

3/6/89 Mavelle Drive Vacation



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

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

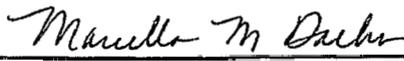
NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on July 10, 1989, adopted a Resolution Vacating Mavelle Drive after public hearing and notice thereof as required by law on March 6, 1989, and after determining it to be in the best interest of the City and of the public 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 Register of Deeds in and for Hennepin County, Minnesota:

That part of Mavelle Drive as dedicated in "Stow's Edgemoor Addition" and in "Stow's Edgemoor Addition, Block 9, Replat", described as follows:

Commencing at the Southwest corner of Lot 1, Block 1, Stow's Edgemoor Addition, thence South along the Westerly line of said Lot 1, extended South 34.00 feet to the actual point of beginning; thence South along the further extension of the West line of said Lot 1, 36.00 feet; thence East and parallel with the South line of Lot 1, 200.00 feet; thence North parallel with the extended West line of Lot 1, 36.00 feet to a point 34.00 feet South of the Southeast corner of Lot 1; thence West parallel with the South line of said Lot 1, 200.00 feet to the point of beginning and there terminating.

The time of completion of proceedings and the effective date of said vacation is July 11, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA



Marcella M. Daehn
City Clerk, City of Edina

TRANSFER ENTERED
DEPT. OF PROPERTY TAX & PUBLIC RECORDS

SEP 21 1989

HENNEPIN COUNTY MINN.
BY  DEPUTY



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

RESOLUTION VACATING MAVELLE DRIVE

WHEREAS, a resolution of the City Council, adopted the 6th day of February, 1989, fixed a date for a public hearing on a proposed vacation of a portion of Mavelle Drive;

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 6th day of March, 1989, 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 street vacation be made; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described portion of Mavelle Drive be and is hereby vacated effective as of July 10, 1989:

That part of Mavelle Drive as dedicated in "Stow's Edgemoor Addition" and in Stow's Edgemoor Addition, Block 9, Replat", described as follows:

Commencing at the Southwest corner of Lot 1, Block 1, Stow's Edgemoor Addition, thence South along the Westerly line of said Lot 1, extended South 34.00 feet to the actual point of beginning; thence South along the further extension of the West line of said Lot 1, 36.00 feet; thence East and parallel with the South line of Lot 1, 200.00 feet; thence North parallel with the extended West line of Lot 1, 36.00 feet to a point 34.00 feet South of the Southeast corner of Lot 1; thence West parallel with the South line of said Lot 1, 200.00 feet to the point of beginning and there terminating.

BE IT FURTHER RESOLVED that the 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.

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 July 10, 1989 and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 12th day of September, 1989.

Marcella M Daehn

Marcella M. Daehn, City Clerk

2042119 ✓

REGISTERED NO. 2462 PAGE 734-70

COPY

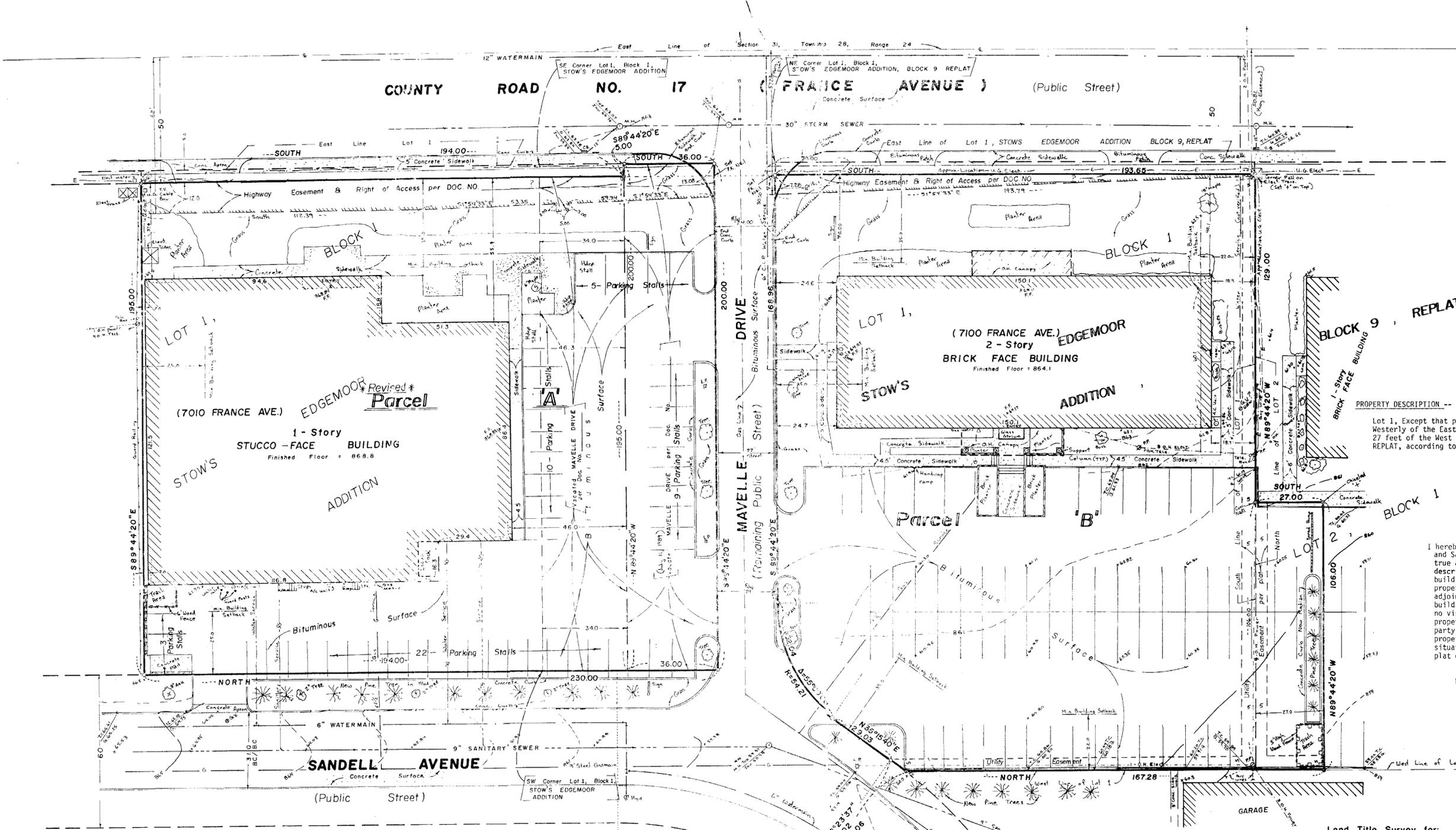
OFFICE OF THE REGISTRAR
OF TITLES
HENNEPIN COUNTY, MINNESOTA
CERTIFIED FILED ON

SEP 27 1989

BY R. Don Carlson REGISTRAR
OF TITLES
DEPUTY

11AM

MAIL TO HENN. CO.



PROPERTY DESCRIPTION -- (PARCEL "B") [7100 France Ave. So.]
 Lot 1, Except that part thereof lying East of a line parallel with and 50 feet West of the East line of Section 31, Township 28, Range 24, and the North 27 feet of the West 106 feet of Lot 2, Block 1, STOW'S EDGE MOOR ADDITION, BLOCK 9, REPLAT, according to the plat thereof, and situate in Hennepin County, Minnesota.
 Property Area = 47,236 Sq. Ft. (1.08 acres)

PARCEL "B"
 CERTIFICATION OF SURVEYOR

I hereby certify to Martha and John Gabbert, TCF Banking and Savings, F.A., and Minnesota Title that this is a true and correct representation of a survey of Parcel 'B', described hereon and correctly shows the location of all building, structures, and improvements on said described property; that there are no visible encroachments onto adjoining properties, streets, or alleys by any of said buildings, structures, or improvements; that there are no visible right-of-ways or easements on said described property other than shown thereon; that there are no party walls or visible encroachments on said described property by buildings, structures, or other improvements situated on adjoining property except as shown on said plat of survey.

Dated this 9th day of February, 1989
 By: *Wayne D. Cordes*
 Wayne D. Cordes
 Minn. Reg. No. 14675
 Revised: 11/2/87 Update Improvements

PROPERTY DESCRIPTION -- (PARCEL "A") [7010 France Ave. So.]
 Lot 1, Block 1 and the North 34 feet of Mavelle Drive vacated lying between the extensions across it of the East and West lines of said Lot 1, STOW'S EDGE MOOR ADDITION, except that part of said Lot and vacated Drive lying East of a line parallel with and 50 feet West of the East line of Section 31, Township 28, Range 24, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.
 and that part of vacated Mavelle Drive as dedicated in STOW'S EDGE MOOR ADDITION and in STOW'S EDGE MOOR ADDITION, BLOCK 9, REPLAT, described as follows:
 Commencing at the Southwest corner of Lot 1, Block 1, STOW'S EDGE MOOR ADDITION, thence South along the Westerly line of said Lot 1, extended South 34.00 feet to the actual point of beginning; thence South along the further extension of the Westerly line of said Lot 1, 36.00 feet; thence East and parallel with the South line of said Lot 1, 200.00 feet; thence North parallel with the extended West line of said Lot 1, 36.00 feet to a point 34.00 feet South of the Southeast corner of said Lot 1; thence West parallel with the South line of said Lot 1, 200.00 feet to the point of beginning, and there terminating.
 Property Area = 45,030 Sq. Ft. (1.0337 acres)

I hereby certify to Martha and John Gabbert, The Ohio National Life Insurance Company and Chicago Title Insurance Company that this is a true and correct representation of a survey of the property described hereon as Parcel 'A' and correctly shows the location of all buildings, structures and improvements on said described property; that there are no encroachments onto adjoining properties, streets or alleys by any of said buildings, structures or improvements other than as shown hereon; that there are no visible right-of-ways or easements on said described property other than shown hereon; that there are no party walls or visible encroachments on said described property by buildings, structures or other improvements situated on adjoining property except as shown on said plat of survey.

- Scale: 1" = 20'
- LEGEND**
- M.H. - Manhole
 - C.B. - Catchbasin
 - Hyd. - Hydrant
 - L.P. - Lightpole
 - P.P. - Powerpole
 - x 6 S. - Existing Spot Elev. 845.2

Land Title Survey for:
MARTHA and JOHN GABBERT
 and
TCF BANKING AND SAVINGS, F.A.
 and
MINNESOTA TITLE
 and
THE OHIO NATIONAL LIFE INSURANCE CO.
 and
CHICAGO TITLE INSURANCE CO.

Dated this 2nd day of August, 1989
Wayne D. Cordes
 Wayne D. Cordes, Reg. Land Surveyor
 MN. Reg. No. 14675

Prepared By: **SIGMA SURVEYING SERVICES INC.**
 3730 Pilot Knob Road
 Eagan, Minnesota 55122
 Phone: (612) 452-3077

LARKIN, HOFFMAN, DALY & LINDGREN, LTD.

ATTORNEYS AT LAW

1500 NORTHWESTERN FINANCIAL CENTER
7900 XERXES AVENUE SOUTH
BLOOMINGTON, MINNESOTA 55431
TELEPHONE (612) 835-3800
TELECOPIER (612) 835-5102

2000 PIPER JAFFRAY TOWER
222 SOUTH NINTH STREET
MINNEAPOLIS, MINNESOTA 55402
TELEPHONE (612) 338-6610
TELECOPIER (612) 338-1002

JULIE A. WRASE

REPLY TO MINNEAPOLIS

August 3, 1989

Mr. Larry Martin
Department of Transportation
320 Washington Avenue South
Hopkins, Minnesota 55343

Mr. Fran Hoffman
Edina City Hall
4801 West 50th Street
Edina, Minnesota 55424

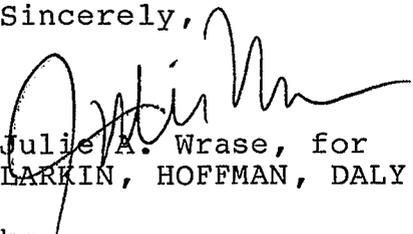
Re: 7010 and 7100 France Avenue South

Dear Gentlemen:

Enclosed for your review please find a survey prepared by Sigma Surveying Services, Inc., for 7010 and 7100 France Avenue South. As you will note, this survey shows the vacation of a portion of Mavelle Drive, as well as the highway easement in favor of Hennepin County.

If you have any questions, please call me.

Sincerely,


Julie A. Wrase, for
LARKIN, HOFFMAN, DALY & LINDGREN, LTD.

kg

Enclosure

*OK
subject to
change in
shaded
area.*

JAW:FI7s



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

5/12/89 From original
Notice of Completion -
gone here 4 copies
who will file?
Larry 935-3381
Martin

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IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn

Marcella M. Daehn
City Clerk, City of Edina

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Marcella M. Daehn
City Clerk, City of Edina

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

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

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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 July 10, 1989 and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 12th day of September, 1989.

Marcella M. Daehn, City Clerk

DORSEY & WHITNEY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

380 PARK AVENUE
NEW YORK, NEW YORK 10022
(212) 415-0200

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

86, RUE TRONCHET
75009 PARIS, FRANCE
01-42-06-59-49

440 FIRST NATIONAL BANK BUILDING
P. O. BOX 848
ROCHESTER, MINNESOTA 55908
(607) 250-0186

610 NORTH CENTRAL LIFE TOWER
445 MINNESOTA STREET
ST. PAUL, MINNESOTA 55101
(612) 227-8017

2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINNESOTA 55402
(612) 340-2600

TELEX 29-0605
TELECOPIER (612) 340-2665

THOMAS S. ERICKSON, P. A.
(612) 340-9889

1200 FIRST INTERSTATE CENTER
401 NORTH 31ST STREET
P. O. BOX 7188
BILLINGS, MONTANA 59108
(406) 252-1200

201 DAVIDSON BUILDING
5 THIRD STREET NORTH
GREAT FALLS, MONTANA 59401
(406) 727-0608

127 EAST FRONT STREET
MINNEAPOLIS, MONTANA 59008
(406) 721-6025

315 FIRST NATIONAL BANK BUILDING
WAYZATA, MINNESOTA 55121
(612) 475-0370

March 2, 1989

CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATION

Honorable Members of City Council; and
Kenneth E. Rosland, City Manager
City of Edina
4801 West 50th Street
Edina, Minnesota 55424

Re: Vacation of Mavelle Drive

Dear Members of the City Council
and Mr. Rosland:

It was anticipated that, by this time, an agreement would have been worked out between the County of Hennepin, City of Edina and the owners of the property (the "Property Owners") fronting on both sides of the portion of Mavelle Drive now under consideration for vacation. By the anticipated agreement (i) the Property Owners would give the necessary right of way for the France Avenue expansion and agree to close three of the four curb cuts onto France Avenue (those three to be selected by the City), (ii) the County would agree to pay for the cost of redoing the portions of the property fronting on France Avenue including landscaping, and also pay the cost of redoing the parking areas for the property to relocate the parking from France Avenue to the vacated Mavelle Drive area, and (iii) the City would vacate Mavelle Drive to accommodate the new parking area. However, as of this time, the County and the property owners are still negotiating over how much money the County should pay to the Property Owners for the work along France Avenue and to relocate the parking.

The Edina staff believes it in the best interest of the City to have the Mavelle Drive matter resolved as

DORSEY & WHITNEY

March 2, 1989

Page Two

soon as possible in a way that results in the least cost to the City. The staff does not think that the condemnation process will be conducive to that end. To facilitate resolution, the staff thinks it desirable for the City to take some affirmative action to "advance the ball" and make clear its position relative to Mavelle Drive so that the County and the Property Owners can negotiate knowing the City's position. The staff considered a number of options available to the City, and finally concluded that the best approach in order to facilitate resolution of discussions between the County and the Property Owners was to recommend the following action:

1. Vacate the whole of Mavelle Drive between France and Sandell Avenues, but such vacation shall not become effective until agreement has been reached between the County, the Property Owners and the City with the following essential ingredients: (A) the Property Owners give to the County, without cost, the necessary right of way for the widening of France Avenue and agree to the closing of three of the four curb cuts on France Avenue as selected by the City; (B) the County and the Property Owners agree to a maximum cost to be paid for redoing the property along France Avenue, including landscaping, and for the relocation of the parking areas to vacated Mavelle Drive, which maximum cost to the County and to the City shall not exceed \$90,000.

2. That the vacation also would not become effective until the Property Owners had executed and delivered to the City an agreement in form and substance acceptable to the City, and in recordable form, allowing thru traffic and agreeing that the parking lot on Mavelle Drive shall be laid out in a manner acceptable to the City and shall not be changed without City approval.

3. The City amend its existing ordinances relating to traffic and streets to require permits from the City for the opening and closing of driveways to city streets. Apparently there is no such permit requirement at this time, and it is thought desirable, not only for the Mavelle Drive situation, but for the city generally. In the Mavelle Drive situation it will give the City an additional handle on the continuation of the through traffic situation provided for by the agreement.

DORSEY & WHITNEY

March 2, 1989

Page Three

Though the foregoing is recommended, the staff recognizes, and desires to call to the attention of the Council, some difficulties that may arise if the above recommendation is adopted. They are:

1. Section 412.851 of Minnesota statutes, relative to street vacations, states that "no such vacation shall be made unless it appears in the interest of the public to do so" Therefore, if the City Council votes (and a 4/5ths vote is required because no petition for vacation has been filed with the City) to vacate the street, then it has made a decision that it is in the public interest to do so. Arguably, if it is in the public interest to vacate the street, there is no need for delaying it until the agreements with the County and the Property Owners is achieved, nor is there any need for an agreement that thru traffic be allowed; the requirement for thru traffic would seem to be contrary to a finding that it is in the public interest to vacate the street. Therefore, if the County and the Property Owner cannot come to an agreement, and if the vacation, therefore, does not occur because the conditions are not met, the Property Owners, nevertheless, might find it desirable to sue the City on the grounds that the conditions imposed to the effectiveness of the vacation are contrary to its finding that it is in the public interest to vacate the street and, therefore, void, and the street should be deemed vacated without the required agreements. Of course, the contrary argument also exists, namely that if the required agreements, especially the one for thru traffic, is contrary to the finding of the Council that it is in the public interest to vacate the street, then the street was improperly vacated and, in fact, is not vacated and the parking on it by the Property Owners should not be allowed. Because of those conflicting arguments the best position legally for the City to be in at this stage would be to not take any action on vacating the street but merely to give a statement of its probable intent to vacate and allow the County and the Property Owners to continue negotiating. This, however, is the present status of affairs and the staff believes, as stated, that some affirmative action is needed by the City to move negotiations forward and aid a satisfactory resolution short of condemnation.

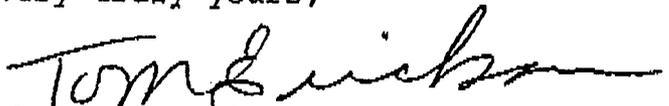
DORSEY & WHITNEY

March 2, 1989
Page Four

2. In the worst case, the City, by virtue of its action, could be held to have vacated the street but without obtaining any of the desired agreements, and the County and the Property Owners would then go through condemnation. However, the staff does not believe this a great risk because from both land use and traffic and engineering considerations, Mavelle Drive should most likely be vacated in any event, with or without thru traffic, and if the Mavelle Drive property is available for replacing and relocating parking otherwise lost to the condemnation by Hennepin County, it would result in some mitigation of any damages that the property owners could claim. Therefore, even in this worst case situation, it does not appear that the City would be severely impacted. Also, if the agreements are obtained and the conditions met, a future owner may, using the above arguments, claim that the agreement for thru traffic is void. Again, for the above reasons, the staff does not think the voiding of such agreement would adversely affect the City.

This letter is given to you for your use and information and should be considered confidential and privileged communication between attorney and client.

Very truly yours,


Thomas S. Erickson

TSE:jd

cc: Mr. Gordon L. Hughes
Mr. Craig Larsen
Mr. Fran Hoffman



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

FACSIMILE COVER SHEET

FAX NO. (612)927-5032

CITY OF EDINA

DEPARTMENT - City Clerk

DATE: 7/19/89 TIME: 12:30 p.m.

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 2

TO: Julie Wrase 336-9761

FIRM NAME: Larkin-Hoffman

LOCATION: _____

TELEPHONE NO. 336-9507 (TO CONFIRM RECEIPT OF MATERIALS)

FROM: Marcella M. Daehn

DEPARTMENT: City Clerk

COMMENTS: Notice of Completion of Proceedings - Mavelle Drive

Vacation - corrected legal per your exhibit faxed to

Fran Hoffman, City Engineer

PLEASE CONTACT FACSIMILE OPERATOR Marcella Daehn
AT (612)925-2242 IF TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.



Draft

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BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk, City of Edina





City of Edina, Minnesota
OFFICE OF THE CITY CLERK
4801 West 50th Street • Edina, Minnesota 55424 • (612) 927-8861

TRANSMITTAL - FAX

DATE: 7/11/89

TO: Julie Wrase - Larkin & Hoffman (336-9507)
FAX 336-9761

FROM: Marcella M. Daehn, City Clerk

RE: Vacation of portion of Mavelle Dr.

| ITEM(S): | NO. | DESCRIPTION |
|----------|----------|--|
| | <u>1</u> | <u>Graphic and legal description of vacated Mavelle</u> |
| | | <u>Drive right of way - Approved by Edina City Council</u> |
| | | <u>on 7/10/89</u> |

PURPOSE:

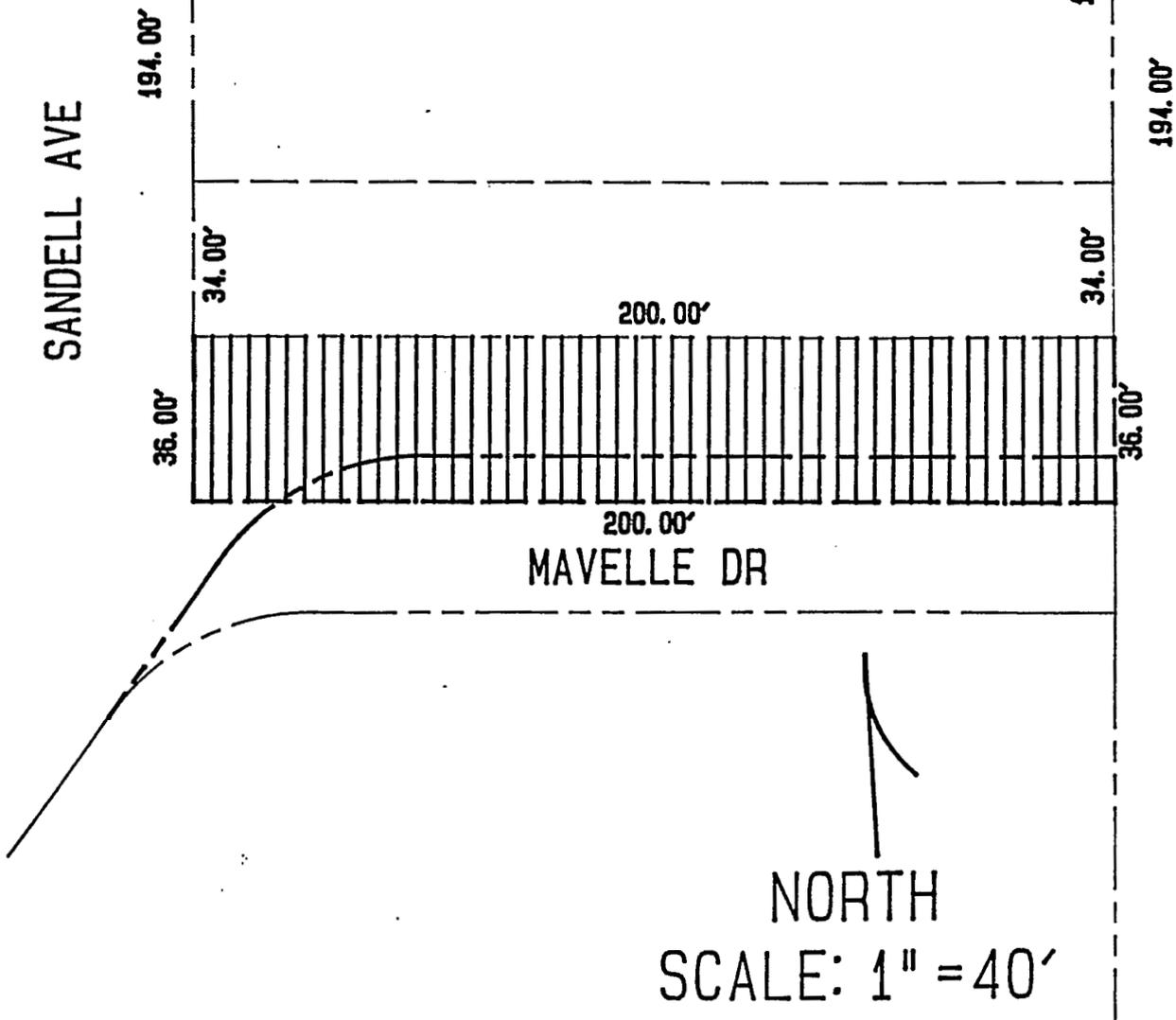
| | | | |
|-------------------------------------|----------------------|--------------------------|---------------------|
| <input checked="" type="checkbox"/> | As you requested | <input type="checkbox"/> | Review and return |
| <input type="checkbox"/> | For your information | <input type="checkbox"/> | Reply to sender |
| <input type="checkbox"/> | For your approval | <input type="checkbox"/> | Other (see remarks) |

REMARKS: Transmittal contains 2 pages, including cover.

VACATION OF PORTION OF MAVELLE DRIVE

Legal: Commencing at the Southwest corner of Lot 1, Block 1, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition; thence South along the Westerly line of said Lot 1 extended 36.00 feet; thence East parallel with the South line of said Lot 1 200.00 feet; thence North parallel with the West line of said Lot 1 36.00 feet to the Southeast corner of said Lot 1; thence West along the South line of said Lot 1 200.00 feet to the point of beginning and there terminating.

REARRANGEMENT OF STOW'S
EDGEMOOR ADDITION
LOT 1, BLOCK 1



SANDELL AVE

MAVELLE DR

NORTH

SCALE: 1" = 40'





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

FACSIMILE COVER SHEET

FAX NO. (612) 927-5032

CITY OF EDINA

ENGINEERING DEPARTMENT

DATE: 7/18/89 TIME: _____

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): _____

TO: Jule Wrase 336-9760 FAX

FIRM NAME: Larkin - Hoffman

LOCATION: _____

TELEPHONE NO.: 336-9507 (TO CONFIRM RECEIPT OF MATERIALS)

FROM: Fran Hoffman

DEPARTMENT: Edina Public Works

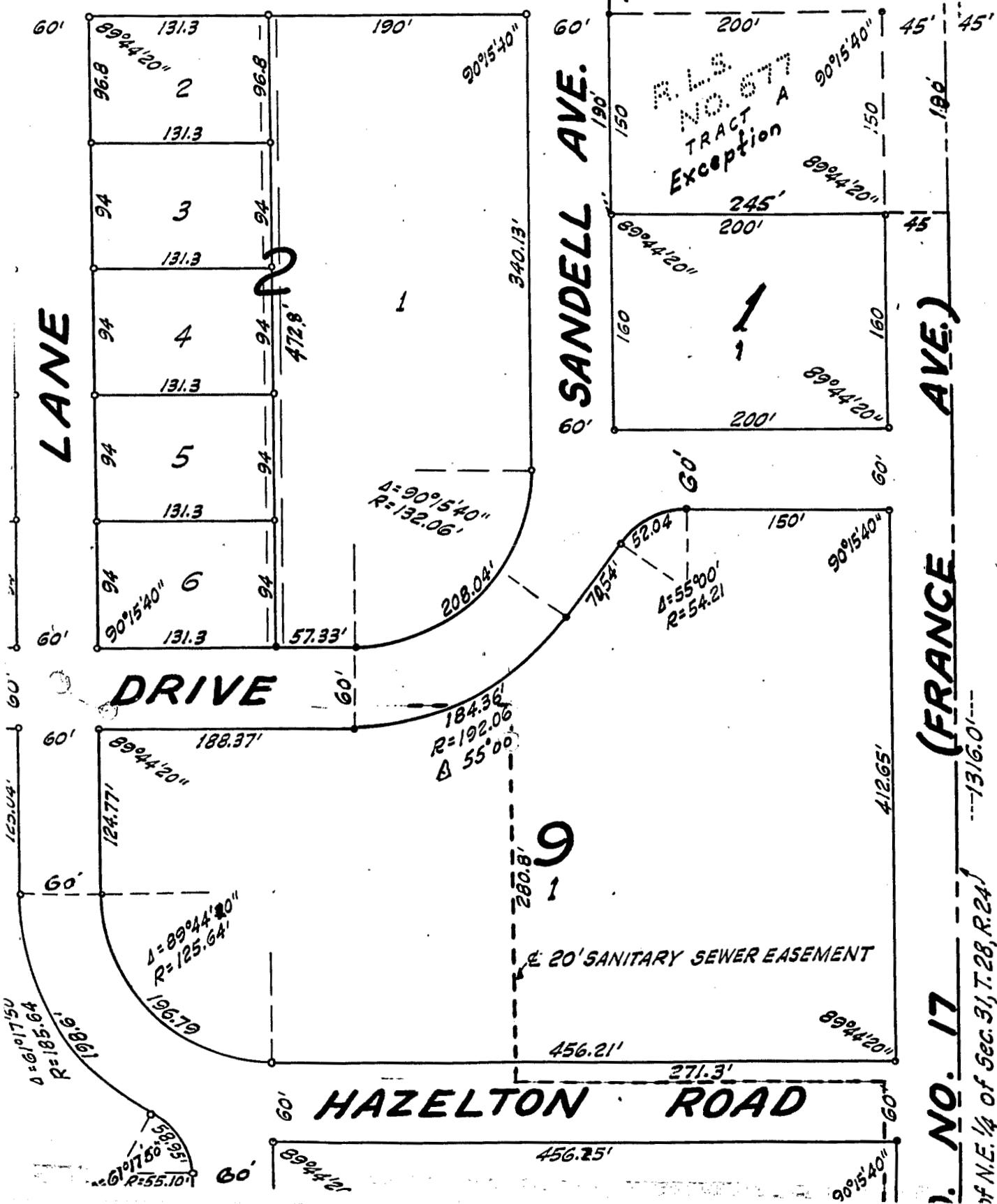
COMMENTS: City legal from attached
Exhibit B (note upper left)
Title Ins. used Exhibit A & C

PLEASE CONTACT FACSIMILE OPERATOR Candy Fiedler
AT (612) 927-8861 IF TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

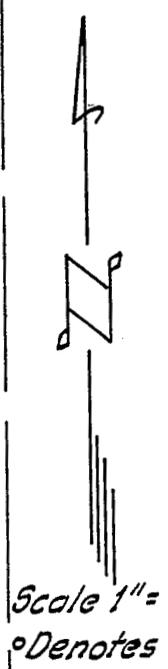
(A)

North Line N.E. 1/4 of N.E. 1/4 of Sec. 31-28-24

N.E. Cor.
Sec. 31, T.28, R.24



NO. 17
of N.E. 1/4 of Sec. 31, T.28, R.24



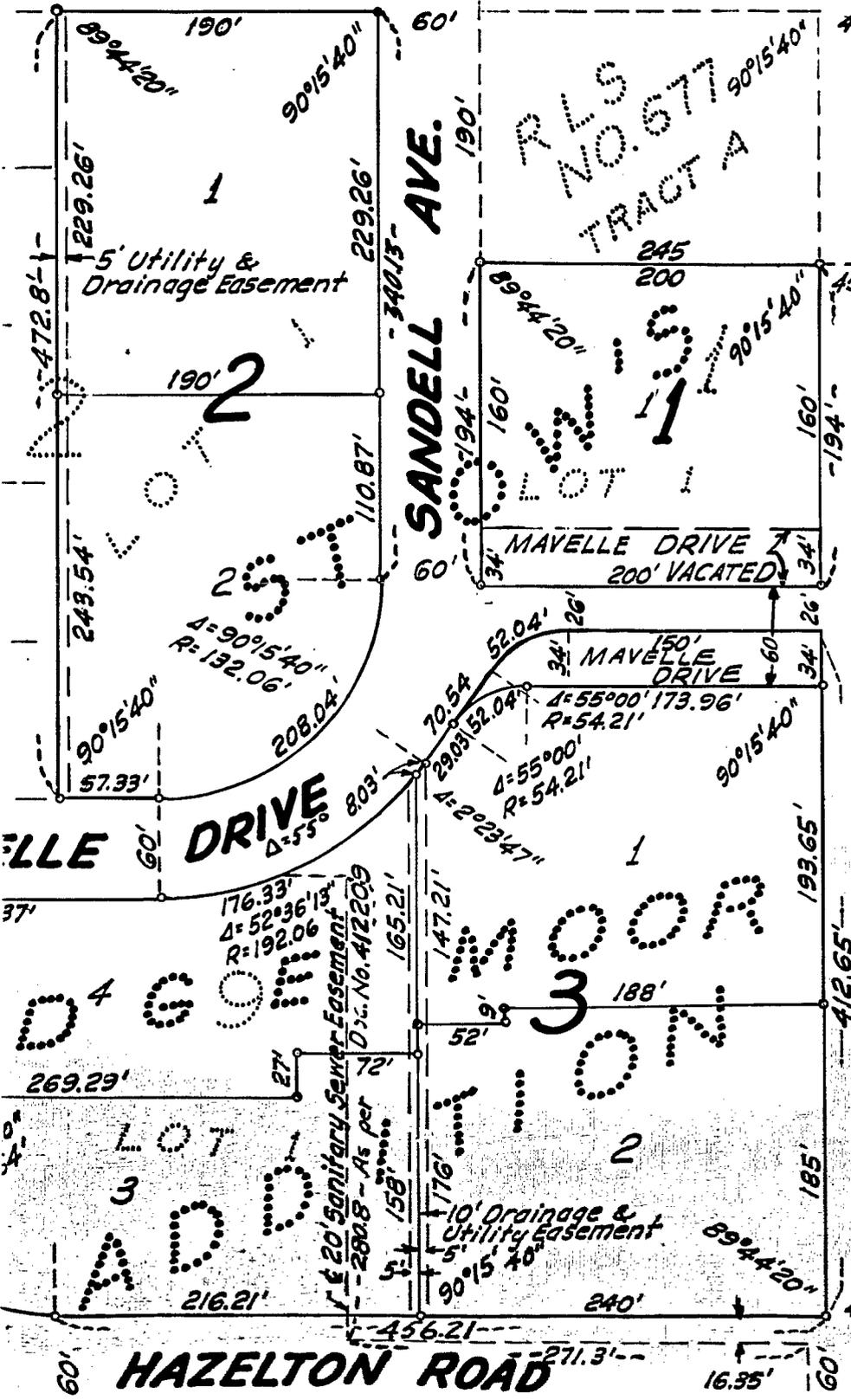
B

A.D.
pres

th Line N.E. 1/4 of N.E. 1/4 of Sec. 31, T. 28, R. 24

70TH ST.

N.E. Corner
Sec. 31, T. 28, R. 24



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Ed

FRANCE AVE.)

1 COUNTY ROAD NO. 17 (FRANCE AVE.)
East line of N.E. 1/4 of N.E. 1/4 of Sec. 31, T. 28, R. 24.

EDGEMOOR ADDITION

C

HENNEPIN COUNTY, M

INC.

STOW'S
EDGEMOOR
ADDITION

SANDELL
ROAD

BLOCK

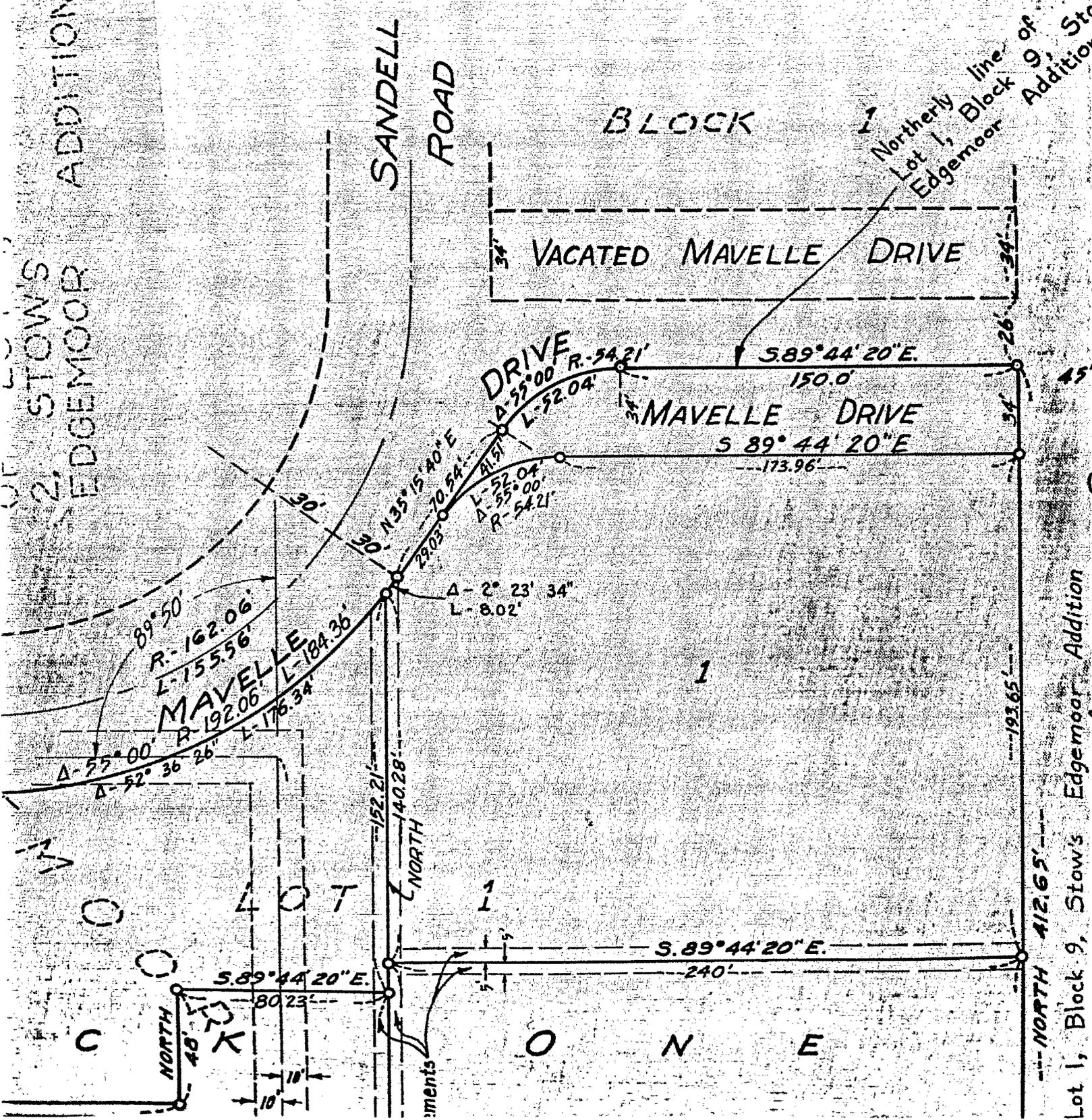
Northerly line of
Lot 1, Block 9, Stow's
Edgemoor Addition

VACATED MAVELLE DRIVE

MAVELLE DRIVE

MAVELLE DRIVE

Lot 1, Block 9, Stow's Edgemoor Addition



JAMES F. LARKIN
 ROBERT L. HOFFMAN
 JACK P. DALY
 D. KENNETH LINDORFEN
 WENDELL R. ANDERSON
 GERALD M. FRIEDEL
 ALLAN G. MULLIGAN
 ROBERT J. HENNESSEY
 JAMES C. ERICKSON
 EDWARD J. DE SCOLL
 JAMES P. M. LEY
 GENE N. FULLER
 DAVID C. SELLERSGREN
 RICHARD J. KEENAN
 JOHN B. FULLMER
 ROBERT E. BOYLE
 FRANK I. HARVEY
 CHARLES S. MODELL
 CHRISTOPHER J. DIETZEN
 JOHN A. BEATTIE
 LINDA H. FISHER
 THOMAS A. STOLTMAN
 STEVEN S. LEVIN
 FORREST D. NOWLIN
 MICHAEL C. JACKMAN
 JOHN E. DIEHL
 JON S. SWIERZEWSKI
 THOMAS J. FLYNN
 JAMES R. QUINN
 TODD I. FREEMAN
 STEPHEN B. BOLDON
 PETER K. BECK
 JEROME H. KAHNKE
 KERRILL OMAN KURETICH
 GERALD L. BECK
 JOHN B. LUNDQUIST
 DAYLE NOLAN
 THOMAS B. HUMPHREY, JR.

LARKIN, HOFFMAN, DALY & LINDGREN, LTD.

ATTORNEYS AT LAW

1600 NORTHWESTERN FINANCIAL CENTER 2000 PIPER JAFFRAY TOWER
 7900 XERXES AVENUE SOUTH 222 SOUTH NINTH STREET
 BLOOMINGTON, MINNESOTA 55431 MINNEAPOLIS, MINNESOTA 55402
 TELEPHONE (612) 336-3800 TELEPHONE (612) 336-6610
 FAX (612) 896-3333 FAX (612) 336-9760

NORTH SUBURBAN OFFICE
 8950 SPRINGBROOK DRIVE, SUITE 250
 COON RAPIDS, MINNESOTA 55433
 TELEPHONE (612) 786-7117
 FAX (612) 786-6711

DAVID J. BEAT
 MICHAEL T. MOKIM
 CHARLES R. WEAVER
 HERMAN L. TALLE
 VINCENT S. ZILA
 ANDREW J. MITCHELL
 JOHN A. COTTER
 BEATRICE A. ROTHWEILER
 PAUL E. BLUNKETT
 ALAN L. KILGOW
 NATHLEEN W. FICOTTE NEWMAN
 MICHAEL A. LESARON
 FRANCIS E. GIBBERSON
 TRACY A. RICHMOND-WICKS
 AMY DARR GRADY
 CATHERINE BARNETT WILSON
 JEFFREY C. ANDERSON
 DANIEL L. BOWLES
 TODD M. VLATKOVICH
 TIMOTHY J. MCMANUS
 GREGORY E. KORSTAD
 LISA A. GRAY
 GARY A. RENNENE
 THOMAS H. WEAVER
 SHANNON K. MCCAMBRIDGE
 MICHAEL B. COHEN
 DENISE M. NORTON
 GARY A. VAN GLEVE
 MICHAEL S. BRAMAN
 JOSEPH W. SICKER
 JACQUELINE S. DIETZ
 GAYLEN L. KNACK
 RODNEY D. IVES
 JULIE A. WRASE
 CHRISTOPHER J. HARRISTHAL
 SHARON L. BRENNAN
 MARIKAY CANAGA LITZAU
 TIMOTHY J. KEANE
 JON R. NORBERG
 WILLIAM C. GRIFFITH
 THEODORE A. MONDALE
 JOHN J. STEFFENHAGEN
 DANIEL W. VOBS

TELECOPIER COVER LETTER

DATE 7-17-89 TIME A.M./P.M.

NUMBER OF PAGES INCLUDING COVER LETTER: 2

TELECOPIER NUMBER 927-5032

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Fran Hoffman
Julie Wraase

FROM: _____

MESSAGE: _____

FILE NUMBER 7836-12

WE ARE TRANSMITTING FROM A RICOH/RAPICOM 120. IF YOU DO NOT RECEIVE THE ENTIRE TELECOPY, PLEASE CALL US AS SOON AS POSSIBLE AT:

(612)-336-9589 OR (612)-336-9563 (RECORDS)

DIRECT TELECOPIER NUMBERS ARE: (612)336-9760 OR (612)336-9761

OF COUNSEL
 JOSEPH BITIS
 RICHARD A. NORDBYK
 ALSO ADMITTED IN
 WISCONSIN

That part of Marvelle Drive as dedicated in "Stow's Edgemoor Addition" and in "Stow's Edgemoor Addition, Block 9, Replat", described as follows:

Commencing at the Southwest corner of Lot 1, Block 1, Stow's Edgemoor Addition, thence South along the Westerly line of said Lot 1, extended South 34.00 feet to the actual point of beginning; thence South along the further extension of the west line of said Lot 1, 36.00 feet; thence East and parallel with the south line of Lot 1, 200.00 feet; thence North parallel with the extended West line of Lot 1, 36.00 feet to a point 34.00 feet South of the Southeast corner of Lot 1; thence West parallel with the south line of said Lot 1, 200.00 feet to the point of beginning and there terminating.



City of Edina, Minnesota
OFFICE OF THE CITY CLERK
4801 West 50th Street • Edina, Minnesota 55424 • (612) 927-8861

TRANSMITTAL -- FAX

DATE: July 14, 1989

TO: Julie Wrase FAX 336-9761 (336-9507)

Larkin & Hoffman

FROM: Marcella M. Daehn, City Clerk

RE: Vacation of portion of Mavelle Dr.

| ITEM(S): | NO. | DESCRIPTION |
|----------|----------|--|
| | <u>1</u> | <u>Draft copy of Notice of Completion of Proceedings</u> |
| | | |
| | | |
| | | |

PURPOSE:

- | | | | |
|-------------------------------------|----------------------|--------------------------|---------------------|
| <input checked="" type="checkbox"/> | As you requested | <input type="checkbox"/> | Review and return |
| <input type="checkbox"/> | For your information | <input type="checkbox"/> | Reply to sender |
| <input type="checkbox"/> | For your approval | <input type="checkbox"/> | Other (see remarks) |

REMARKS: Transmittal contains 2 pages including cover.

Revised Notice of Completion - discard copy faxed on 7/13/89

Draft Copy

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on July 10, 1989, adopted a Resolution Vacating Mavelle Drive after public hearing and notice thereof as required by law on March 6, 1989, 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 Register of Deeds in and for Hennepin County, Minnesota:

Commencing at the Southwest corner of Lot 1, Block 1, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition; thence South along the Westerly line of said Lot 1 extended 36.00 feet; thence East parallel with the South line of said Lot 1 200.00 feet; thence North parallel with the West line of said Lot 1 36.00 feet to the Southeast corner of said Lot 1; thence West along the South line of said Lot 1 200.00 feet to the point of beginning and there terminating.

The time of completion of proceedings and the effective date of said vacation is July 11, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk, City of Edina





City of Edina, Minnesota
OFFICE OF THE CITY CLERK
4801 West 50th Street • Edina, Minnesota 55424 • (612) 927-8861

TRANSMITTAL - FAX

DATE: July 14, 1989

TO: Harry Barnes FAX 829-4405 (829-4404)

Chicago Title

FROM: Marcella M. Daehn, City Clerk

RE: Vacation of portion of Mavelle Dr.

| ITEM(S): | NO. | DESCRIPTION |
|----------|----------|--|
| | <u>1</u> | <u>Draft copy of Notice of Completion of Proceedings</u> |
| | | |
| | | |
| | | |

PURPOSE:

| | | | |
|-------------------------------------|----------------------|--------------------------|---------------------|
| <input checked="" type="checkbox"/> | As you requested | <input type="checkbox"/> | Review and return |
| <input type="checkbox"/> | For your information | <input type="checkbox"/> | Reply to sender |
| <input type="checkbox"/> | For your approval | <input type="checkbox"/> | Other (see remarks) |

REMARKS: Transmittal contains 2 pages including cover.



Draft Copy

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on July 10, 1989, adopted a Resolution Vacating Mavelle Drive after public hearing and notice thereof as required by law on March 6, 1989, 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 Register of Deeds in and for Hennepin County, Minnesota:

Commencing at the Southwest corner of Lot 1, Block 1, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition; thence South along the Westerly line of said Lot 1 extended 36.00 feet; thence East parallel with the South line of said Lot 1 200.00 feet; thence North parallel with the West line of said Lot 1 36.00 feet to the Southeast corner of said Lot 1; thence West along the South line of said Lot 1 200.00 feet to the point of beginning and there terminating.

The time of completion of proceedings and the effective date of said vacation is July 11, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk, City of Edina





REPORT/RECOMMENDATION

| | |
|---|---|
| To: Mayor & City Council | Agenda Item # <u>V.A.</u> |
| From: Francis Hoffman, City Engineer <i>FH</i> | Consent <input checked="" type="checkbox"/> |
| Date: 10 July, 1989 | Information Only <input type="checkbox"/> |
| Subject: Mavelle Drive Vacation Completion of Proceedings | Mgr. Recommends <input type="checkbox"/> To HRA |
| Continuation from 6/19/89 | <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:

Authorize the final vacation of a portion of Mavelle Drive per the attached description and sketch.

Info/Background:

This is the final step in the final completion of proceedings on the three-way agreement between Hennepin County, City of Edina and Gabberts on the properties adjacent to France Avenue and Mavelle Drive.

The project has worked out well with no concerns being registered by the neighbors to the immediate west of the site.

Additional Information: After the June 19th meeting, we researched the question of the illuminated sign on the Sandell and Mavelle intersection. The sign conforms with all requirements of Ordinance 451. The owner agreed to limit the illumination to periods only when the store is open.

VACATION OF PORTION OF MAVELLE DRIVE

Legal: Commencing at the Southwest corner of Lot 1, Block 1, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition; thence South along the Westerly line of said Lot 1 extended 36.00 feet; thence East parallel with the South line of said Lot 1 200.00 feet; thence North parallel with the West line of said Lot 1 36.00 feet to the Southeast corner of said Lot 1; thence West along the South line of said Lot 1 200.00 feet to the point of beginning and there terminating.

REARRANGEMENT OF STOW'S
EDGEMOOR ADDITION
LOT 1, BLOCK 1

SANDELL AVE

194.00'

160.00'

160.00'

194.00'

34.00'

200.00'

34.00'

36.00'

36.00'

200.00'
MAVELLE DR

NORTH

SCALE: 1" = 40'



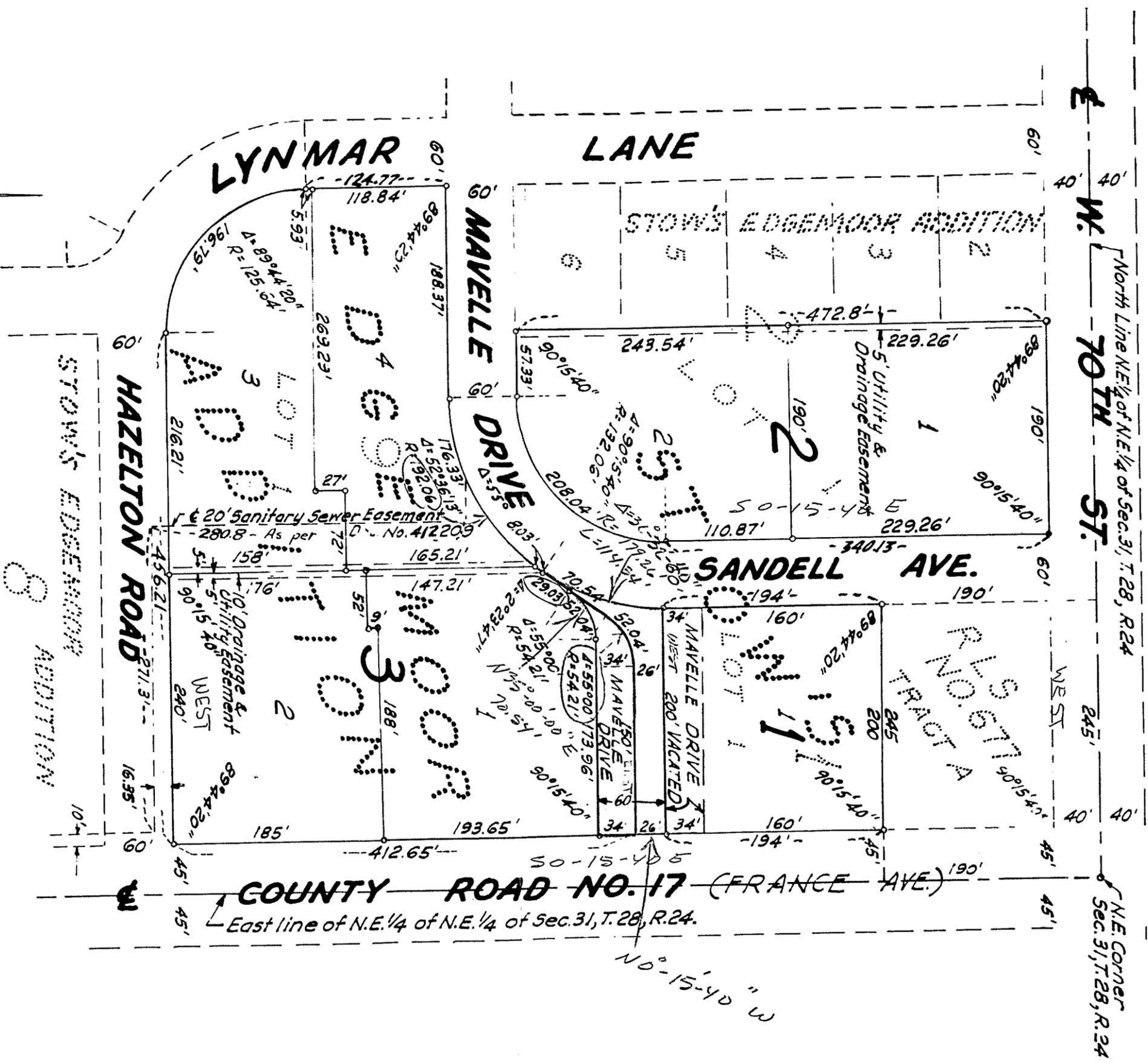
Description for Vacation of street easement for Mavelle Drive East of Sandell Avenue as follows:

Commencing at the Northeast corner of Lot 1, Block 3, Rearrangement of Blocks 1, 9, and Lot 1, Block 2, Stow's Edgemoor Addition, a recorded plat of Hennepin County, Minnesota; thence Northerly on an assumed bearing of North 00 degrees 15 minutes 40 seconds West 60 feet; thence West 200.00 feet; thence Southwest along a curve concave to the Northwest with a chord bearing of South 18 degrees 00 minutes 40 seconds West, central angle of 36 degrees 32 minutes 40 seconds, a radius of 179.26 feet 114.34 feet; thence Southwesterly bearing 35 degrees 00 minutes 00 seconds West 29.03 feet; thence Northeasterly on a tangential curve concave to the Southeast with a central angle of 55 degrees, a radius of 54.21 feet 52.04 feet; thence East along the North line of said Lot 1 173.96 feet to the point of beginning and there terminating.

Description for Vacation of street easement for
Mavelle Drive East of Sandell Ave as follows:

Commencing at the Northeast corner of Lot 1,
Block 3 Rearrangement of Blocks 7, 9, and Lot 1 Block 2,
Stou's Edgemoor Addition, a recorded plot of Hennepin
County, Minnesota; thence ^{Northerly Northerly} on an assumed bearing of
North 00 degrees 15 minutes 40 seconds West 60 feet;
thence West 200.00 feet; thence Southwest along a
curve concave to the Northwest with a chord bearing
of South 18 degrees 00 minutes 40 seconds West,
Central angle of 36 degrees 32 minutes 40 seconds, a radius
of 179.26 feet 114.34 feet; thence ^{South westerly bearing} ~~North~~ ^{South} 35 degrees
00 minutes 00 seconds ^{West} ~~East~~ ^{North Easterly} 29.03 feet; thence on
a tangential curve concave to the Southeast with a
central angle of 55 degrees, a radius of 54.21 feet,
52.04 feet; thence East along the North line of
said lot 1 173.96 feet to the point of beginning and
there terminating.

REARRANGEMENT OF BLOCKS 1, 2, AND LOT 1, BLOCK 2, STOW'S EDGEWOOD ADDITION



SCALE: 1" = 100'
DENOTES IRON MON.

ARLEIGH C. SMITH
REG. ENGR. & LAND SURVEYOR
16215 WAYZATA BLVD., WAYZATA, MINN.



City of Edina, Minnesota
OFFICE OF THE CITY CLERK
 4801 West 50th Street • Edina, Minnesota 55424 • (612) 927-8861

TRANSMITTAL — FAX

DATE: July 13, 1989

TO: Julie Wrase FAX 336-9761
Larkin & Hoffman

FROM: Marcella M. Daehn, City Clerk

RE: Vacation of portion of Mavelle Dr.

| ITEM(S): | NO. | DESCRIPTION |
|----------|----------|--|
| | <u>1</u> | <u>Draft copy of Notice of Completion of Proceedings</u> |
| | | |
| | | |
| | | |

PURPOSE:

| | | | |
|-------------------------------------|----------------------|--------------------------|---------------------|
| <input checked="" type="checkbox"/> | As you requested | <input type="checkbox"/> | Review and return |
| <input type="checkbox"/> | For your information | <input type="checkbox"/> | Reply to sender |
| <input type="checkbox"/> | For your approval | <input type="checkbox"/> | Other (see remarks) |

REMARKS: Transmittal contains 2 pages including cover.

07/13/89

15:40

Draft Copy

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

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on March 6, 1989, adopted a Resolution Vacating Mavelle Drive 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 Register of Deeds in and for Hennepin County, Minnesota:

Commencing at the Northeast corner of Lot 1, Block 3, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition, a recorded plat of Hennepin County, Minnesota; thence Northerly on an assumed bearing of North 00 degrees 15 minutes 40 seconds West 60 feet; thence West 200.00 feet; thence Southwest along a curve concave to the Northwest with a chord bearing of South 18 degrees 00 minutes 40 seconds West, central angle of 36 degrees 32 minutes 40 seconds, a radius of 179.26 feet 114.34 feet; thence Southwesterly bearing 35 degrees 00 minutes 00 seconds West 29.03 feet; thence Northeasterly on a tangential curve concave to the Southeast with a central angle of 55 degrees, a radius of 54.21 feet 52.04 feet; thence East along the North line of said Lot 1 173.96 feet to the point of beginning 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 easement and authority in, on and under the above vacated area:

Commencing at the Southwest corner of Lot 1, Block 1, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition; thence South along the Westerly line of said Lot 1 extended 36.00 feet; thence East parallel with the South line of said Lot 1 200.00 feet; thence North parallel with the West line of said Lot 1 36.00 feet to the Southeast corner of said Lot 1; thence West along the South line of said Lot 1 200.00 feet to the point of beginning and there terminating.

The time of completion of proceedings and the effective date of said vacation is July 11, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk, City of Edina

5/16/85 - Notice of Completion of Proceedings
for Mavell Dr.

Per T.E. Fran is to bring back to Council
the 24 foot to be retained for the roadway
for approval -

Notice should say vacate all of Mavell Dr.
as in legal description in 3/6/89 resolution
except for a 24 foot right of way described
as follows: (insert legal for 24 ft)

T.E. wants to review Notice before I send
it for filing.

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 February 17, 19 89, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - vacating Mavelle Drive (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date 16 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

| <u>Name</u> | <u>Address</u> |
|-----------------------------|----------------|
| (See attached mailing list) | |
| | |
| | |
| | |

WITNESS my hand and the seal of said City this 17th day of February, 19 89.

Maudie M. Dehn
Edina City Clerk



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

Notice of Public Hearing

Attached is a notice of public hearing to consider vacating Mavelle Drive to allow for restructuring of two sites adjacent to France Avenue affected by reconstruction of France Avenue.

During review of the France Avenue reconstruction from West 70th Street to Minnesota Drive, one parcel (Collins Interior/Room & Board) loses all of its parking on the France Avenue side of the site. Hennepin County and City staff have met with the property owners (John and Martha Gabbert) on several occasions regarding the effects of the France Avenue reconstruction.

The objective of the meetings was to review how the site might be reconstructed to serve all purposes. The County and City needs the France right-of-way for the project. The property owners need the parking spaces for the site.

The site has a significant shortage according to our ordinances. All parties involved understand the need to eliminate as many curb cuts from France Avenue as possible for traffic safety, and restore the site to an equal or better position before the reconstruction of France Avenue.

As such, City staff has reviewed Mavelle Drive between France Avenue and Sandell as a possible way to restructure the sites to accommodate all needs. Traffic counts done for a day indicate very few people use the existing Mavelle Drive. After an eleven hour manual count, only seventy-seven vehicles drove the entire length of Mavelle Drive (one short block). Of those that drove the entire length, only a very few were from the enighborhood.

The staff will present additional information at the public hearing and describe the attached graphic. The graphic shows the general layout that would result from restructuring the sites with the Mavelle Drive right-of-way colored in yellow.

If you have additional questions, please contact me at 927-8861.

Sincerely,

A handwritten signature in cursive script that reads "Francis J. Hoffman".

Francis J. Hoffman
Director of Public Works
and City Engineer

FJH:dj

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

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

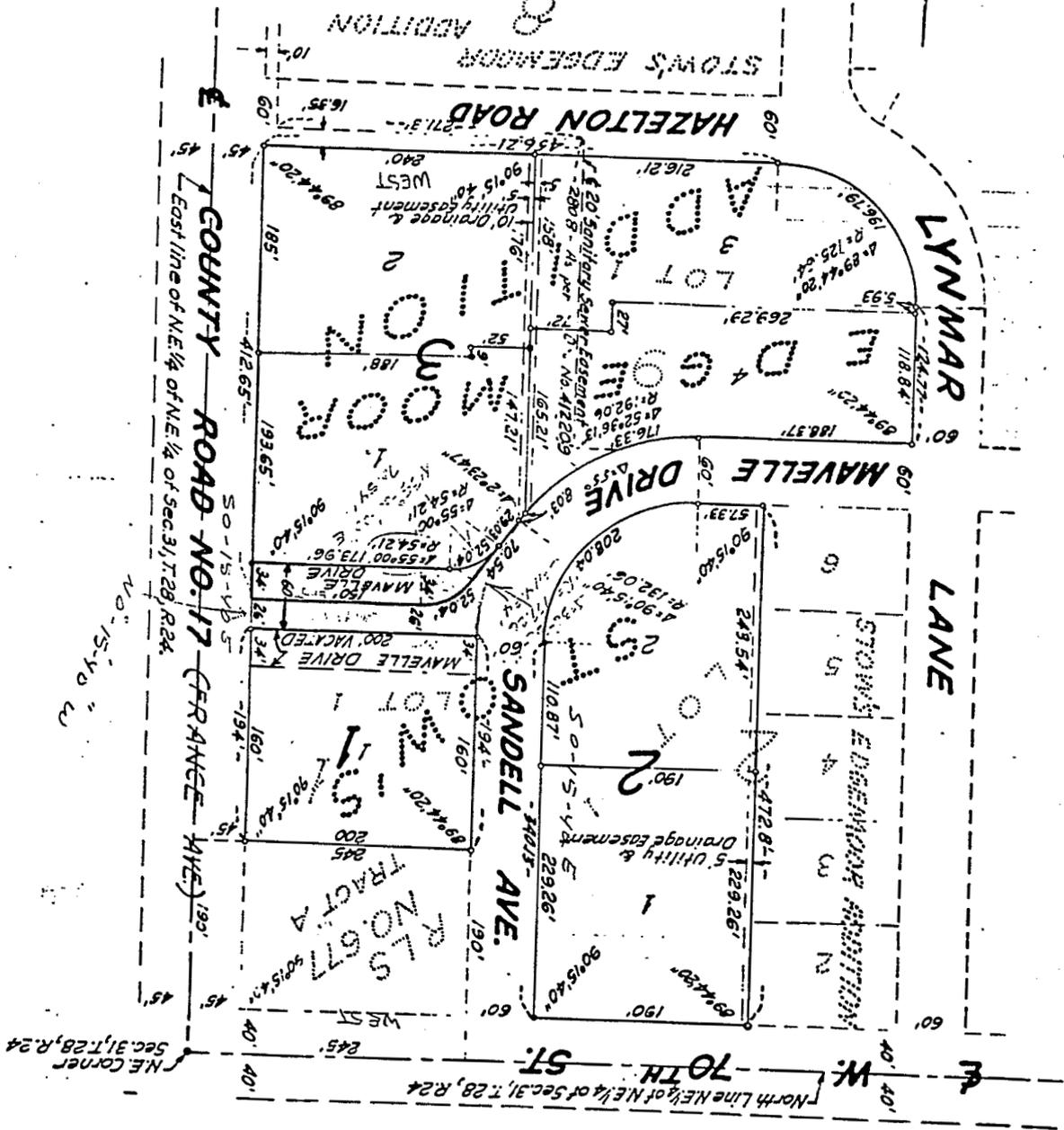
NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota will meet at the Edina City Hall, 4801 West 50th Street on March 6, 1989, at 7:00 p.m. for the purpose of holding a public hearing on the proposed vacation of the following street right of way:

Commencing at the Northeast corner of Lot 1, Block 3, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition, a recorded plat of Hennepin County, Minnesota; thence Northerly on an assumed bearing of North 00 degrees 15 minutes 40 seconds West 60 feet; thence West 200.00 feet; thence Southwest along a curve concave to the Northwest with a chord bearing of South 18 degrees 00 minutes 40 seconds West, central angle of 36 degrees 32 minutes 40 seconds, a radius of 179.26 feet 114.34 feet; thence Southwesterly bearing 35 degrees 00 minutes 00 seconds West 29.03 feet; thence Northeasterly on a tangential curve concave to the Southeast with a central angle of 55 degrees, a radius of 54.21 feet 52.04 feet; thence East along the North line of said Lot 1 173.96 feet 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 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 right of way vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

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

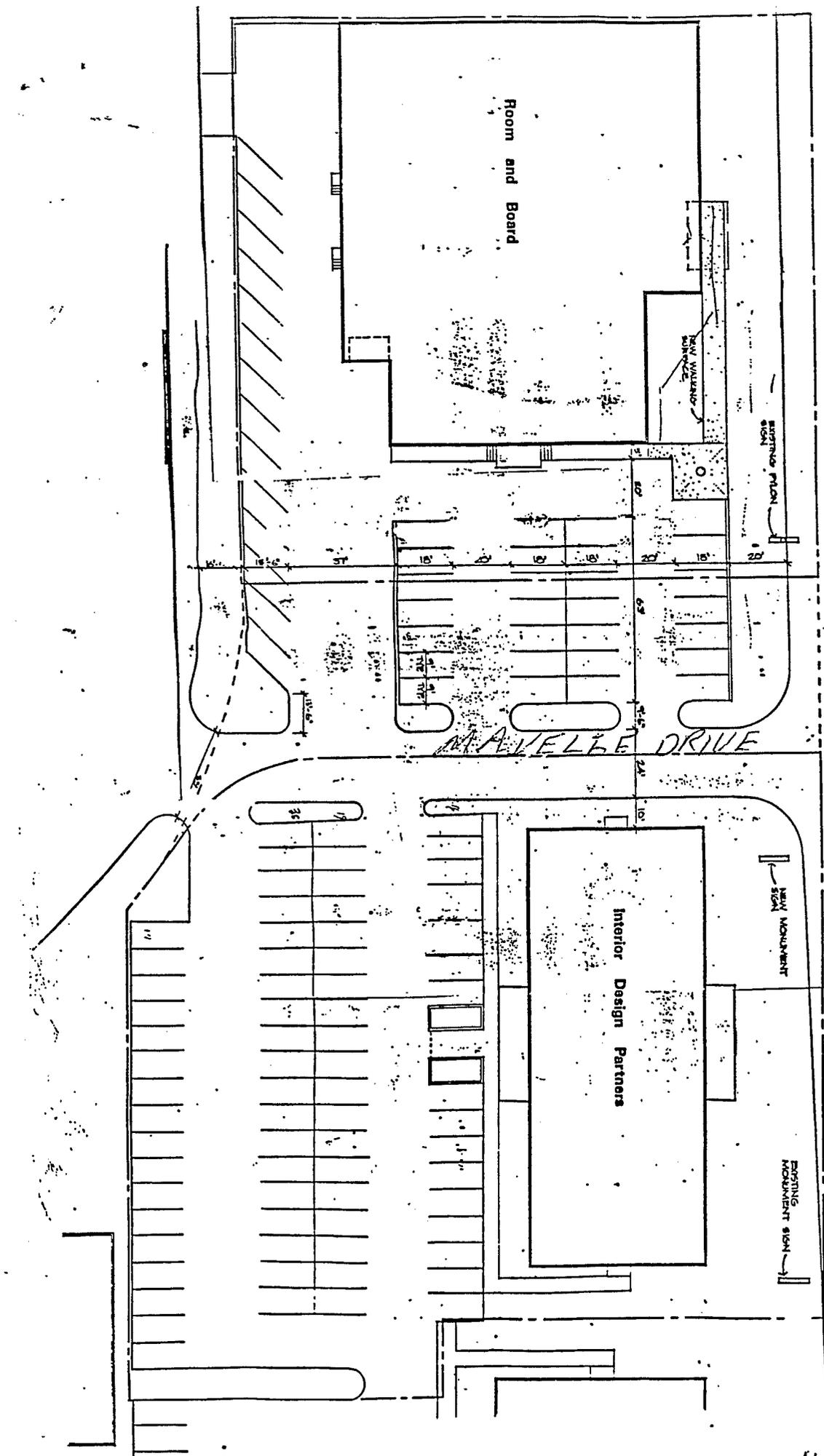
REARRANGEMENT OF BLOCKS 1, 9, AND LOT 1, BLOCK 2, STOW'S EDGEWOOD ADDITION



ARLEIGH C. SMITH
REG. ENGR. & LAND SURVEYOR
16215 WAYZATA BLVD., WAYZATA, MINN.

SCALE: 1"=100'
• DENOTES IRON MON.

NE Corner Sec. 31, T. 28, R. 24
North Line N.E. 1/4 of Sec. 31, T. 28, R. 24
W 70th St
Sandell Ave
Mavelle Drive
Lynmar Lane
County Road No. 17 (France Ave)
East line of N.E. 1/4 of N.E. 1/4 of Sec. 31, T. 28, R. 24
N 19° 15' 40" W
S 0° 15' 40" E
S 50° 15' 40" E
S 70° 15' 40" E
S 80° 15' 40" E
S 90° 15' 40" E
S 100° 15' 40" E
S 110° 15' 40" E
S 120° 15' 40" E
S 130° 15' 40" E
S 140° 15' 40" E
S 150° 15' 40" E
S 160° 15' 40" E
S 170° 15' 40" E
S 180° 15' 40" E
S 190° 15' 40" E
S 200° 15' 40" E
S 210° 15' 40" E
S 220° 15' 40" E
S 230° 15' 40" E
S 240° 15' 40" E
S 250° 15' 40" E
S 260° 15' 40" E
S 270° 15' 40" E
S 280° 15' 40" E
S 290° 15' 40" E
S 300° 15' 40" E
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S 990° 15' 40" E
S 1000° 15' 40" E



Room and Board

NEW VALET SIGNAGE

EXISTING PLANT SIGN

FRANCE AVENUE

MAVELLE DRIVE

Interior Design Partners

NEW MONUMENT SIGN

EXISTING MONUMENT SIGN



31-028-24-11-0001
7000 Sandell Avenue Co-op
7000 Sandell Avenue
Edina, MN 55435

31-028-24-11-0020
Jan F. Ebbert
Suzanne C. Ebbert
7008 Sandell Avenue
Edina, MN 55435

31-028-24-11-0021
Minnehaha Falls Corp.
3808 West 50th Street
Minneapolis, MN 55410

31-028-24-11-0022
The American Oil Company
Amoco Oil, Attn: Tax Dept.
P. O. Box 3428
Oak Brook, IL 60522

31-028-24-11-0023
John D. Gabbert
4600 Olson Memorial Highway
Golden Valley, MN 55422

31-028-24-11-0081
Martha W. & John D. Gabbert
c/o Room & Board
4600 Olson Memorial Highway
Golden Valley, MN 55422

VACATION OF PORTION OF MAVELLE DRIVE

Legal: Commencing at the Southwest corner of Lot 1, Block 1, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition; thence South along the Westerly line of said Lot 1 extended 36.00 feet; thence East parallel with the South line of said Lot 1 200.00 feet; thence North parallel with the West line of said Lot 1 36.00 feet to the Southeast corner of said Lot 1; thence West along the South line of said Lot 1 200.00 feet to the point of beginning and there terminating.

REARRANGEMENT OF STOW'S
EDGEMOOR ADDITION
LOT 1, BLOCK 1

SANDELL AVE

194.00'

160.00'

160.00'

194.00'

34.00'

200.00'

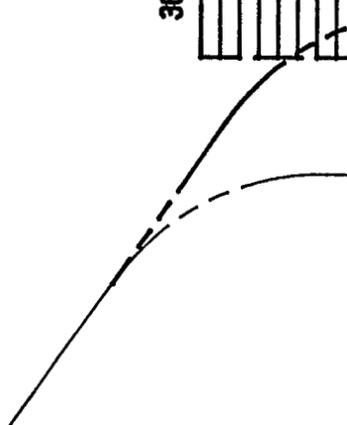
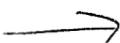
34.00'

36.00'

36.00'

200.00'
MAVELLE DR

only vacated



NORTH

SCALE: 1" = 40'

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

STREET AND/OR EASEMENT VACATION REVIEW

| | | | | | | |
|--|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| CITY ENGINEER by _____ | <input type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| MINNEGASCO by ²⁻²¹⁻⁸⁹ <u>Stana Von Berger</u> | <input checked="" type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| U.S. WEST COMMUNICATIONS 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 |
| ROGERS CABLESYSTEMS by _____ | <input type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: _____

LOCATION: Mavelle Drive Right of Way

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

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

STREET AND/OR EASEMENT VACATION REVIEW

| | | | | | | |
|---|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| CITY ENGINEER by _____ | <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 |
| U.S. WEST COMMUNICATIONS by _____ <i>Caryn Schmidt</i> | <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 |
| ROGERS CABLESYSTEMS by _____ | <input type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: _____

LOCATION: _____

Mavelle Drive Right of Way

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

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

STREET AND/OR EASEMENT VACATION REVIEW

| | | | | | | |
|-----------------------------------|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| CITY ENGINEER by _____ | <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 |
| U.S. WEST COMMUNICATIONS by _____ | <input type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| NSP by <u>J. E. Fraser</u> | <input checked="" type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |
| ROGERS CABLESYSTEMS by _____ | <input type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: _____

LOCATION: _____

Mavelle Drive Right of Way

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

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

FEB 22 1983

STREET AND/OR EASEMENT VACATION REVIEW

| | | | | | | |
|---|-------------------------------------|------------|--------------------------|---------|--------------------------|-------------|
| 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 |
| U.S. WEST COMMUNICATIONS 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 |
| ROGERS CABLESYSTEMS by <u>R.A. Gooden</u> | <input checked="" type="checkbox"/> | Acceptable | <input type="checkbox"/> | Opposed | <input type="checkbox"/> | Conditional |

CONDITIONS: _____

LOCATION: Mavelle Drive Right of Way

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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



Memo

TO: City Of EDINA
FROM: ROGERS Cablesystems
@Ronald Goodin
DATE: 22 February 1989
SUBJECT: VACATION Of Easement For Street Purposes

COPY:

Engineering,

ROGERS Cablesystems has no equipment in the area of this proposed Easement Vacation.

I have signed form sent us as acceptable by ROGERS.

Sincerely,

Ronald Goodin
Project Clerk
522-5200 Ext. 754

ENCLOSURE

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

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

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota will meet at the Edina City Hall, 4801 West 50th Street on March 6, 1989, at 7:00 p.m. for the purpose of holding a public hearing on the proposed vacation of the following street right of way:

Commencing at the Northeast corner of Lot 1, Block 3, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition, a recorded plat of Hennepin County, Minnesota; thence Northerly on an assumed bearing of North 00 degrees 15 minutes 40 seconds West 60 feet; thence West 200.00 feet; thence Southwest along a curve concave to the Northwest with a chord bearing of South 18 degrees 00 minutes 40 seconds West, central angle of 36 degrees 32 minutes 40 seconds, a radius of 179.26 feet 114.34 feet; thence Southwesterly bearing 35 degrees 00 minutes 00 seconds West 29.03 feet; thence Northeasterly on a tangential curve concave to the Southeast with a central angle of 55 degrees, a radius of 54.21 feet 52.04 feet; thence East along the North line of said Lot 1 173.96 feet 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 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 right of way vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone, or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

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

Minnesota Suburban Newspapers AFFIDAVIT OF PUBLICATION

City of Edina

(Official Publication)
CITY OF EDINA
4501 W. 50th Street
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON VACATION OF STREET RIGHT OF WAY
FOR STREET CLOSURE
IN THE CITY OF EDINA

HENNEPIN COUNTY, MINNESOTA
NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota will meet at the Edina City Hall, 4501 West 50th Street on March 6, 1989, at 7:00 p.m. for the purpose of holding a public hearing on the proposed vacation of the Mavelle Drive right of way as follows:

Commencing at the Northeast corner of Lot 1, Block 3, Rearrangement of Blocks 1, 9 and Lot 1, Block 2, Stow's Edgemoor Addition, a recorded plat of Hennepin County, Minnesota; thence Northerly on an assumed bearing of North 00 degrees 15 minutes 40 seconds West 60 feet; thence West 200.00 feet; thence South along a curve concave to the North with a chord bearing of South 18 degrees 00 minutes 40 seconds West, central angle of 32 minutes 40 seconds, a radius of 174.36 feet 114.34 feet; thence Southwesterly bearing 35 degrees 00 minutes 00 seconds West 20.03 feet; thence Northeasterly on a tangential curve concave to the Southeast with a central angle of 55 degrees, a radius of 54.21 feet 52.04 feet; thence East along the North line of said Lot 1 173.96 feet to the point of beginning and there terminating.

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BY ORDER OF THE EDINA CITY COUNCIL
MARCELLA M. DAEHN
City Clerk

(Feb. 15 & 22, 1989)-ED

STATE OF MINNESOTA)

SS.

COUNTY OF HENNEPIN)

L.J. Canning

, being duly sworn on an oath say

the publisher or authorized agent and employee of the publisher of the newspaper

Edina Sun-Current

, and has full knowledge of the

stated below.

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

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published

for two successive weeks; it was first published on Wednesday, the

of February, 19 89, and was thereafter printed and published on every Wednesday

and including Wednesday, the 22 day of February, 19 89; and

a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as

and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyzz

BY:

L.J. Canning
Publisher

TITLE:

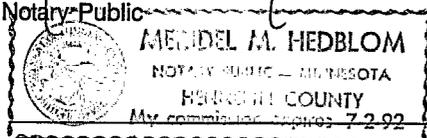
Publisher

Acknowledged before me on this

28 day of February, 19 89.

Marcella M. DaeHN

Notary Public



RATE INFORMATION

| | |
|--|--------------------------|
| (1) Lowest classified rate paid by commercial users for comparable space | \$ <u>1.10</u> per line |
| (2) Maximum rate allowed by law for the above matter | \$ <u>59.8*</u> per line |
| (3) Rate actually charged for the above matter | \$ <u>53.7*</u> per line |

(OFFICIAL PUBLICATION)

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

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

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota will meet at the Edina City Hall, 4801 West 50th Street on March 6, 1989, at 7:00 p.m. for the purpose of holding a public hearing on the proposed vacation of the Mavelle Drive right of way as follows:

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

Please publish in the Edina Sun-Current on February 15 and 22, 1989.
Please send two Affidavits of Publication.



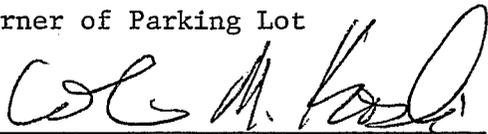
STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
MAVELLE DRIVE RIGHT OF WAY VACATION

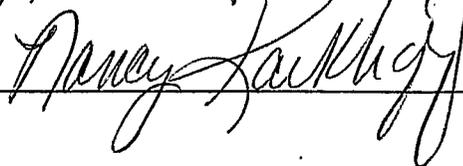
The undersigned, being first duly sworn, upon oath deposes and says that he/she is a duly appointed and acting Police Officer for the City of Edina, Hennepin County, Minnesota, and that on February 17, 1989 he/she posted the Notice of Hearing on the vacation described above to be held on March 6, 1989, a true and correct copy of which is hereto attached, at each of the following official City Bulletin Boards located at conspicuous places within the City:

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

Dated Feb 17, 1989

Signed 
Police Officer

Signed and sworn to before me, a Notary Public
in and for Hennepin County, Minnesota, this
17th day of February, 19 89.





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

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

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota will meet at the Edina City Hall, 4801 West 50th Street on March 6, 1989, at 7:00 p.m. for the purpose of holding a public hearing on the proposed vacation of the Mavelle Drive right of way as follows:

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



REPORT/RECOMMENDATION

| | |
|---|--|
| To: Mayor & City Council | Agenda Item # <u>IX.D.</u> |
| From: Francis Hoffman City Engineer | Consent <input type="checkbox"/> |
| Date: 3 February, 1989 | Information Only <input type="checkbox"/> |
| Subject: France Avenue Reconstruction Mavelle Drive Street Vacation | Mgr. Recommends <input type="checkbox"/> To HRA <input checked="" type="checkbox"/> To Council |
| | Action <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Discussion |

Recommendation:

Set a hearing date for Mavelle Drive vacation March 6, 1989.

Info/Background:

During review of the France Avenue reconstruction from West 70th Street to Minnesota Drive, one parcel (Collins Interior/Room & Board) loses all of its parking on the France Avenue side of the site. Hennepin County and City staff have met with the property owners (John and Martha Gabbert) on several occasions regarding the effects of the France Avenue reconstruction.

The objective of the meetings was to review how the site might be reconstructed to serve all purposes. The County and City needs the France right-of-way for the project. The property owners need the parking spaces for the site.

The site has a significant shortage according to our ordinances. All parties involved understand the need to eliminate as many curb cuts from France Avenue as possible for traffic safety, and restore the site to an equal or better position before the reconstruction of France Avenue.

Report/Recommendation
France Avenue Reconstruction
Mavelle Drive Street Vacation
3 February, 1989

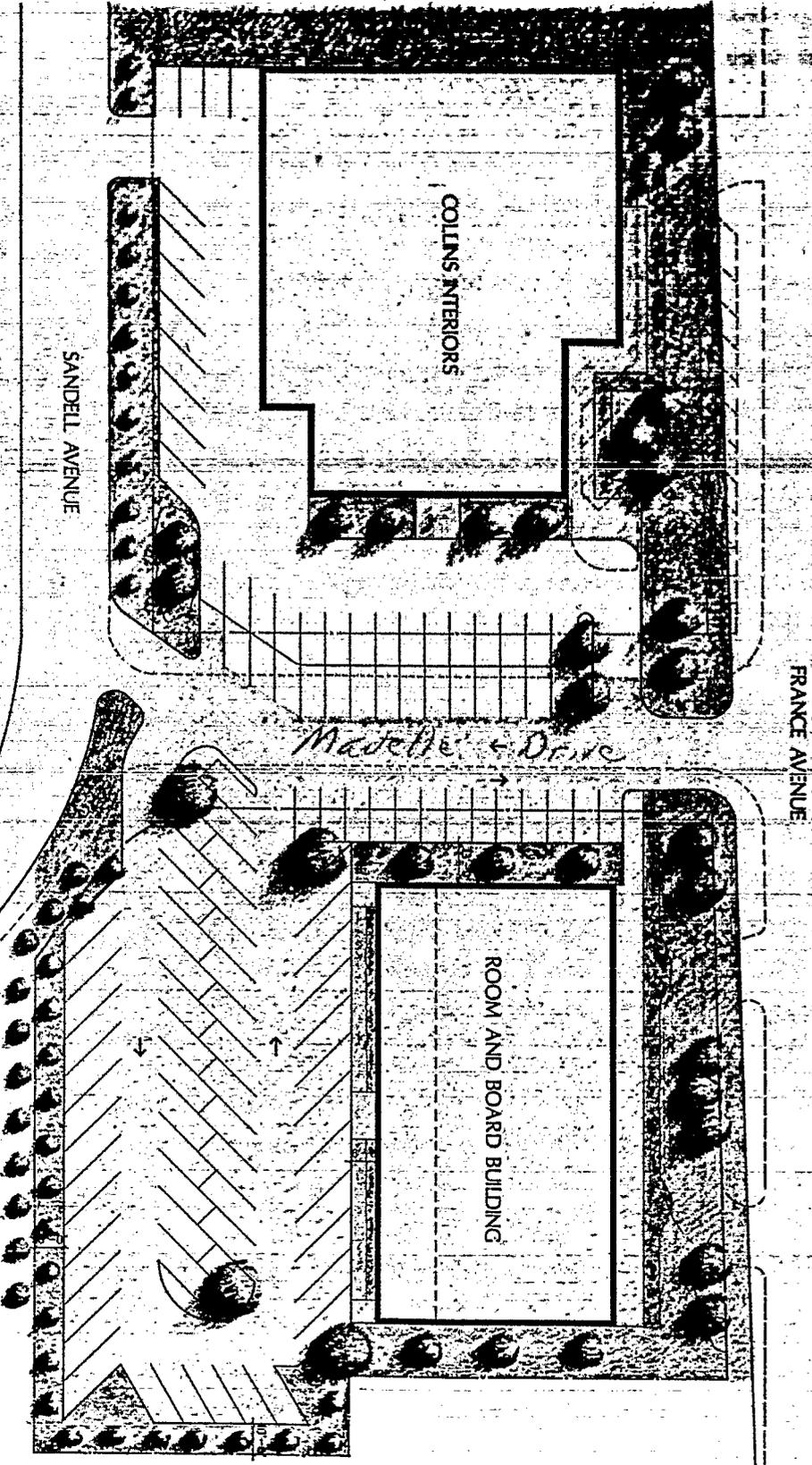
Page Two

As such, City staff has reviewed Mavelle Drive between France Avenue and Sandell as a possible way to restructure the sites to accommodate all needs. Traffic counts done for a day indicate very few people use the existing Mavelle Drive. After an eleven hour manual count, only seventy-seven vehicles drove the entire length of Mavelle Drive (one short block). On those that drove the entire length only a very few were from the neighborhood.

The staff will present additional information at the meeting and describe the attached graphics. The first graphic shows the general layout that would result from restructuring the sites with the Mavelle Drive right-of-way colored in yellow.

The second graphic indicates a site layout with landscaping. Planning Department has reviewed the site plan and indicate several existing non-conforming features would be improved with the plan and some additional review would be necessary.

At this point, City staff strongly recommends conducting a public hearing on vacating Mavelle Drive on March 6th. This would give adjacent neighbors a place to voice their concerns over the idea and provide an answer to the ongoing negotiations between Hennepin County and the property owners.



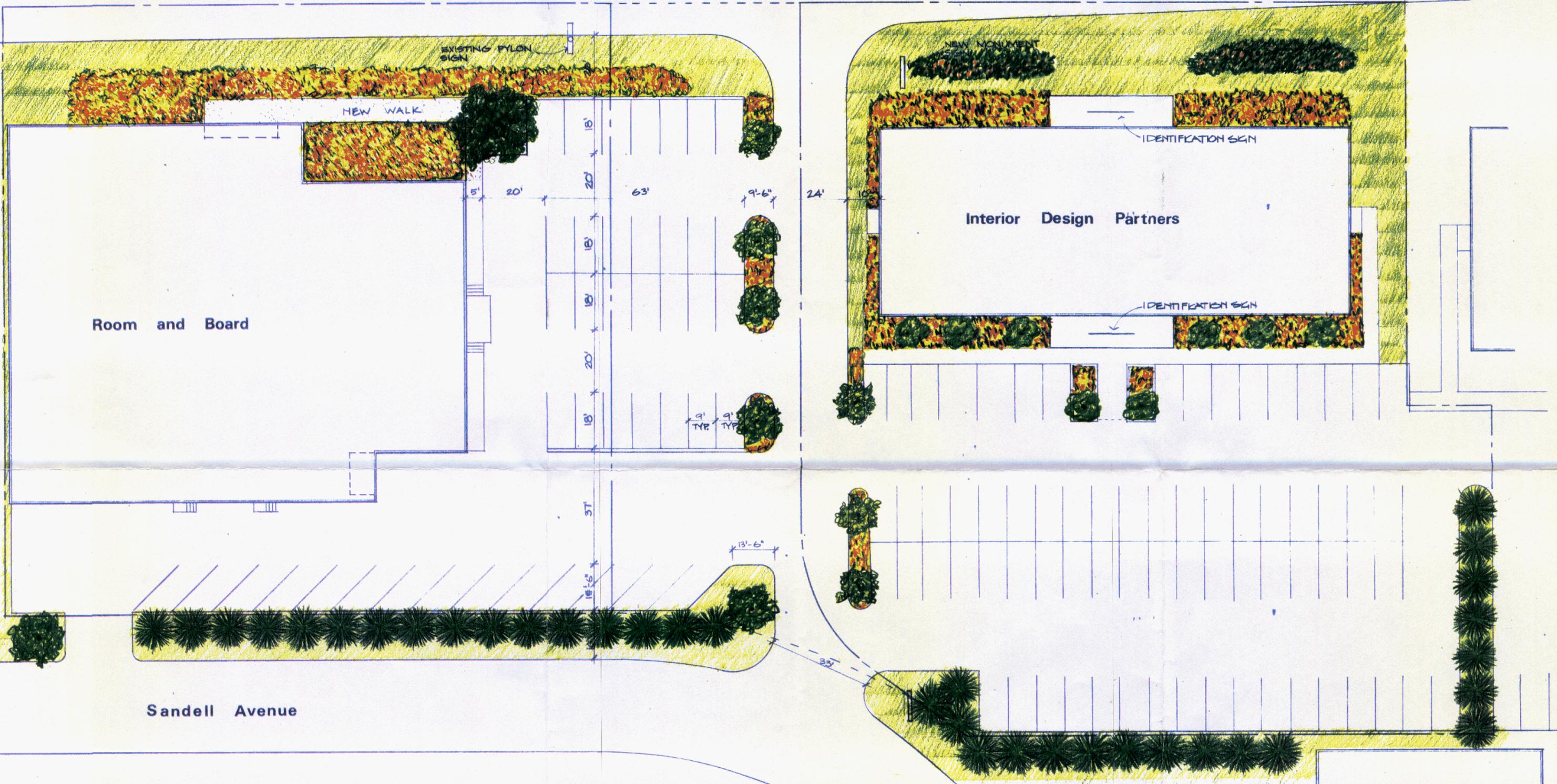
HGA

ROOM AND BOARD BUILDING

7100 FRANCE AVE. • EDINA, MINNESOTA

May 2, 1988

France Avenue



Room and Board

Interior Design Partners

Parking Plan

7010 and 7100 France Avenue



1" = 20'-0"

John and Martha Gabbert