

1-4-99 VACATION OF PORTIN OF W 41ST ST
ADJACENT TO L 13, BLK 2, MINIKAHDA
VISTA 3RD ADDN. 4023 LYNN AV SO

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3139611

COPY

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

MAR 30 1999

Apur

Michael J. Cronin
REGISTRAR OF TITLES
BY _____ DEPUTY

*Dorsey & Whitney
c/o Eric Allen*

**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 January 4, 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:

The northerly thirty(30) feet of the unimproved portion of west 41st Street as platted in Minikahda Vista Third Addition, Morningside, Minnesota, adjacent to Lot 13, Block 2, Minikahda Vista Third Addition, Morningside, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles, Hennepin County, Minnesota.

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 4th day of January, 1999.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Debra A. Mangen
City Clerk

Signed and sworn to before me, a Notary Public in and for the State of Minnesota, County of Hennepin, this 5th day of January, 1999.

Darlene R. Wallin
Notary Public



This document was drafted by:

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

COPY

OFFICE OF THE REGISTRAR
OF TITLES
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FILE NUMBER

MAR 30 1999

Michelle A. Conway
REGISTRAR OF TITLES
BY _____ DEPUTY

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

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BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Debra A. Mangen
City Clerk

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Darlene R. Wallin
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This document was drafted by:

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



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

John Coats, being duly sworn on an oath states or affirms, that he is the president of the newspaper known as Sun-Current, or the president's designated agent, 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 16th day of December, 1998, and was thereafter printed and published on every Wednesday to and including Wednesday, the 23rd day of December, 1998; 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:

abcdefghijklmnopqrstuvwxy

BY: [Signature]
President

Subscribed and sworn to or affirmed before me on this 23rd day of December, 1998.

[Signature: Victoria H. Brouillette]

Notary Public

VICTORIA H. BROUILLETTE
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2000

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 2.55 per line.
- (2) Maximum rate allowed by law \$ 6.20 per line.
- (3) Rate actually charged \$ 1.24 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 OF PUBLIC STREET 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 4, 1999 in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following public street:

The northerly thirty (30) feet of the unimproved portion of west 41st Street as platted in Minikahda Vista Third Addition, Morningside, Minnesota, adjacent to Lot 13, Block 2, Minikahda Vista Third Addition, Morningside, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles, Hennepin County, Minnesota.

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

Dated this 9th day of December, 1998.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk

(Dec. 16 & 23, 1998) D1/Cty Edina 41st Street



City of Edina

January 5, 1999

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

RE: Notice of Completion for Street Vacation - West 41st Street.

Dear Jerry:

I am sending two certified copies of Notice of Completion of Proceedings for the above referenced vacation.

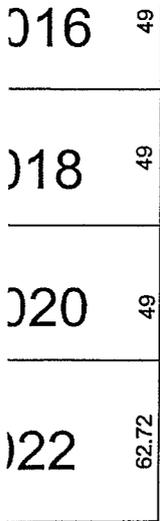
Please have the Notice of Completion entered in the transfer record of the county Auditor and filed with the County Recorder and then return the recorded document to me.

Sincerely,

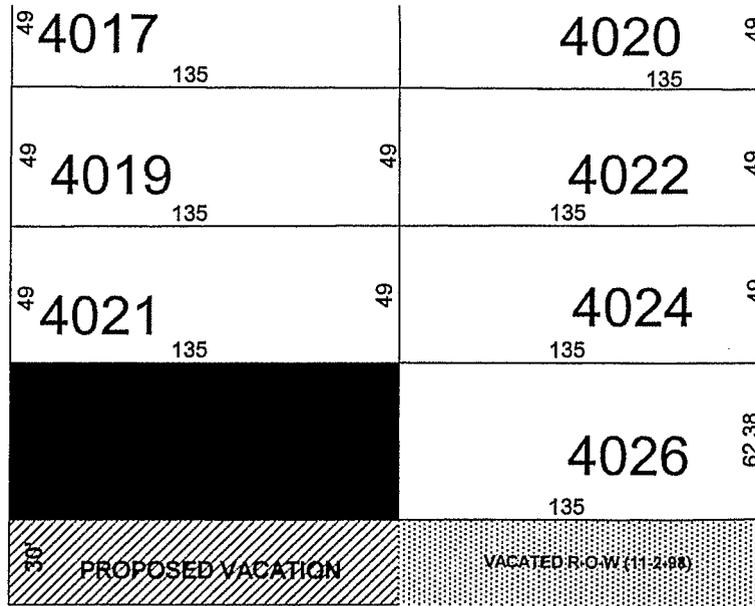

Debra A. Mangen
City Clerk

VACATION OF PUBLIC ROADWAY

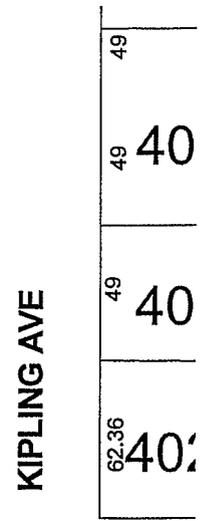
West 41st Street



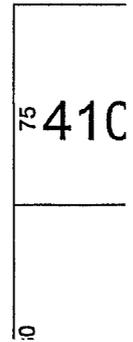
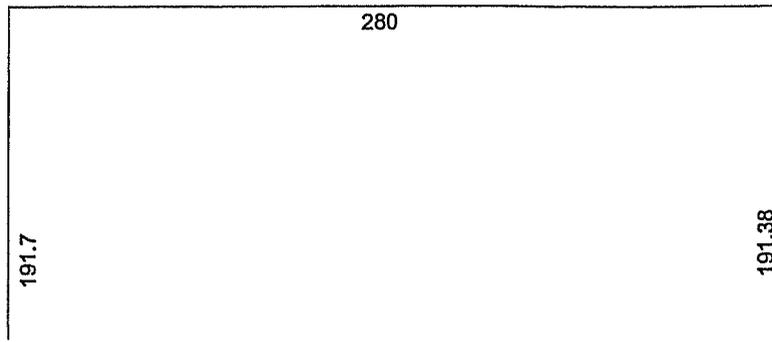
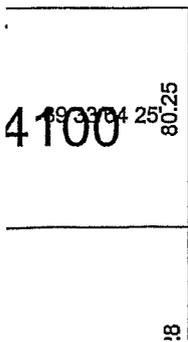
LYNN AVE.



West 41st Street



KIPLING AVE





REPORT/RECOMMENDATION

<p>To: Mayor & City Council</p> <p>From: Francis J. Hoffman <i>WEST FOR</i> City Engineer</p> <p>Date: January 4, 1999</p> <p>Subject: Vacation of Public Roadway Right-of-Way Public Hearing - W. 41st St. Between Lynn & Kipling</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Agenda Item #</td> <td style="text-align: center;"><u>I.A.</u></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 #	<u>I.A.</u>	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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	<input type="checkbox"/> Motion																		
	<input checked="" type="checkbox"/> Resolution																		
	<input type="checkbox"/> Ordinance																		
	<input type="checkbox"/> Discussion																		

Recommendation:

Vacate a portion of unimproved West 41st Street, adjacent to 4023 Lynn Avenue.

Info/Background:

The property owner at 4023 Lynn Avenue has requested that the City vacate a portion of unimproved West 41st Street adjacent to 4023 Lynn Avenue. West 41st Street does not exist as a public roadway, nor does it ever appear that such a roadway will be needed. The attached sketch depicts the area under review. The City of Edina, NSP, Minnegasco, US West, and Paragon Cable do not have any facilities located in the requested area. Staff recommends requested vacation.

**NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF PUBLIC RIGHT-OF-WAY
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The time of completion of proceedings and the effective date of said vacation is 4th day of January, 1999.

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 5th day of January, 1999.




Notary Public

This document was drafted by:

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

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

CERTIFICATE OF POSTING NOTICE

I, the undersigned duly appointed and acting Shawn Fitzhenry for the City of Edina, County of Hennepin, State of Minnesota, do hereby certify that I have on this date posted copies of the attached Notice of Public Hearing. At each of the official City bulletin boards, located at conspicuous places within the City as follows:

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

Dated 12-15-98 Signed 

Signed and sworn to before me, a Notary Public
in and for Hennepin County, Minnesota, this

15th day of December, 1998.



Interoffice Memo

Date: December 15, 1998
To: Bill Bernhjelm
From: Deb Mangan
RE: Posting Public Hearing Notice

I have attached three notices of a public hearing that need to be posted by Tuesday, December 22, 1999.

I have also attached a certificate of posting that needs to be completed by the officer who actually posts the notices. The certificate needs to be returned to my office.

Once again, thanks for you help in this matter. I really appreciate it.

Attachments

(Official Publication)

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

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VACATION OF PORTION OF PUBLIC STREET
IN THE CITY OF EDINA
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Dated this 9th day of December, 1998.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk

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 11, 1998 acting on behalf of said City I deposited in the United States mail copies of the attached: Notice of Public Hearing - Vacation of Public Street Right of Way Easement (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 11th day of December, 1998



Edina City Clerk

07-028-24-13-0030
Thomas & Lori Piper
4023 Lynn Av
Edina, MN 55416

07-028-24-13-0031
Mark & Stephanie Hildreth
4021 Lynn Av
Edina, MN 55416

07-028-24-13-0058
Richard & Caroline Curtis
4020 Lynn Av
Edina, MN 55416

07-028-24-13-0059
Richard Cronstrom
4022 Lynn Av
Edina, MN 55416

07-028-24-13-0001
Daniel & Tori Aldinger
4100 Lynn Av
Edina, MN 55416

07-028-24-13-0125
Michael & Janice Skelly
4103 Kipling Av
Edina, MN 55416

07-028-24-13-0035
David & Kimberly James
4026 Kipling Av
Edina, MN 55416

07-028-24-13-0034
George & Roseanne Strand
4024 Kipling Av
Edina, MN 55416



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 West 41st Street adjacent to 4023 Lynn Ave

City Engineer by <u><i>[Signature]</i></u>	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Minnegasco by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
NSP by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
U.S. West by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: _____

Location: _____

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
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NSP by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
U.S.West by <u>Michael W. Johnson</u>	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional

Conditions: _____

Location: _____

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 City of Edina
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 Edina, MN 55424
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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 West 41st Street adjacent to 4023 Lynn Ave

- | | | | |
|---|--|----------------------------------|--------------------------------------|
| City Engineer by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| 12-17-98
Minnegasco by <u>Stewart H. Buzza</u> | <input checked="" type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| NSP by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| Paragon Cable by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |
| U.S. West by _____ | <input type="checkbox"/> Acceptable | <input type="checkbox"/> Opposed | <input type="checkbox"/> Conditional |

Conditions: _____

Location: _____

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 Edina, MN 55424
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City Of Edina, Minnesota

DEPARTMENT OF ADMINISTRATION

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

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Proposed Property/Area To Be Vacated: Portion of West 41st Street adjacent to 4023 Lynn Ave

City Engineer by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Minnegasco by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
NSP by <u><i>Dave Higgins</i></u>	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
Paragon Cable by _____	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Opposed	<input type="checkbox"/> Conditional
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Location: _____

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



City of Edina

December 15, 1998

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

Re: Vacation of a portion of West 41st Street adjacent to 4023 Lynn Avenue

Dear Steven:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on January 4, 1999. I would very much appreciate your response by Tuesday December 22, 1998, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mangen
City Clerk

Enclosures



City of Edina

December 15, 1998

Mr. Patrick Cline
Norther States Power Company
5309 West 70th Street
Edina, MN 55435

Re: Vacation of a portion of West 41st Street adjacent to 4023 Lynn Avenue

Dear Patrick:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on January 4, 1999. I would very much appreciate your response by Tuesday December 22, 1998, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mungen
City Clerk

Enclosures



City of Edina

December 15, 1998

Andy is out until
12-28. I left a
message for Rick
Berg.

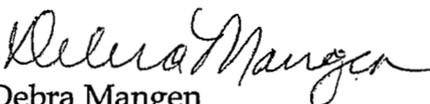
Mr. Andrew Dols
Paragon Cable
10210 Crosstown Circle
Eden Prairie, MN 55435-3377

Re: Vacation of a portion of West 41st Street adjacent to 4023 Lynn Avenue

Dear Andrew:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on January 4, 1999. I would very much appreciate your response by Tuesday December 22, 1998, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

Sincerely,


Debra Mangen
City Clerk

Enclosures



City of Edina

December 15, 1998

Mr. Darrell Perkins
U.S. West Communications
6244 Cedar Avenue So.
Richfield, MN 55423

Re: Vacation of a portion of West 41st Street adjacent to 4023 Lynn Avenue

Dear Darrell:

I am sending copies of the public hearing notices, exhibits from the vacation request, and an Edina check off sheet for both above referenced vacation request received by my office. The City Council has scheduled the public hearing for this vacation on January 4, 1999. I would very much appreciate your response by Tuesday December 22, 1998, if possible. This allows time for City staff to complete necessary work before the public hearing. If I may answer any questions regarding this matter or if you need any other documentation please feel free to contact me at your convenience.

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Debra Mungen
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Enclosures



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 Thomas L. Piper
Print Name

Address 4023 Lynn Ave South Edina MN 55416
Street City/State Zip

Telephone No. 612-922-1636 Fax No. 612-540-2301

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
- Alley
- Utility Easement
- Drainage Easement
- Other _____

Legal description of the area proposed to be vacated:

The northerly thirty (30) feet of the unimproved portion of West 41st Street as platted in Minikahda Vista third addition Morningside Minnesota, adjacent to Lot 13, Block 2, Minikahda Vista Third Addition Morningside Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles, Hennepin County, Minnesota.

Does the area proposed to be vacated or any part thereof terminate at or abut upon any public water? Yes No

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.

Date Initiated 11-16-98 Signature Thomas L. Piper

002	4003	33.8	33.8
004	4005	22 (67) 133.8	4004 (50) 133.8
006	4007	21 (66) 133.8	4006 (51) 133.8
008	4009	20 (65) 133.8	4008 (52) 133.8
010	4011	19 (64) 133.8	4010 (53) 133.8
012	4013	18 (63) 133.8	4012 (54) 133.8
014	4015	17 (62) 133.8	4014 (55) 133.8
016	4019	15 (61) 133.8	4018 (57) 133.8
020	4021	14 (60) 133.8	4020 (58) 133.8
022		13 (60) 133.8	4022 (59) 133.8

4003	35	35	4004	35
4005	22 (65) 135	4008	22 (65) 135	
4007	21 (64) 135	4010	21 (64) 135	
4009	20 (63) 135	4012	20 (63) 135	
4011	19 (62) 135	4014	19 (62) 135	
4013	18 (61) 135	4016	18 (61) 135	
4015	17 (60) 135	4018	17 (60) 135	
4017	16 (59) 135	4020	16 (59) 135	
4019	15 (58) 135	4022	15 (58) 135	
4021	14 (57) 135	4024	14 (57) 135	
4023	13 (56) 135	4026	13 (56) 135	

4003	35
4005	22 (65) 135
4007	21 (64) 135
4009	20 (63) 135
4011	19 (62) 135
4013	18 (61) 135
4015	17 (60) 135
4017	16 (59) 135
4019	15 (58) 135
4021	14 (57) 135
4023	13 (56) 135
4025	12 (55) 135

