CUTLER KENNETH L N Y Y
19 CIRCLE WEST
EDINA, MN 55436

2911721110026
HERRING J ANDREW N Y Y
22 CIRCLE WEST
EDINA, MN 55436

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HODDER WILLIAM N Y Y
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HANSON ROBERT S N Y Y
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BRUNSVOLD MARK S N Y Y
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FREEMAN JAMES N Y Y
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NORDSTROM ELIZABETH N N Y Y
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RINEK ROBERT P N Y Y
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JOHNSON TODD S N Y Y
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HANKINSON JOHN N Y Y
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2911721140044
TEMPLETON R BRUCE N Y Y
4 CIRCLE WEST
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DUNN BRIAN J N Y Y
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RENTSCHLER BETTY N Y Y
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KAROS NICHOLAS P N Y Y
15 CIRCLE WEST
EDINA, MN 55436

2911721140043
BENDITT DAVID G N Y Y
2 CIRCLE WEST
EDINA, MN 55436

2911721110001
SIT MICHELE M N Y Y
23 CIRCLE WEST
EDINA, MN 55436

2911721110023
STITT CALDEN N Y Y
28 CIRCLE WEST
EDINA, MN 55436

2911721110002
MAHONEY THOMAS J N Y Y
21 CIRCLE WEST
EDINA, MN 55436

2911721140042
DIAZ RICHARD F N Y Y
1 CIRCLE EAST
EDINA, MN 55436

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

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date January 4, 2002, acting on behalf of said City I deposited in the United States mail copies of the attached: Vacation Area Map, plus letter explaining the vacation enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of 10 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

WITNESS my hand and seal of said City this 7th day of January, 2002.


Edina City Clerk

Dec 29, 2001

re: Attached notice

Dear Ms Mangen

This notice is incomprehensible
even to well educated individuals.

We would appreciate a statement
of its meaning in standard English.

I would recommend that all future
correspondence be similarly in
standard English unless you assume
that we are to refer them to our
attorneys for translation.

Thank you for your assistance



DG. BENDITT MD
2 CIRCLE WEST, EDINA, 55436

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF PORTION PUBLIC STREET
RIGHT-OF-WAY (CIRCLE WEST)
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on January 15, 2002, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following described portion of Circle West street right-of-way and alley right-of-way:

Circle West Vacation

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.

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

BY ORDER OF THE EDINA CITY COUNCIL
Debra A. Mangen, City Clerk

Dated: December 18, 2001

To be published in the Edina Sun Current Wed., December 26, 2001 and Wed., January 2, 2002.
Bill to Edina City Clerk
Send two affidavits of publication

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF PORTION PUBLIC STREET
RIGHT-OF-WAY (CIRCLE WEST)
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

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Circle West Vacation

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:

Beginning at the Westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 48 degrees 00 minutes 23 seconds to a point on the Northerly line of Circle West as platted in Hilldale; thence Southeasterly a distance of 36.05 feet more or less to a point along the Northerly line of Circle West according to the Recorded Plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadowbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.

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Debra A. Mangen, City Clerk

Dated: December 18, 2001

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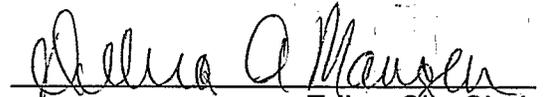
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DIAZ RICHARD F N Y Y
1 CIRCLE EAST
EDINA, MN 55436

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

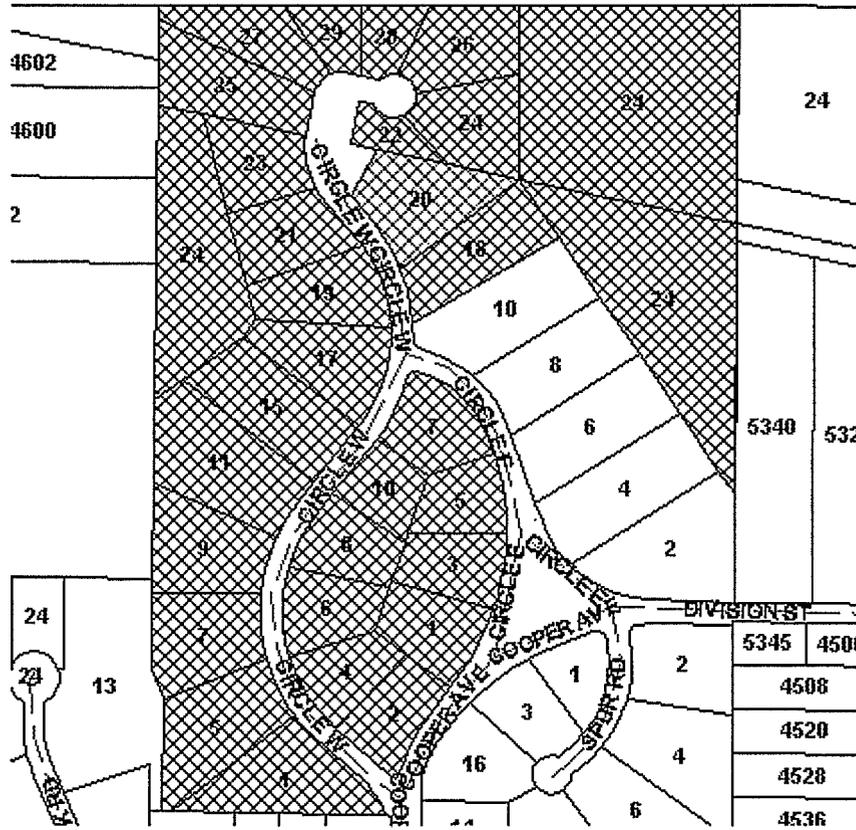
CERTIFICATE OF MAILING NOTICE

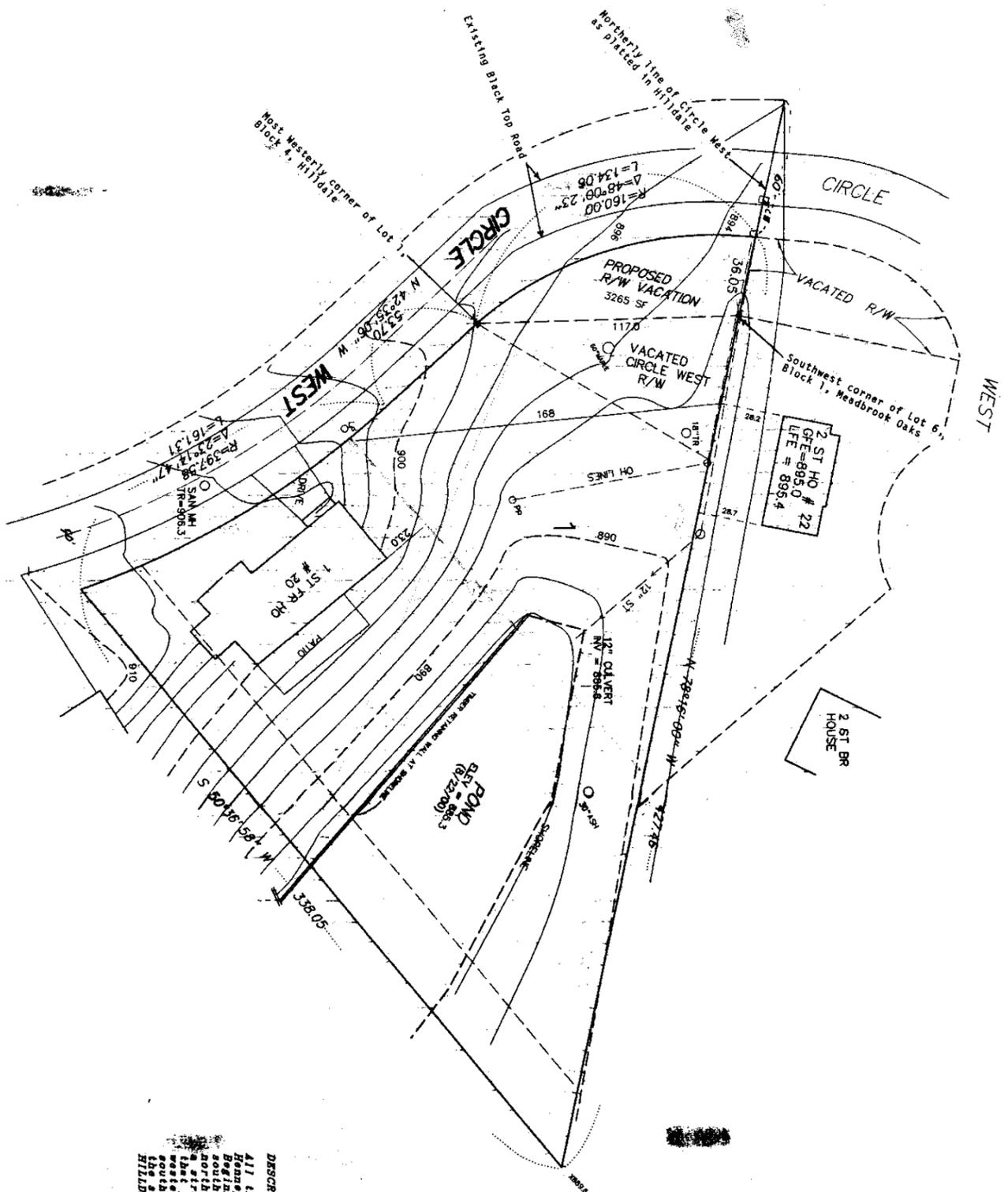
I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date December 28, 2001, acting on behalf of said City Darlene Wallin deposited in the United States mail copies of the attached: Notice of Public Hearing - Vacation of Public Street Easements (Exhibit A) enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of 10 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

WITNESS my hand and seal of said City this 2nd day of January, 2002.

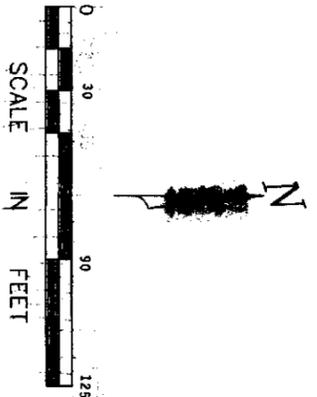

Edina City Clerk

20 Circle West Street Vacation





EXISTING LOT AND VAC. R/W = 56450 S.F.
 PROPOSED R/W VACATION = 3250 S.F.
 TOTAL AREA = 59700 / 1.37 ACRES



DESCRIPTION
 All that part of Lot 1 and that part of Lot 2, in Block 4, HILLDALE, Hennepin County, Mn, lying northeasterly of the following described line: Beginning at a point in the westerly line of said Lot 2, distant 29.3 feet northwesterly from the northeast corner of said Lot 2, thence northeasterly in a straight line to the most westerly corner of Lot 1, Block 4, HILLDALE, including that portion of Circle West, vacated, described as beginning at the most westerly corner of Lot 1, Block 4, HILLDALE, thence northerly to the most southwest corner of Lot 1, Block 4, HILLDALE, thence easterly along the HILLDALE line of said Lot 6, to the most northerly corner of Lot 1, Block 4, HILLDALE, thence southeasterly to the point of beginning.

PROPOSED VACATION DESCRIPTION

That part of Circle West as dedicated on the plat of Hilldale according to the recorded plat thereof, Hennepin County, Minnesota, lying Easterly of the following described line:
 Beginning at the westerly corner of Lot 1, Block 4, Hilldale, thence Northeasterly along a tangential curve, said tangent has an assumed bearing of North 42 degrees 35 minutes 06 seconds West, concave to the East having a radius of 160.00 feet, a distance of 134.06 feet and a central angle of 18 degrees 23 minutes 23 seconds to a point on the northerly line of Circle West, as platted on the plat of Hilldale, said point being the Southwest corner of Lot 6, Block 1, Meadbrook Oaks according to the recorded plat thereof, situated in Hennepin County, Minnesota; thence Southerly to the point of beginning and there terminating.

<p>TOPOGRAPHIC SURVEY</p> <p>ELLIAS MANOLES # 20 CIRCLE WEST EDINA, MN</p>		<p>I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p><i>Frank R. Cardarelle</i></p> <p>DATE: 12-2-00 REGISTRATION NO. 6508</p>
<p>PROJECT NO. 2065 FRC</p>	<p>DATE AUG 29, 2000</p>	<p>SCALE IN FEET</p>
<p>1</p>	<p>SEP 1, 12:00:00 12-2-2001 12-2-2001</p>	<p>FRANK R. CARDARELLE 6440 FLYING CLOUD DRIVE EDEN PRAIRIE, MN. 55343 TELE = (612) 941-3031 FAX (612) 941-3030</p>



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

PUBLIC RIGHT OF WAY VACATION APPLICATION

Applicant Ellias N. Manoles and Mary Lu Manoles
Print Name

Address 20 Circle Street West, Edina, MN 55436
Street City/State Zip

Telephone No. 952-929-8217 Fax No. 952-938-7670

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

- Street (checked)
Alley
Utility Easement
Drainage Easement
Other

Legal description of the area proposed to be vacated:

See Exhibit A attached hereto

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water?

- Yes
No (checked)

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

- Attach a copy of a scaled drawing showing in full detail the area proposed to be vacated.
include the vacation fee of \$320.00 with your application.

THE MINNESOTA DATA PRACTICES ACT requires that we inform you of your rights about the private data we are requesting on this form. Private data is available to you, but not to the public. We are requesting this data to determine your eligibility for a license from the City of Edina. Providing the data may disclose information that could cause your application to be denied. You are not legally required to provide the data, however, refusing to supply the data may cause your license to not be processed. Under MS 270.72, the City of Edina is required to provide the Minnesota Department of Revenue your MN Tax ID Number and Social Security Number. The Department of Revenue may supply information to the Internal Revenue Service. In addition, this data can be shared by Edina City Staff, Department of Public Safety, Hennepin County Auditor, Bureau of Criminal Apprehension, Hennepin County Warrant Office, Ramsey County Warrant Office and other persons or entities deemed necessary for verification of information submitted in the application. Your signature on this application indicates you understand these rights.
I request that my residence address and telephone number be considered private data. My alternative address and telephone number are as follows:
Address Telephone Number

Date Initiated November 9, 2001 Signature Ellias N. Manoles
Date Initiated November 9, 2001 Signature Mary Lu Manoles
Revised 1/1/2001 Account No. 1001.4391

EXHIBIT A

That part of Circle West as dedicated on the plat of HILLDALE-LALONE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota lying easterly of the following described line :

Commencing at the southeast corner of said Circle West; thence North 78 degrees 16 minutes 00 seconds West assumed bearing along the southerly line of said Circle West a distance of 36.05 feet to the point of beginning of the line to be described; thence North 05 degrees 19 minutes 14 seconds East a distance of 25.36 feet; thence northerly a distance of 42.76 feet along a tangential curve concave to the east, having a radius of 92.00 feet, and a central angle of 26 degrees 37 minutes 51 seconds; thence northeasterly a distance of 47.31 feet along a compound curve concave to the southeast, having a radius of 55.77 feet and a central angle of 48 degrees 35 minutes 59 seconds to the northerly line of said Circle West and there terminating.

MILLER, STEINER & CURTISS, P.A.
PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

JERRE A. MILLER
JEREMY S. STEINER*
WYNN CURTISS

400 WELLS FARGO BANK BUILDING
1011 FIRST STREET SOUTH
HOPKINS, MINNESOTA 55343

*Real Property Law Specialist, certified
by the Minnesota State Bar Association

952-938-7635
FAX 952-938-7670

Writer's Direct Dial No. 952-938-6219

November 19, 2001

Ms. Debra Mangen
City of Edina
Department of Administration
4801 West 50th Street
Edina, MN 55424-1394

Re: Our Clients: Dr. Elias Manoles and Mary Lu Manoles
Vacation of a portion of Circle West

Dear Ms. Mangen:

Enclosed with this letter are the following documents:

1. Public Right-of-Way Application Vacation signed by Dr. Elias Manoles and Mary Lu Manoles requesting vacation of a portion of Circle West adjacent to their property at 20 Circle West.
2. Surveyor's drawing prepared by Frank R. Cardarelle, including a legal description and a scaled drawing of the right-of-way area proposed for vacation.
3. Our client's check, in the amount of \$320, payable to the City of Edina, for the vacation fee.

Please schedule this Right-of-Way Vacation Application for a hearing before the Edina City Council, as required by Section 820 of the Edina Code of Ordinances. My clients will be out of the country until December 20, and I would request that the hearing not be scheduled until after that date. Please forward all notices and correspondence regarding this application directly to me at the above address.

In 1999, I believe, a portion of Circle West located immediately to the north of the right-of-way area that the Manoles' are requesting be vacated was vacated pursuant to an application by Dr. Michelle Herring, of 22 Circle West, Edina. A copy of the surveyor's drawing submitted in support of that application is enclosed. I hereby request on behalf of my clients that you provide copies of the Application submitted by Dr. Herring for this right-of-way vacation, any letters or other submissions delivered to or filed with the City of Edina in support of the Application, all staff reports and copies of any minutes, findings and the resolution of the Edina City Council approving the right-of-way vacation. Please consider this as a request submitted pursuant to the Government Data Practices Act. If there is a fee for providing the requested documents, please contact me so that I can arrange for payment of that fee.

Ms. Debra Mangen

- 2 -

November 19, 2001

Please feel free to call me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeremy S. Steiner", followed by a horizontal line.

Jeremy S. Steiner

JSS/drs

Enc.

cc: Dr. Elias Manoles and Mary Lu Manoles w/o enc.

c:\Manoles\CityEdina.ltr

MILLER, STEINER & CURTISS, P.A.
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Writer's Direct Dial No. 952-938-6219

November 21, 2001

Ms. Debra Mangen
City of Edina
Department of Administration
4801 West 50th Street
Edina, MN 55424-1394

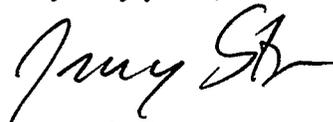
Re: Our Clients: Dr. Elias Manoles and Mary Lu Manoles
Vacation of a portion of Circle West

Dear Ms. Mangen:

Enclosed with this letter is the topographic survey prepared by Frank Cardarelle, which includes the legal description and a scale drawing of the right-of-way area proposed for vacation by the Public Right-of-Way Vacation Application forwarded to you under my letter of November 19. This surveyor's drawing was inadvertently not included with the items forwarded to you on November 19.

Please call if you have any questions.

Very truly yours,



Jeremy S. Steiner

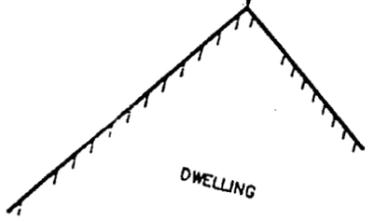
JSS/drs
Enc.

c:Manoles\CityEdina.ltr

OWNER: ELLIAS N. MANOLES



132.67



SURVEY FOR: **DR. MICHELLE HERRING**

PROPERTY ADDRESS: 22 Circle West, Edina, Minnesota.

LEGAL DESCRIPTION:

Lot 6, Block 1, MEADOWBROOK OAKS according to the recorded plat thereof and situate in Hennepin County, Minnesota.

I hereby certify 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.

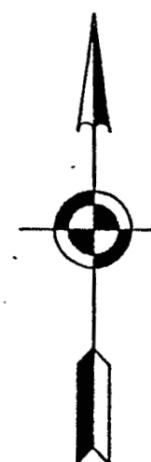
Dated this 25th day of July, 1999

by: 
Jack Bolke
Minnesota License No. 20281

NOTES:

1. The orientation of this bearing system is based on the west line of Lot 6, Block 1, MEADOWBROOK OAKS which is assumed to have a bearing North 11 degrees 44 minutes 00 seconds East.
2. No title work was furnished for the preparation of this survey to verify the legal description or the existence of any easements or encumbrances.
3. According to the City of Edina the property lies in flood zone C (area of minimal flooding) and flood zone B, per Community Panel map No. 2701600001 B dated May 1, 1980.
4. The area of the property described hereon is 14,979 square feet or 0.3438 acres.
7. Building setback requirements are as follows:
East side = 10.00 feet
South side = 25.00 feet
West side = The setback to equal that of existing adjoining house at 20 Circle West.
North side = The setback to equal that of existing adjoining house at 24 Circle West.

NORTH



SCALE

1" = 20'

LEGEND

- MANHOLE
- ⊙ CATCH BASIN
- ⊞ ELEC. METER
- ⊠ ELEC. BOX
- WIRE — OVERHEAD WIRES
- ⊙ POWER POLE
- POLE ANCHOR
- - - - - EXISTING CONTOUR
- >> — STORM SEWER

PROPOSED VACATION DESCRIPTION :

That part of Circle West as dedicated on the plat of HILDALE-LALONE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota lying easterly of the following described line :

Commencing at the southeast corner of said Circle West; thence North 78 degrees 16 minutes 00 seconds West assumed bearing along the southerly line of said Circle West a distance of 36.05 feet to the point of beginning of the line to be described; thence North 05 degrees 19 minutes 14 seconds East a distance of 25.36 feet; thence northerly a distance of 42.76 feet along a tangential curve concave to the east, having a radius of 92.00 feet, and a central angle of 26 degrees 37 minutes 51 seconds; thence northeasterly a distance of 47.31 feet along a compound curve concave to the southeast, having a radius of 55.77 feet and a central angle of 48 degrees 35 minutes 59 seconds to the northerly line of said Circle West and there terminating.

EGAN FIELD & NOWAK INC. 7415 WAYZATA BOULEVARD
MINNEAPOLIS, MINNESOTA
SURVEYORS TELE: (612) 546-6837

