

~~1/23/89~~ VACATION OF SCRIVER ROAD
2/6/89

1/1/74

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

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date January 6, 19 89, acting on behalf of said City I deposited in the United States mail copies of the attached NOTICE OF PUBLIC HEARING - STREET VACATION - SCRIVER ROAD RIGHT OF WAY (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least 14 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and seal of said City this 6th day of January, 19 89.

Marcella M. Daska
Edina City Clerk

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 January 23, 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:

That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, in said plat; then on a assumed bearing of East, along the North line of said Lot 1 and its easterly extension, a distance of 36.65 feet; thence southeasterly, a distance of 36.49 feet, along a tangential curve concave to the Southwest having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds, to the easterly line of said Lot 1 and said line 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

ACRES
127⁴

J. L. L.

HYLAN
MAY

J. L. L.
RIDGE

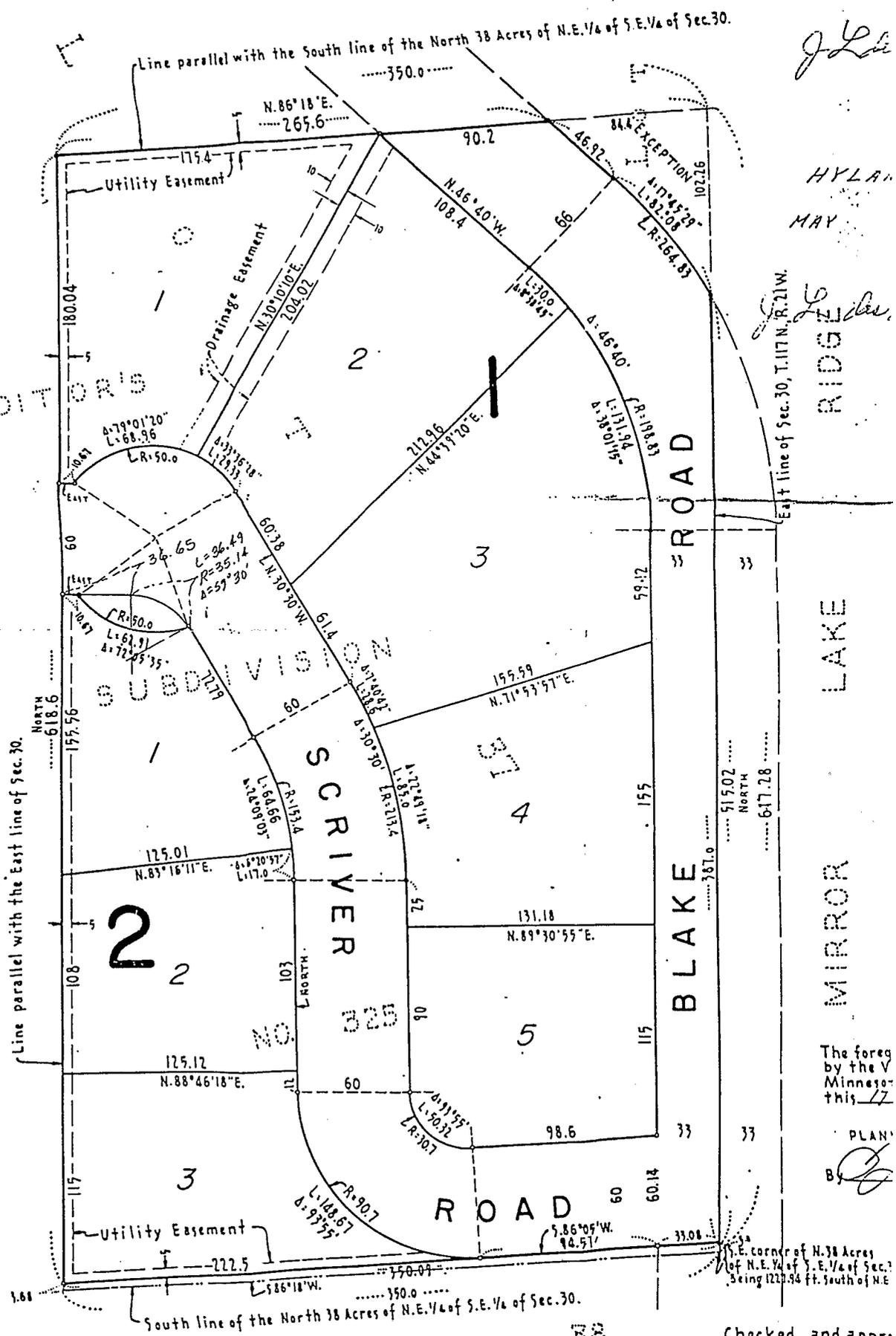
LAKE

MIRROR

The fore
by the V
Minnesota
this 17

PLAN
B. G.

Checked and appr



AUDITOR'S

L O T

L O T

33

N.E. corner of N. 38 Acres
of N.E. 1/4 of S.E. 1/4 of Sec. 30.
Being 127.94 ft. south of N.E.

MAILING LIST - SCRIVER ROAD VACATION - HEARING DATE 1/23/89

30-117-21-41-0017

Douglas R. Linder
6351 Peninsula Rd.
Travis City MI 49684

Rita E. Lukes
Rider, Bennett, Egan & Arundel
2500 First Bank Place West
Minneapolis MN 55402

30-117-21-41-0018

Earl T. Winget, Jr.
5112 Scriver Road (36)

30-117-21-41-0025

David A. and Audrey P. Burkholder (o) 371-4012
5024 Scriver Road (36)

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

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

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

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

HOPKINS
EXH

~~XXXXXXXXXX~~

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

U.S. WEST COMMUNICATIONS by *RA Olson* Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS: _____

LOCATION: SCRIVER ROAD RIGHT OF WAY - CITY OF EDINA

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

Randall A. Olson
569-3015



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

January 11, 1989

Mr. David Burkholder
5024 Scriver Road
Edina, MN 55436

Re: Vacation of Scriver Road Right of Way

Dear Mr. Burkholder:

As you requested by telephone today, I am enclosing a graphic of the proposed easement vacation on Scriver Road which includes your property.

I have checked with the Building Department and to date the owners of Lot 1, Block 2, Hyland Acres have not applied for a building permit. I hope this answers your questions.

Very truly yours,

A handwritten signature in cursive script that reads 'Marcella M. Daehn'.

Marcella M. Daehn
City Clerk

enclosure

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

CERTIFICATE OF POSTING NOTICE

I, the undersigned duly appointed and acting Police Patrolman 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 and foregoing

NOTICE OF CHANGE OF HEARING DATE - SCRIVER ROAD VACATION

on three official City Bulletin Boards, as follows:

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

Dated

1/12/89

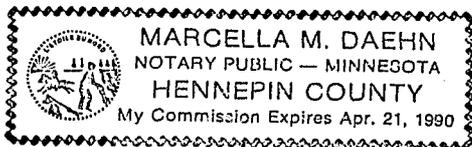
Signed

Donald J. Meunier
Police Patrolman

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

12th day of January, 19 89.

Marcella M. Daehn



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

NOTICE OF CHANGE OF HEARING DATE
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 February 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:

That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, in said plat; then on a assumed bearing of East, along the North line of said Lot 1 and its easterly extension, a distance of 36.65 feet; thence southeasterly, a distance of 36.49 feet, along a tangential curve concave to the Southwest having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds, to the easterly line of said Lot 1 and said line 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



REPORT/RECOMMENDATION

To: Ken Rosland, Manager	Agenda Item # <u>III,F</u>
From: Marcella M. Daehn, Clerk	Consent <input checked="" type="checkbox"/>
Date: January 13, 1988	Information Only <input type="checkbox"/>
Subject: Hearing Date - Scriver Road 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 type="checkbox"/> Discussion

Recommendation:

Motion to re-set hearing date for vacation of Scriver Road to February 6, 1989.

Info/Background:

At the meeting of December 19, 1988, the Council was informed that a petition had been received requesting vacation of Scriver Road right of way. The Council had set January 23, 1989 as the hearing date for this matter. Notice of publication and mailing has been implemented for hearing date of February 6 in view of the fact that the Council will not be meeting on January 23rd.



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

February 7, 1989

Ms. Rita E. Lukes
Rider, Bennett, Egan & Arundel
2500 First Bank Place West
Minneapolis, MN 55402

Re: Vacation of Scriver Road Right of Way
Lot 2, Block 1, Hyland Acres

Dear Ms. Lukes:

At its meeting of February 6, 1989, the Edina City Council granted the vacation of the Scriver Road right of way referenced above. I am enclosing the Notice of Completion of Proceedings for the vacation, together with a certified copy of the resolution. You will note that as requested by the utility companies, a utility easement has been retained.

As requested, these are being sent to you with the understanding that you will arrange to have the Notice of Completion entered into the transfer record of the County Auditor and filed with the County Recorder on behalf of the property owners of record. When this has been completed, please return the document with the recording data thereon to the City of Edina for our files.

If you have any questions, please give me a call.

Very truly yours,

A handwritten signature in cursive script that reads 'Marcella M. Daehn'.

Marcella M. Daehn
City Clerk

(2) enclosures

cc: Thomas S. Erickson, City Attorney
Dorsey & Whitney
2200 First Bank Place East
Minneapolis MN 55402



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 February 6, 1989, adopted a Resolution Vacating Easement for Street Purposes after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for street purposes, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

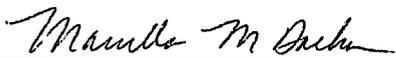
That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, in said plat; then on a assumed bearing of East, along the North line of said Lot 1 and its easterly extension, a distance of 36.65 feet; thence southeasterly, a distance of 36.49 feet, along a tangential curve concave to the Southwest having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds, to the easterly line of said Lot 1 and said line there terminating.

Said vacation did not affect, and there was continued, reserved, and retained, by the said resolution ordering the vacation, a utility easement and the authority of the City of Edina and each and every other person or corporation owning or controlling any electric, telephone, or cable television poles and lines, gas or sewer lines, or water pipes, mains, and hydrants, now in, on, or under the above vacated area, to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend thereto.

The time of completion of proceedings and the effective date of said vacation is February 7, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA



Marcella M. Daehn
City Clerk

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 February 6, 1989, adopted a Resolution Vacating Easement for Street Purposes after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easement for 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 Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, in said plat; then on a assumed bearing of East, along the North line of said Lot 1 and its easterly extension, a distance of 36.65 feet; thence southeasterly, a distance of 36.49 feet, along a tangential curve concave to the Southwest having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds, to the easterly line of said Lot 1 and said line there terminating.

Said vacation did not affect, and there was continued, reserved, and retained, by the said resolution ordering the vacation, a utility easement and the authority of the City of Edina and each and every other person or corporation owning or controlling any electric, telephone, or cable television poles and lines, gas or sewer lines, or water pipes, mains, and hydrants, now in, on, or under the above vacated area, to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend thereto.

The time of completion of proceedings and the effective date of said vacation is February 7, 1989.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk

RESOLUTION VACATING
EASEMENT FOR STREET PURPOSES

WHEREAS, a resolution of the City Council, adopted the 19th day of December, 1988, fixed a date for a public hearing on a proposed vacation of easement for street purposes; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described street right of way is hereby vacated:

That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, in said plat; then on a assumed bearing of East, along the North line of said Lot 1 and its easterly extension, a distance of 36.65 feet; thence southeasterly, a distance of 36.49 feet, along a tangential curve concave to the Southwest having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds, to the easterly line of said Lot 1 and said line there terminating;

PROVIDED, HOWEVER, that after due consideration, the Council has determined and hereby specified that the foregoing vacation shall not affect, and there is hereby continued, reserved and retained a utility easement and the authority of the City of Edina and each and every other person or corporation owning or controlling any electric, telephone or cable television poles and lines, gas or sewer lines, or water pipes, mains and hydrants, now in, on or under the above vacated area, to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend thereto;

The City Clerk is hereby 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.

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by S.E. Fraser Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS: subject to easement to protect underground street light cable

LOCATION: SCRIVER ROAD RIGHT OF WAY - CITY OF EDINA

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by Steve VanBergen Acceptable Opposed Conditional
342-5381

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS: CREATION of a 5 foot utility easement along the
northerly line of proposed vacation. Please send me a
copy of the final

LOCATION: SCRIVER ROAD RIGHT OF WAY - CITY OF EDINA

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

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 January 23, 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:

That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, in said plat; then on a assumed bearing of East, along the North line of said Lot 1 and its easterly extension, a distance of 36.65 feet; thence southeasterly, a distance of 36.49 feet, along a tangential curve concave to the Southwest having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds, to the easterly line of said Lot 1 and said line 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

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by *Ken Goodwin* Acceptable Opposed Conditional

CONDITIONS: *PLEASE SEE ATTACHED MAP.*

LOCATION: SCRIVER ROAD RIGHT OF WAY - CITY OF EDINA

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

January 10, 1989

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

REF: Street and/or Easement Vacation along SCRIVER Road Right Of Way

ROGERS Cablesystems does have underground equipment along the south side of Scriver Road in the utility easement area. It is our mainline serving the area.

Please advise our construction foreman, Joe Thill, before you make any final decisions on this pending vacation.

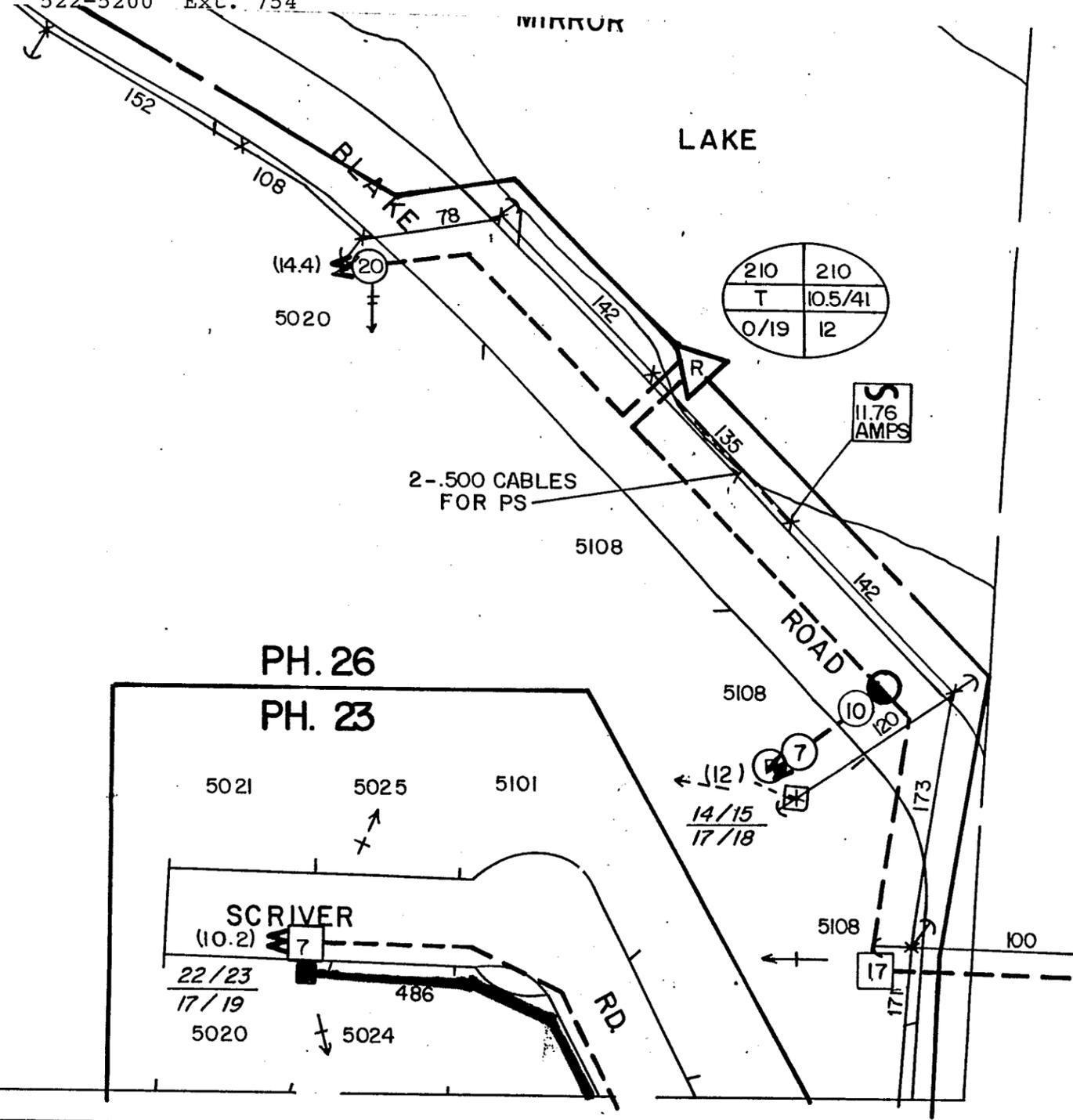
If all the work to be done is actually off of the easement area along Scriver Road as shown, then it should not interfere with our equipment. We would, however like to be informed about the type of change being done so we can mark our equipment and possibly decide if it needs moved.

Sincerely,

Joseph Thill - 522-5200 Ext. 750



Ronald Goodin
 Project Clerk
 522-5200 Ext. 754



DWELLINGS							CITY: EDINA		
RES. SINGLE UNITS	90	COMM.	STRAND FT.	11145	⊗ JOINT	52	53	54	STATE: MINNESOTA
-4 UNITS			U.G. FT.	1219	○ PHONE	62	63	64	DATE:
-8 UNITS			AERIAL WITH U.G.		X POWER	72	73	74	MAP NO.
-18 UNITS			NO. OF UNITS PER AERIAL MILE	37	● CATV				L56-63
+ UNITS			NO. OF UNITS PER U.G. MILE	20	○ OTHER				
TOTAL	90	0			TOTAL				

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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by *Dennis Hoffa* Acceptable Opposed Conditional

MINNEGASCO by _____ Acceptable Opposed Conditional

U.S. WEST COMMUNICATIONS by _____ Acceptable Opposed Conditional

NSP by _____ Acceptable Opposed Conditional

ROGERS CABLESYSTEMS by _____ Acceptable Opposed Conditional

CONDITIONS: _____

LOCATION: SCRIVER ROAD RIGHT OF WAY - CITY OF EDINA

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

Minnesota Suburban Newspapers AFFIDAVIT OF PUBLICATION

City of Edina

(Official Publication)
CITY OF EDINA
4001 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF CHANGE OF HEARING DATE
ON VACATION OF EASEMENT
FOR STREET EASEMENTS
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 January 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:

The proposed street right-of-way is located on the east side of Hyland Acres and now vacant. The proposed street right-of-way lies southerly of a line described as follows:

Beginning at the Northwest corner of Lot 1, Block 1, said plat; then on a assumed bearing of 180 degrees East, along the North line of said Lot 1, an easterly extension, a distance of 100 feet; thence southeasterly, a distance of 100 feet along a tangential curve concave to the east having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds; thence the easterly line of said Lot 1 and there terminating.

All persons who desire to be heard with respect to the question whether or not the above proposed street right-of-way vacation is in the public interest shall be heard at said time and place. The City Council shall consider the extent to which the proposed street right of way vacation affects the easements within the area of the proposed vacation and the extent to which the vacation is in the authority of any person, corporation, municipality owning or controlling electric, gas, telephone, or cable television poles and lines, sewer lines, or water pipes, mains, and conduits on or under the area of the proposed vacation and 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

(Jan. 18, 1989)-ED

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

L.J. Canning

_____ , being duly sworn on an oath said
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 Change of Hearing Date

_____ which is attached was cut from the columns of said newspaper, and was printed and published
for one successive weeks; it was first published on Wednesday, the _____
of January, 19 89, and was thereafter printed and published on every _____
and including _____, the _____ day of _____, 19 _____; and printed below is

a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: L.J. Canning
TITLE: Publisher

Acknowledged before me on this

2 day of February, 19 89.

Meridice M. Hedblom
Notary Public
MERIDICE M. HEDBLOM
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My commission expires 7-2-92

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space	\$ <u>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 CHANGE OF HEARING DATE
ON VACATION OF EASEMENT FOR STREET PURPOSES
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

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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

Please publish in the Edina Sun-Current on January 17, 1989.
Please send two Affidavits of Publication.

1/1/74

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

CERTIFICATE OF MAILING NOTICE

I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date January 12,, 19 89, acting on behalf of said City I deposited in the United States mail copies of the attached NOTICE OF CHANGE OF HEARING DATE - SCRIVER ROAD VACATION

(Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date at least 14 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

WITNESS my hand and seal of said City this 12th day of January, 19 89.

Martha M. Daehn
Edina City Clerk

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

NOTICE OF CHANGE OF HEARING DATE
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 February 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:

That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

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

MAILING LIST - SCRIVER ROAD VACATION - HEARING DATE 1/23/89

30-117-21-41-0017

Douglas R. Linder
6351 Peninsula Rd.
Travis City MI 49684

Rita E. Lukes
Rider, Bennett, Egan & Arundel
2500 First Bank Place West
Minneapolis MN 55402

30-117-21-41-0018

Earl T. Winget, Jr.
5112 Scriver Road (36)

30-117-21-41-0025

David A. and Audrey P. Burkholder (o) 371-6012
5024 Scriver Road (36)

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

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

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

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

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

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

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

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

CITY OF EDINA
4801 W. 50TH STREET
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HENNEPIN COUNTY, MINNESOTA

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

ACRES
127¹/₂

J. L. ...

HYLAN
MAY

J. L. ...

LAKE

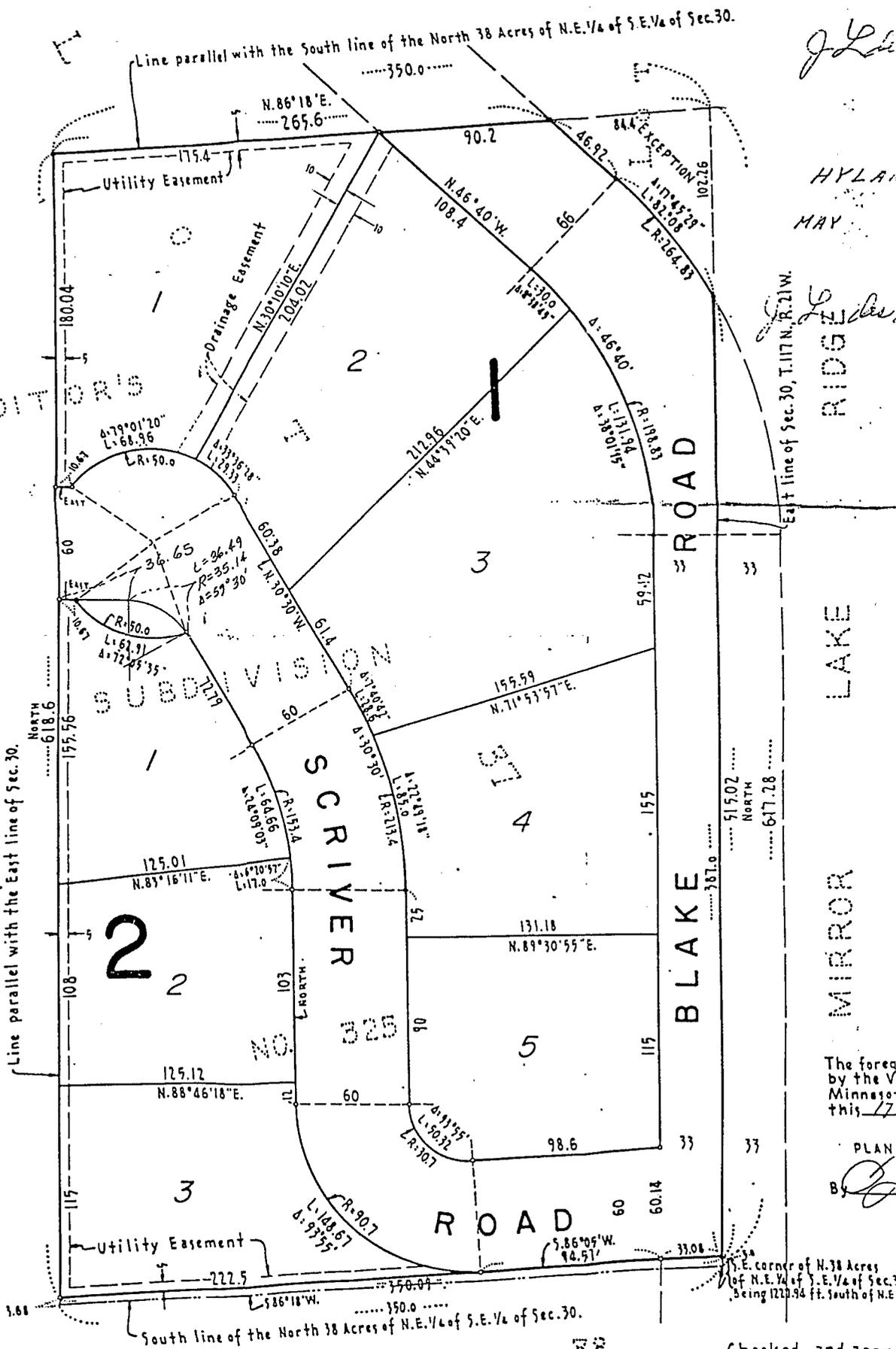
MIRROR

The fore
by the V
Minnesota
this 17

PLAN

By *[Signature]*

Checked and appr



AUDITOR'S

LOT

Line parallel with the East line of Sec. 30.

South line of the North 38 Acres of N.E. 1/4 of S.E. 1/4 of Sec. 30.

NORTH
617.28

NORTH
519.02

LOT

38

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

AFFIDAVIT OF POSTING NOTICE OF HEARING ON
STREET VACATION - SCRIVER ROAD RIGHT OF WAY

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 January 6, 1989 he/she posted the Notice of Hearing on the vacation described above to be held on 1/23/89, 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 1-8-89

Signed

Dani J. Macdonald
Police Officer

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

*Found in Capt's in basket on
Sun 1/8/89.*

Vince B

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

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

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

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

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

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

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

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

Minnesota Suburban Newspapers AFFIDAVIT OF PUBLICATION

(Official Publication)
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 Edina City Hall, 4801 West 50th Street on January 11, 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:

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 or

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

of January, 1989, and was thereafter printed and published on every Wednesday to

and including Wednesday, the 11 day of January, 1989; 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:

L.J. Canning

TITLE:

Publisher

Acknowledged before me on this

3 day of March, 1989.

Meridel M. Hedblom

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

RATE INFORMATION

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

(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

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

Please publish in the Edina Sun-Current on January 4 and 11, 1989.
Please send two Affidavits of Publication.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that Douglas R. Linder and Linda Linder, husband and wife, "Grantors", do by these presents hereby make, constitute and appoint Dayton E. Soby, "Attorney", of the County of Hennepin and State of Minnesota their true and lawful Attorney in Fact for and in their name, place and stead, to:

Commence a proceeding to vacate part of the dedicated street or cul-de-sac bordering on Grantors' property lying and being in the County of Hennepin, State of Minnesota, described as follows, to-wit:

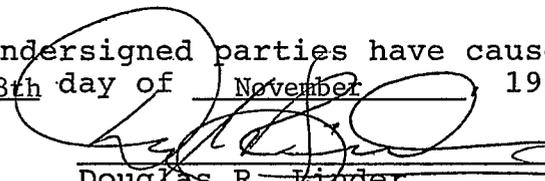
Lot 1, Block 2, Hyland Acres, Hennepin County, Minnesota;

and to execute on Grantors' behalf any and all documents in connection with the vacation of any part of such street or cul-de-sac, to arrange for description of the property to be vacated, to appear on Grantors' behalf at such Planning Commission, Board of Appeals and City Council hearings and other hearings as may be required in bringing the vacation proceedings to a completion and to do each and every thing necessary so that the property is attached to Lot 1, Block 2, Hyland Acres, in the office of the County Recorder, Hennepin County, Minnesota and to do each and all things necessary or required to be done by the Grantors such that vacation proceeding is completed and the property attached in the office of the County Recorder;

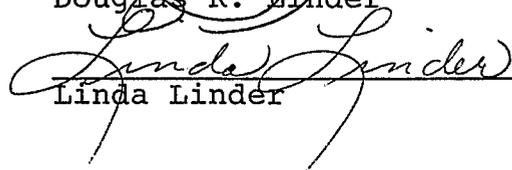
Granting and giving to said Attorney in Fact full authority and power to do and perform any and all other acts necessary or incident to the performance and execution of the power herein expressly granted, with power to do and perform all acts authorized hereby and do hereby ratify and confirm all acts of its said Attorney which he shall legally do in the performance and execution hereof.

This Power of Attorney shall not be affected by the disability of the Grantors.

IN TESTIMONY WHEREOF, the undersigned parties have caused these presents to be executed this 28th day of November 1988.



Douglas R. Linder



Linda Linder

Federative Republic of Brasil)
STATE OF State of São Paulo)
City of São Paulo) s s.
Consulate General of the) SS.
COUNTY OF United States of America)

The foregoing instrument was acknowledged before me this 28th day of November 1988 by Douglas R. Linder and Linda Linder, husband and wife.

THIS INSTRUMENT WAS DRAFTED BY:

RIDER, BENNETT, EGAN & ARUNDEL
2500 First Bank Place West
Minneapolis, MN 55402



JOAN E. GARNER
Consul of the United States of America
Notary Public or
My Commission Expires: Indefinite

EXHIBIT B

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

**AFFIDAVIT OF ATTORNEY-IN-FACT
AS CONCLUSIVE PROOF OF NON-
TERMINATION AND NONREVOCATION
IN REAL ESTATE TRANSACTIONS**

Dayton E. Soby, being first duly sworn,
(Attorney-In-Fact)

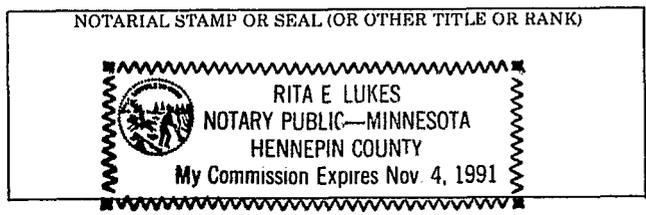
states under oath that he/she is the Attorney-In-Fact for Douglas R. Linder and Linda Linder
(Principal)

of Brazil, under an instrument granting said Power of Attorney
dated November 28, 1988; that as of date hereof he/she does not have actual knowledge of
the termination of the said Power of Attorney by reason of the death of the principal, or, if the Power of Attorney is
one which terminates upon the incompetence of the principal, actual knowledge of the principal's incompetence,
or actual notice of the revocation of this Power of Attorney.

Dated: December 12, 1988

Dayton E. Soby
Affiant Dayton E. Soby

Subscribed and sworn to before me this
12 day of December, 1988.
Rita E. Lukes
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL



ACRES
127

J.L.S.

HYLAN
MAY

J.L.S.
RIDGE

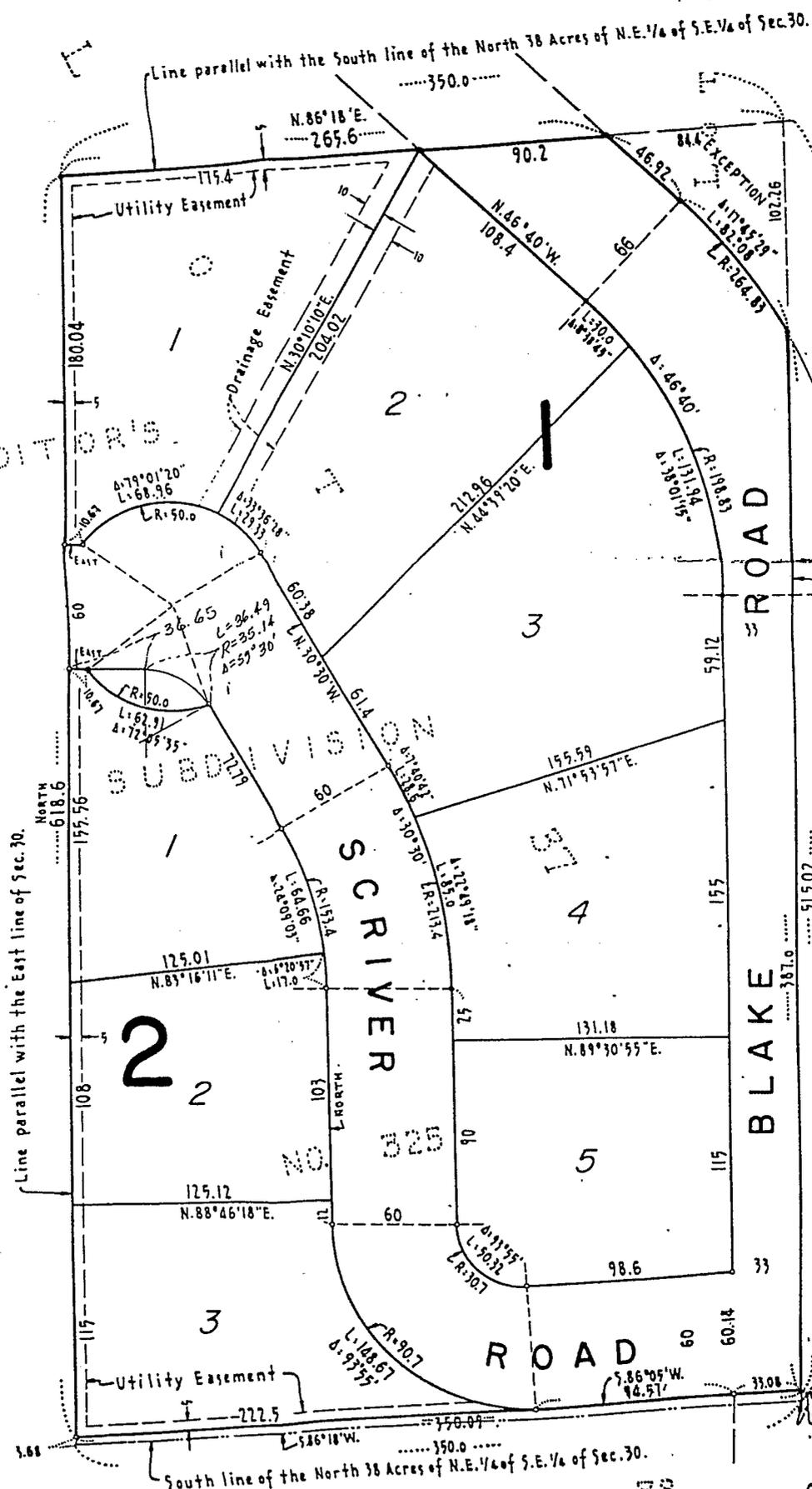
LAKE

MIRROR

The foregoing by the
Village of
Minnetonka,
this 17th

PLANNED
By *J.L.S.*

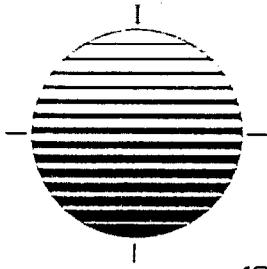
Checked and approved
H.



AUDITOR'S

L O T

L O T



SCHOELL & MADSON, INC.

ENGINEERS • SURVEYORS • PLANNERS
SOIL TESTING

10550 WAYZATA BOULEVARD • MINNETONKA, MN 55343-5482
(612) 546-7601 • FAX (612) 546-9065

November 28, 1988

Ms. Rita E. Lukes
Rider, Bennett, Egan & Arundel
2500 First Bank Place West
Minneapolis, Minnesota 55402

Subject: Street vacation in HYLAND ACRES in
City of Edina.
Our File No. 61254-002

Dear Ms. Lukes:

The portion of Scriver Road which abuts Lot 1, Block 2, HYLAND ACRES that is to be vacated should be described as follows:

That part of Scriver Road dedicated on the recorded plat of HYLAND ACRES and now vacated which lies southerly of a line described as follows:

Beginning at the northwest corner of Lot 1, Block 2, in said plat; then on an assumed bearing of East, along the north line of said Lot 1 and its easterly extension, a distance of 36.65 feet; then southeasterly, a distance of 36.49 feet, along a tangential curve concave to the southwest having a radius of 35.14 feet and a central angle of 59 degrees 30 minutes 00 seconds, to the easterly line of said Lot 1 and said line there terminating.

The portion of Scriver Road that is to be vacated contains 718 square feet. With the addition of this portion of vacated road Lot 1 will contain 14,358 square feet or 0.3296 acres.

The attached sketch shows the portion of Scriver Road which is to be vacated.

Very truly yours,

SCHOELL & MADSON, INC.

Theodore D. Kemna

Theodore D. Kemna

TDK: pk

cc: Mr. Robert Overmeyer

AFFIRMATIVE ACTION • EQUAL OPPORTUNITY EMPLOYER



REPORT/RECOMMENDATION

To: KEN ROSLAND, MANAGER	Agenda Item # VIII.A
From: MARCELLA DAEHN, CLERK	Consent <input type="checkbox"/>
Date: DECEMBER 15, 1988	Information Only <input type="checkbox"/>
Subject: PETITION FOR STREET VACATION - SCRIVER ROAD	Mgr. Recommends <input type="checkbox"/> To HRA
	<input checked="" type="checkbox"/> To Council
	Action <input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Resolution
	<input type="checkbox"/> Ordinance

Recommendation:

Adoption of resolution setting 1/23/89 as hearing date for the vacation of part of Scriver Road right of way.

Info/Background:

A petition has been filed with the City requesting vacation of a part of the Scriver Road right of way, dated December 12, 1988.

A hearing date of January 23, 1989 is recommended to allow time for the required publication and mailing of notices to adjacent property owners and utility companies.

RIDER, BENNETT, EGAN & ARUNDEL
MINNEAPOLIS, MN 55402

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM DVO-2 V-2

DATE	DESCRIPTION	AMOUNT
12/12/88	Vacation of cul-de-sac Client 5456 Matter 88-0623	\$75.00

RIDER, BENNETT, EGAN & ARUNDEL

ATTORNEYS AT LAW

2500 FIRST BANK PLACE WEST

MINNEAPOLIS, MINNESOTA 55402

TELEPHONE (612) 340-7951

TELECOPIER (612) 375-0701

December 12, 1988

WRITER'S DIRECT DIAL NUMBER

340-7915

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JONATHAN N. JASPER
ANNE BRYANT WIGHT

GENE F. BENNETT
(1926-1983)

OF COUNSEL
STUART W. RIDER, JR.
KENNETH R. JOHNSON

*ALSO ADMITTED IN WISCONSIN

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

Re: Lot 2, Block 1, Hyland Acres

Dear Ms. Daehn:

Enclosed herewith is a Petition to Vacate a part of a cul-de-sac. Also attached is Exhibit A which is a description of the property to be vacated and as Exhibit A-1, a graphic. Also attached is a Power of Attorney and Affidavit of Continuance which run to Dayton E. Soby, the attorney handling the proceedings for the Linders.

The Linders, the property owners, are in Brazil and would like to have the street vacation completed before they return and would also like to have the building commenced and completed before they return sometime next June.

The vacation is of a platted cul-de-sac and only the Linders' portion of the property is proposed to be vacated. I've discussed this matter with Bob Overmeyer and, it is my understanding that there is no requirement to circulate the Petition.

We have also enclosed a check in the amount of \$75.00 payable to "The City of Edina" with respect to the vacation proceedings.

I understand once you receive the Petition and it is in order, you will arrange publication and the matter will be put on the calendar for hearing. I also understand that you will keep us informed as to when the hearing date will be.

RIDER, BENNETT, EGAN & ARUNDEL

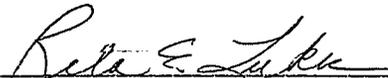
Ms. Marcella M. Daehn
December 12, 1988
Page 2

If there are any questions with respect to this proceeding or if I can provide you with any further information, please do not hesitate to call.

Thanks for your assistance.

Very truly yours,

RIDER, BENNETT, EGAN & ARUNDEL

By 
Rita E. Lukes
Legal Assistant

REL:aea

Enclosure

cc: Mr. and Mrs. Douglas Linder
William L. Howard