

4/6/97 VACATION OF STREET EASEMENT  
Braemar Hills 11th Addition  
Lots 4 and 5

April 13, 1987

A Notice of Completion of Proceedings for Vacation of Easements on Lots 4 and 5, Block 1, Braemar Hills 11th Addition was sent to you last week. Please destroy that document and substitute the attached one. There was an error in the legal description.

If you have questions please call me at 927-8861.

Marcella Daehn  
City Clerk

(Last line easterly instead of northerly.)



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

RESOLUTION VACATING EASEMENTS FOR  
STREET, DRAINAGE AND UTILITY PURPOSES

WHEREAS, a resolution of the City Council, adopted the 23rd day of February, 1987, fixed a date for a public hearing on a proposed vacation of easements for street, drainage and utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 6th day of April, 1987, 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 easements vacation be made; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described easements be and are hereby vacated effective as of April 7, 1987:

Right of way and drainage and utility easements on and adjacent to Lots 4 and 5, Block 1, Braemar Hills 11th Addition:

That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,

Also that part of the adjacent drainage and utility easement lying West of a line 10 feet West of and parallel with the East line of said Lot 4, and its northerly extensions.

Except for drainage and utility easements over the East 10 feet of the above described vacated Marth Court; and except for that part lying 5 feet on either side of the South line of said Lot 5 and its ~~northerly~~ <sup>easterly</sup> extension.

Provided however that after due consideration, the Council has determined and hereby specifies that the foregoing vacation shall not affect, and there is hereby continued, reserved and retained the following existing easements and authority in, on, and under the above vacated area:

- 1) The authority of Minnegasco to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains, and lines for gas now in, on or under the above vacated area;

- 2) The authority of Northern States Power Company to enter upon the vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains, and lines for electric power now in, on or under the above vacated area.

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

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

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina, do hereby certify that the attached and foregoing resolution was duly adopted by the Edina City Council at its Regular Meeting of April 6, 1987, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 9th day of April, 1987.

*Marilyn M. Dack*

\_\_\_\_\_  
City Clerk



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

RESOLUTION VACATING EASEMENTS FOR  
STREET, DRAINAGE AND UTILITY PURPOSES

WHEREAS, a resolution of the City Council, adopted the 23rd day of February, 1987, fixed a date for a public hearing on a proposed vacation of easements for street, drainage and utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 6th day of April, 1987, 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 easements vacation be made; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described easements be and are hereby vacated effective as of April 7, 1987:

Right of way and drainage and utility easements on and adjacent to Lots 4 and 5, Block 1, Braemar Hills 11th Addition:

That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,

Also that part of the adjacent drainage and utility easement lying West of a line 10 feet West of and parallel with the East line of said Lot 4, and its northerly extensions.

Except for drainage and utility easements over the East 10 feet of the above described vacated Marth Court; and except for that part lying 5 feet on either side of the South line of said Lot 5 and its easterly extension.

Provided however that after due consideration, the Council has determined and hereby specifies that the foregoing vacation shall not affect, and there is hereby continued, reserved and retained the following existing easements and authority in, on, and under the above vacated area:

- 1) The authority of Minnegasco to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains, and lines for gas now in, on or under the above vacated area;

- 2) The authority of Northern States Power Company to enter upon the vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains, and lines for electric power now in, on or under the above vacated area.

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

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

CERTIFICATE OF CITY CLERK

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WITNESS my hand and seal of said City this 9th day of April, 1987.

*Martha M. Dachs*

\_\_\_\_\_  
City Clerk

NOTICE OF COMPLETION OF PROCEEDINGS  
ON VACATION OF EASEMENTS FOR STREET, DRAINAGE AND UTILITY PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on April 6, 1987, adopted a Resolution Vacating Easements for Street, Drainage and Utility Purposes after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easements vacation be made, which resolution ordered the vacation of the following described easements for street, drainage and utility purposes, all as platted and of record in the office of the County Recorder in and for Hennepin County, Minnesota:

Right of way and drainage and utility easements on and adjacent to Lots 4 and 5, Block 1, Braemar Hills 11th Addition:

That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,

Also that part of the adjacent drainage and utility easement lying west of a line 10 feet West of and parallel with the East line of said Lot 4, and its northerly extensions.

Except for drainage and utility easements over the East 10 feet of the above described vacated Marth Court; and except for that part lying 5 feet on either side of the South line of said Lot 5 and its easterly extension.

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

- 1) The authority of Minnegasco to enter upon the above vacated area to maintain, repair, replace, remove, or other attend to, all of the poles, pipes, mains, and lines for gas now in, on or under the above vacated area;
- 2) The authority of Northern States Power Company to enter upon the vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains, and lines for electric power now in, on or under the above vacated area.

The time of completion of proceedings and the effective date of said vacation is April 7, 1987.

BY ORDER OF THE CITY COUNCIL,  
CITY OF EDINA

---

City Clerk

RESOLUTION VACATING EASEMENTS FOR  
STREET, DRAINAGE AND UTILITY PURPOSES

WHEREAS, a resolution of the City Council, adopted the 23rd day of February, 1987, fixed a date for a public hearing on a proposed vacation of easements for street, drainage and utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 6th day of April, 1987, 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 easements vacation be made; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described easements be and are hereby vacated effective as of April 7, 1987:

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- 1) The authority of Minnegasco to enter upon the above vacated area to maintain, repair, replace, remove, or otherwise attend to, all of the poles, pipes, mains, and lines for gas now in, on or under the above vacated area;

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

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

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina, do hereby certify that the attached and foregoing resolution was duly adopted by the Edina City Council at its Regular Meeting of April 6, 1987, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this 9th day of April, 1987.

---

City Clerk



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

April 9, 1987

Byron L. Zotaley  
Levander, Zotaley, Vander Linden & Ryland  
720 Northstar Center  
Minneapolis, MN 55402

Re: Vacation of Easements  
Lots 4 and 5, Braemar Hills 11th Addition

Dear Mr. Zotaley:

Enclosed are two copies of Notice of Completion of Proceedings for the above referenced vacation together with two copies of the resolution adopted by the Edina City Council at its meeting of April 6, 1987.

You will note that the resolution reserves in favor of Minnegasco and Northern States Power Company a utility easement within said described vacation for maintenance of their gas and electric lines per their request.

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

Very truly yours,

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

Marcella M. Daehn  
City Clerk

cc: Thomas S. Erickson P.A.,  
City Attorney  
Dorsey and Whitney



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

April 9, 1987

Thomas S. Erickson, P.A.  
Dorsey and Whitney  
2200 First Bank Place  
Minneapolis, MN 55402

Re: Vacation of Easements  
Lots 4 and 5, Braemar Hills 11th Addition

Dear Tom:

Enclosed is a copy of Notice of Completion of Proceedings on the above referenced vacation as authorized by the Edina City Council at its meeting of April 6, 1987.

Also enclosed is a copy of my letter to Bryon L. Zotaley, attorney, who has requested that the documents be sent to him for filing.

Very truly yours,

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

Marcella M. Daehn  
City Clerk

enclosures (2)

THOMSEN, NYBECK, JOHNSON, BOUQUET & VAN VALKENBURG, P.A.

LAW OFFICES

SUITE 102

7250 FRANCE AVENUE SOUTH

MINNEAPOLIS (EDINA), MINNESOTA 55435

(612) 835-7000

GLENN G. NYBECK  
GORDON V. JOHNSON  
JOHN K. BOUQUET  
JAMES VAN VALKENBURG  
MARK G. OHNSTAD  
DONALD D. SMITH  
MARSH J. HALBERG  
DENNIS M. PATRICK  
JOHN R. PRAETORIUS  
PHILIP L. SIEFF

OF COUNSEL  
HELGE THOMSEN  
RICHARD D. WILSON, P.A.  
JACK W. CARLSON  
STEVEN J. QUAM  
ROBERT E. ZECK

March 30, 1987

Mayor C. Wayne Courtney  
Members of Edina Council

RE: Braemar Hills 11th Addition

Dear Ladies and Gentlemen:

On your Agenda for April 6, 1987 meeting is a request by the owners of Lots 4 and 5 of Braemar Hills 11th Addition to vacate certain property. I am enclosing copies of the diagram showing the part to be vacated.

At the time the property was platted the Engineering Department asked for a dedication of a part of that property for a cul de sac and it was granted.

When the cul de sac was actually constructed, it did not encroach on Lots 4 and 5 and we are asking that that part now be vacated. There is no need for the encroachment and, of course, the easement on the front (east) will continue for utilities.

That is important as the proposed construction of the property of Lot 5 will have to be set back much further if this cul de sac remains.

We asked that the same be vacated at this time so that they may proceed with their construction.

March 30, 1987

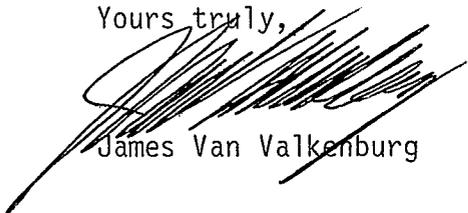
I have spoken with Mr. Hanson whose property is directly across the street and have sent him copies of this diagram and he agrees that it will not affect him.

Mr. Hanson also indicates that he has talked with Fran Hoffman and there will be no change in any of the gas, water, sewer or other lines that service his property, and accordingly he indicates he probably will not attend the meeting.

We would ask for the vacation of this right of way and the easements subject to the placing of new easements over the east 10 feet of the vacated portion to conform with the easements on the other lots.

If there are any questions I would appreciate hearing.

Yours truly,



James Van Valkenburg

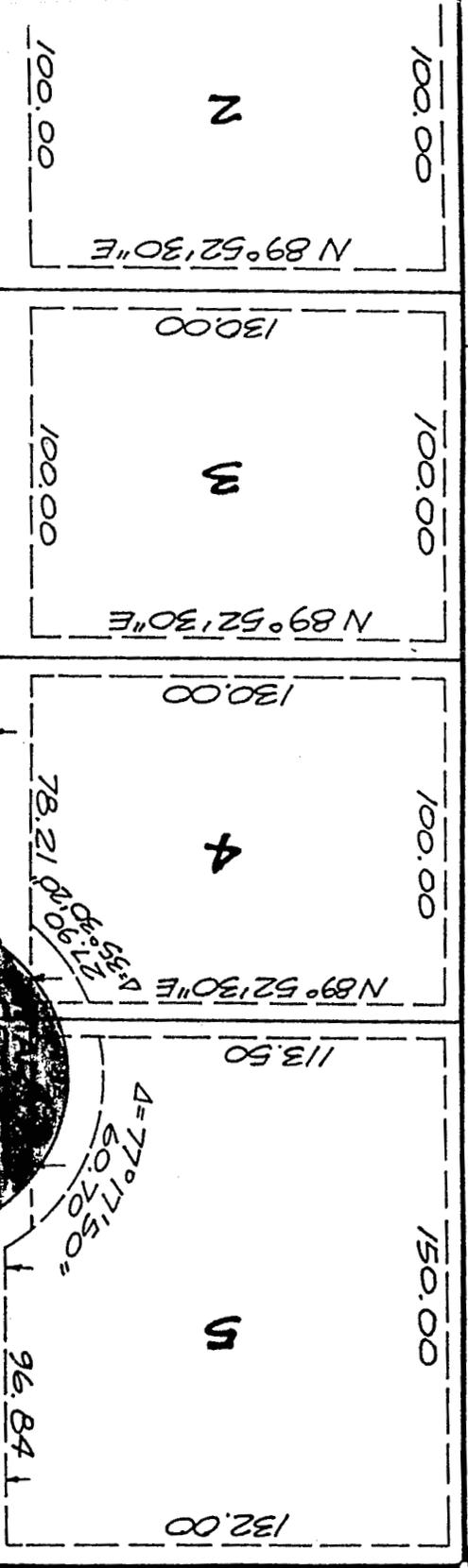
JVV:jd

cc: Mr. Byron Zotaley  
Mr. Warren Hanson  
Mr. Fran Hoffman

WEST LINE OF THE EASTERLY 132.00 FEET OF THE SOUTH  
OF S.W. 1/4 OF SEC. 8.

BRAEMAR HILLS 9TH ADDITION

N 0° 36' 39" W --- 658.07 ---



THE NORTHERLY LINE OF THE SOUTH 1/2  
OF THE S.W. 1/4 OF SEC. 8.  
BRAEMAR HILLS  
10TH ADDITION

N 0° 36' 39" W --- 658.21 ---

THE EAST LINE OF THE S.W. 1/4 OF SEC. 8.

DITION

WARREN  
HANSON  
ADDITION

2ND ADDITION

DEWEY HILL

DRAWN BY  
SCALE

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

NOTICE OF PUBLIC HEARING ON VACATION OF  
 EASEMENTS FOR STREET, DRAINAGE AND UTILITY PURPOSES  
 IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on April 6, 1987, at 7 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easements for street, drainage and utility purposes:

Right of way and drainage and utility easements on and adjacent to Lots 4 and 5, Block 1, Braemar Hills 11th Addition.

That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,

Also that part of the adjacent drainage and utility easement lying West of a line 10 feet West of and parallel with the East line of said Lot 4, and its northerly extensions.

EXCEPT FOR ~~Subject to proposed drainage and utility easements over:~~

The East 10 feet of the above described vacated Marth Court,

Also that part lying 5 feet on either side of the South line of said Lot 5 and its easterly extension.

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

BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn  
 City Clerk

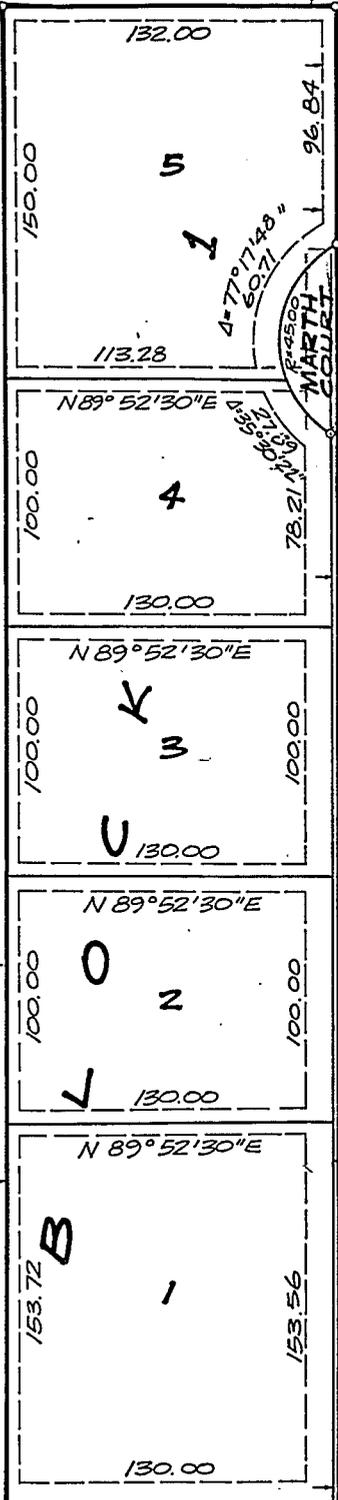
BRAEMAR HILLS  
10TH ADDITION  
THE NORTH LINE OF THE SOUTH 1/2  
OF THE S.W. 1/4 OF S.W. 1/4 OF SEC. 8.  
N 89° 52' 30" E

DEWEY HILL

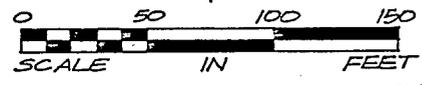
SECOND ADDITION

BRAEMAR HILLS 9TH ADDITION

THE WEST LINE OF THE EASTERLY 132.00 FEET OF THE SOUTH  
1/2 OF S.W. 1/4 OF S.W. 1/4 OF SEC. 8.  
N 0° 36' 39" W --- 658.07 ---

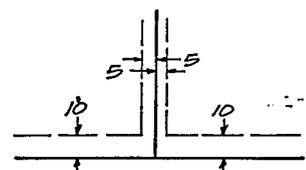


WARREN  
HANSON  
ADDITION



° DENOTES IRON MONUMENT  
BEARINGS SHOWN ARE ASSUMED

DRAINAGE AND UTILITY EASEMENT  
ARE SHOWN THUS:



BEING 10.0 FEET IN WIDTH AND  
ADJOINING R.O.W. LINES, AND  
5.0 FEET IN WIDTH AND ADJOINING  
LOT LINES, UNLESS OTHERWISE  
INDICATED, AS SHOWN ON THE PLAT

WEST 78TH  
N 89° 48' 20" E  
WEST 78TH STREET  
THE SOUTH LINE OF THE S.W. 1/4 OF SEC. 8  
N 89° 56' 09" E  
THE S.E. CORNER OF THE S.W. 1/4  
OF THE S.W. 1/4 OF SEC. 8, T. 116, R. 21.

8TH  
STREETS

60  
MARTH  
CIRCLE

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 VanBuren  Acceptable  Opposed  Conditional

NORTHWESTERN BELL by \_\_\_\_\_  Acceptable  Opposed  Conditional

NSP by \_\_\_\_\_  Acceptable  Opposed  Conditional

ROGERS CABLESYSTEMS by \_\_\_\_\_  Acceptable  Opposed  Conditional

CONDITIONS: \_\_\_\_\_

LOCATION: BRAEMAR HILLS 11TH ADDITION, Lots 4 and 5  
Our gas main is located 4 feet behind the  
existing curb.

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

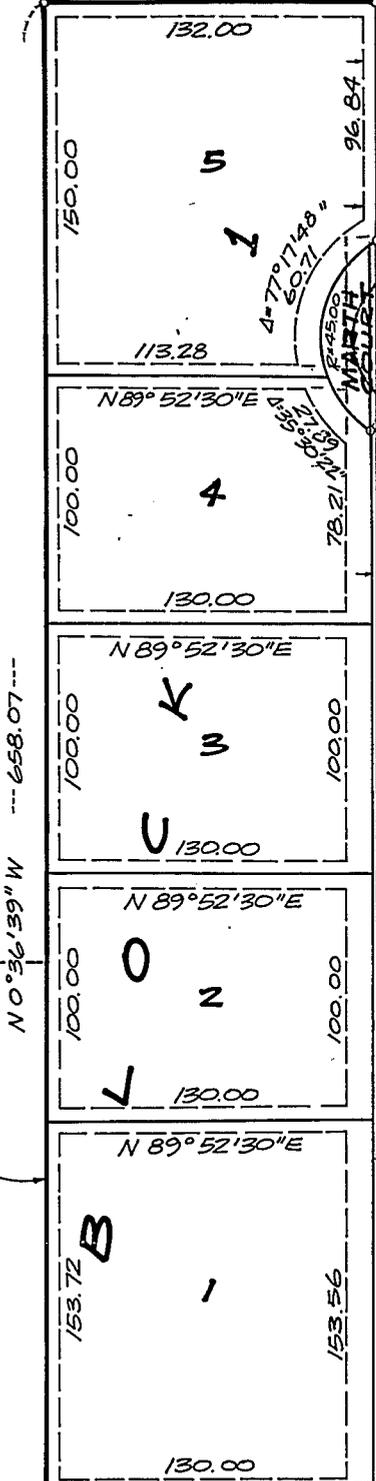
BRAEMAR HILLS  
10TH ADDITION  
THE NORTH LINE OF THE SOUTH 1/2  
OF THE S.W. 1/4 OF S.W. 1/4 OF SEC. 8.  
N 89° 52' 30" E

DEWEY HILL

SECOND ADDITION

BRAEMAR HILLS 9TH ADDITION

THE WEST LINE OF THE EASTERLY 132.00 FEET OF THE SOUTH  
1/2 OF S.W. 1/4 OF SEC. 8.  
BRAEMAR HILLS 9TH ADDITION



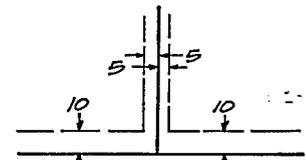
WARREN  
HANSON  
ADDITION

N

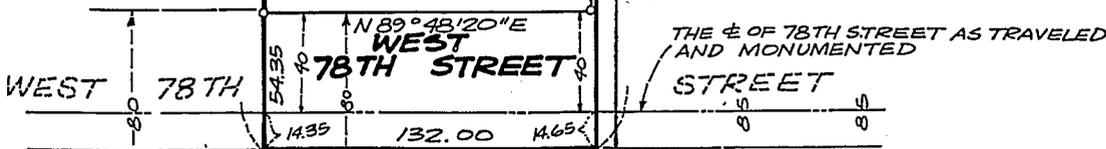


SCALE IN FEET  
• DENOTES IRON MONUMENT  
BEARINGS SHOWN ARE ASSUMED

DRAINAGE AND UTILITY EASEMENT  
ARE SHOWN THUS:



BEING 10.0 FEET IN WIDTH AND  
ADJOINING R.O.W. LINES, AND  
5.0 FEET IN WIDTH AND ADJOINING  
LOT LINES, UNLESS OTHERWISE  
INDICATED, AS SHOWN ON THE PLAT



THE SOUTH LINE OF THE S.W. 1/4 OF SEC. 8  
N 89° 56' 09" E  
THE S.E. CORNER OF THE S.W. 1/4  
OF THE S.W. 1/4 OF SEC. 8, T. 116, R. 21.

WEST 78TH  
MARTH COURT  
MARTH CIRCLE

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

NOTICE OF PUBLIC HEARING ON VACATION OF  
EASEMENTS FOR STREET, DRAINAGE AND UTILITY PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on April 6, 1987, at 7 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easements for street, drainage and utility purposes:

Right of way and drainage and utility easements on and adjacent to Lots 4 and 5, Block 1, Braemar Hills 11th Addition.

That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,

Also that part of the adjacent drainage and utility easement lying West of a line 10 feet West of and parallel with the East line of said Lot 4, and its northerly extensions.

Subject to proposed drainage and utility easements over:

The East 10 feet of the above described vacated Marth Court,

Also that part lying 5 feet on either side of the South line of said Lot 5 and its easterly extension.

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

BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn  
City Clerk

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

NORTHWESTERN BELL by \_\_\_\_\_  Acceptable  Opposed  Conditional

NSP by J. E. Fraser  Acceptable  Opposed  Conditional

ROGERS CABLESYSTEMS by \_\_\_\_\_  Acceptable  Opposed  Conditional

CONDITIONS: subject to 10' utility easement being granted to  
protect existing U.G. cable on Lots 4 and 5

LOCATION: \_\_\_\_\_  
\_\_\_\_\_

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 WEST 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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by \_\_\_\_\_  Acceptable  Opposed  Conditional

MINNEGASCO by \_\_\_\_\_  Acceptable  Opposed  Conditional

NORTHWESTERN BELL by \_\_\_\_\_  Acceptable  Opposed  Conditional

NSP by \_\_\_\_\_  Acceptable  Opposed  Conditional

ROGERS CABLESYSTEMS by \_\_\_\_\_  Acceptable  Opposed  Conditional

*Tom Durbaker* 4-8-87

CONDITIONS: \_\_\_\_\_

LOCATION: \_\_\_\_\_ Lots 4 and 5, Block 1, Braemar Hills 11th Addition

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

# Minnesota Suburban Newspapers, Inc.

## AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

ss.

COUNTY OF HENNEPIN)

Donald K. Mortenson, being duly sworn on an oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Edina Sun-Current, and has full knowledge of the facts which are stated below.

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

(B) The printed Notice of Public Hearing

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for one successive weeks; it was first published on Wednesday, the 18 day of March, 1987, and was thereafter printed and published on every \_\_\_\_\_ to 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: Donald K. Mortenson  
 TITLE: Operations Manager

Subscribed and sworn to before me on this

20 day of March, 1987.

Notary Public: MENDEL M. HEDBLUM  
 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>1.85 per line</u> (Line, word, or inch rate)
(2) Maximum rate allowed by law for the above matter	\$ <u>40.1¢ per line</u> (Line, word, or inch rate)
(3) Rate actually charged for the above matter	\$ <u>38¢ per line</u> (Line, word, or inch rate)

(Official Publication)  
 CITY OF EDINA  
 4501 WEST 30TH STREET  
 EDINA, MINNESOTA 55424  
 NOTICE OF PUBLIC HEARING  
 ON VACATION OF EASEMENTS  
 FOR STREET, DRAINAGE AND  
 UTILITY PURPOSES IN THE CITY  
 OF EDINA, HENNEPIN COUNTY,  
 MINNESOTA  
 NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street, on April 6, 1987, at 7 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easements for drainage and utility purposes:  
 That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,  
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 Subject to proposed drainage and utility easements over: The East 10 feet of the above described vacated Marth Court,  
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 BY ORDER OF THE  
 EDINA CITY COUNCIL,  
 MARCELLA M. DAEHN  
 City Clerk  
 (March 18, 1987) -ED

(OFFICIAL PUBLICATION)

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

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Marcella M. Daehn  
City Clerk

\*Please publish in the Edina Sun on Wednesday, March 18, 1987.

\*Please send two (2) 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 March 20, 19 87, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing on Vacation of Easements (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date 14 days prior to the date of the hearing; and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefore not carried on the records of said County Auditor.

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

WITNESS my hand and seal of said City this 20th day of March, 19 87.

*Marilyn M. Decker*  
Edina City Clerk

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

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BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn  
City Clerk

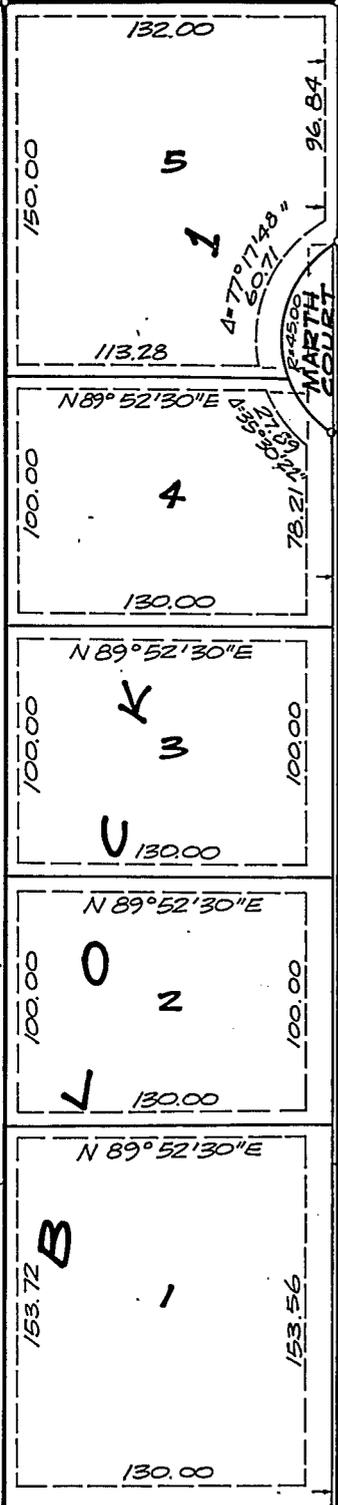
BRAEMAR HILLS  
10TH ADDITION  
THE NORTH LINE OF THE SOUTH 1/2  
OF THE S.W. 1/4 OF S.W. 1/4 OF SEC. 8.  
N 89° 52' 30" E

DEWEY HILL

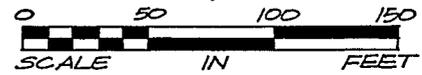
SECOND ADDITION

BRAEMAR HILLS 9TH ADDITION

THE WEST LINE OF THE EASTERLY 132.00 FEET OF THE SOUTH  
1/2 OF S.W. 1/4 OF S.W. 1/4 OF SEC. 8.  
N 0° 36' 13" W --- 658.07 ---

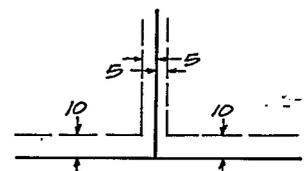


WARREN  
HANSON  
ADDITION



• DENOTES IRON MONUMENT  
BEARINGS SHOWN ARE ASSUMED

DRAINAGE AND UTILITY EASEMENT  
ARE SHOWN THUS:



BEING 10.0 FEET IN WIDTH AND  
ADJOINING R.O.W. LINES, AND  
5.0 FEET IN WIDTH AND ADJOINING  
LOT LINES, UNLESS OTHERWISE  
INDICATED, AS SHOWN ON THE PLAT

MARTH COURT  
MARTH

WINSOR  
ADDITION

WEST 78TH

WEST 78TH STREET

THE E. OF 78TH STREET AS TRAVELED  
AND MONUMENTED  
STREET

THE SOUTH LINE OF THE S.W. 1/4 OF SEC. 8  
N 89° 56' 09" E

THE S.E. CORNER OF THE S.W. 1/4  
OF THE S.W. 1/4 OF SEC. 8, T. 116, R. 21.

8TH  
ADDITION

60  
MARTH  
CIRCLE

MAILING LIST - VACATION OF STREET EASEMENTS - BRAEMAR HILLS 11TH ADDITION  
Lots 4 and 5

08-116-021-33-0153	Dewey Hill Circle (7720 Marth Ct) 4720 Old Kent Rd. Deephaven MN 55331
0154	M.A. Peters & T. L. Zotaley (7710 Marth Ct) Marthe Properties 720 North Star Center Minneapolis MN 55402
0155	M.A. Peters & T. L. Zotaley (7700 Marth Ct) Marthe Properties 720 North Star Center Minneapolis MN 55402
08-116-021-34-0042	Ronald A. Matricaria 5863 Long Brake Trail Edina MN 55435
0045	Warren E. and Sarah L. Hanson 7713 Marth Court Edina MN 55435
0005	Roger C. Evanson (7717 Marth Ct) 5830 W. 78th Street Edina MN 55435
	Stuart E. Fraser NSP Normandale Division 5309 W. 70th Street Edina, MN 55435
	Steven Von Vargen Minnesgaco 700 Linden Avenue W. P.O. Box 1165 Minneapolis, MN 55403
	Don Romain NW Bell Telephone Company 6244 Cedar Avenue So. Richfield, MN 55423
	Matt Haveland Rogers Cablesystems 801 Plymouth Avenue No. Minneapolis MN 55411

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 PUBLIC HEARING ON VACATION OF EASEMENTS FOR STREET, DRAINAGE AND UTILITY PURPOSES

on three official City Bulletin Boards, as follows:

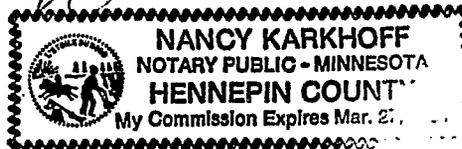
- 1) City Hall, 4801 W. 50th Street
- 2) 50th and France Business Area, 3943 W. 50th Street
- 3) Amundson Avenue Shopping Center

Dated 3/20/87

Signed David O'Connell  
Police Patrolman

Signed and sworn to before me, a Notary Public in and for Hennepin County, Minnesota, this 20th day of March, 1987.

Nancy Karkhoff



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

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Marcella M. Daehn  
City Clerk

BRAEMAR HILLS  
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OF THE S.W. 1/4 OF S.W. 1/4 OF SEC. 8.  
N 89° 52' 30" E

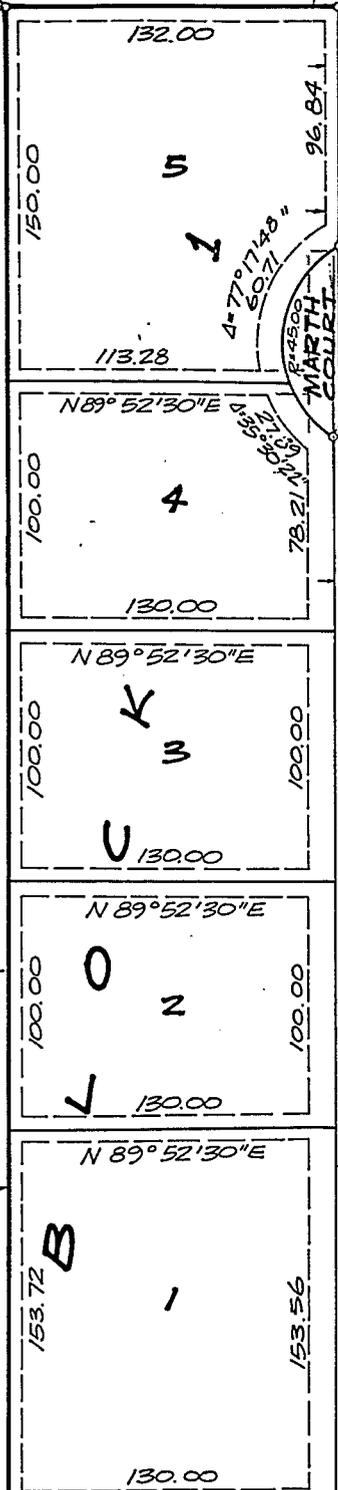
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SECOND ADDITION

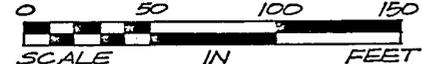
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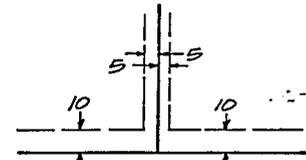


WARREN  
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RTH  
ATES

MARTH  
CIRCLE

CITY OF EDINA  
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ROGERS CABLESYSTEMS by \_\_\_\_\_  Acceptable  Opposed  Conditional

CONDITIONS: \_\_\_\_\_

LOCATION: BRAEMAR HILLS 11TH ADDITION, Lots 4 and 5

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

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

LEVANDER, ZOTALEY, VANDER LINDEN & RYDLAND

A PROFESSIONAL ASSOCIATION

LAWYERS

720 NORTHSTAR CENTER (CARGILL BUILDING)

625 MARQUETTE AVENUE

MINNEAPOLIS, MINNESOTA 55402

(612) 339-6841

BERNHARD W. LEVANDER  
BYRON L. ZOTALEY  
JAMES G. VANDER LINDEN  
ROBERT H. RYDLAND

February 17, 1987

DAVID C. WULFF

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

Attn: City Clerk

Re: Braemar Hills 11th Addition  
Lots 4 and 5 - Cul de sac Right of Way Vacation

Gentlemen:

Enclosed please find your standard Vacation Application together with a sketch drawing attached and your required \$75.00 fee for processing. You will receive separately from Ron Krueger and Associates Legal Surveyors an exact legal description of the area proposed to be vacated for attachment to this Petition.

I understand you will place this matter on the agenda for the City Council's Meeting on February 23, 1987, following which it will go through the legal publication process and return to the City Council for its final approval at its April 6, 1987 meeting.

Very truly yours,

LEVANDER, ZOTALEY,  
VANDER LINDEN & RYDLAND



Byron L. Zotaley

BLZ:hs  
Enc.

cc: Mr. and Mrs. Richard A. Grafton  
Marthe Properties

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

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ROGERS CABLESYSTEMS by \_\_\_\_\_  Acceptable  Opposed  Conditional

CONDITIONS: \_\_\_\_\_

LOCATION: BRAEMAR HILLS 11TH ADDITION, Lots 4 and 5

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BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn  
City Clerk



Engineering  
Land Surveying  
Landscape Architecture  
Planning

**Ron Krueger  
& Associates, Inc.**

8080 Wallace Road  
Eden Prairie, Minnesota 55344  
(612) 934-4242

LEGAL DESCRIPTION

for proposed vacation of right-of-way and drainage and utility easements on and adjacent to Lots 4 and 5, Block 1, Braemar Hills 11th Addition.

That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,

Also that part of the adjacent drainage and utility easement lying West of a line 10 feet West of and parallel with the East line of said Lot 4, and its northerly extensions.

Subject to proposed drainage and utility easements over;

The East 10 feet of the above described vacated Marth Court

Also that part lying 5 feet on either side of the South line of said Lot 5 and its easterly extension.

*RK 20*  
*2/28/97*

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Date Initiated FEBRUARY 17, 1987

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

Street

Alley

Utility Easement

TOTAL

75.00

02/18/87

Drainage Easement

Other

UNUSED EASEMENT AREA ORIGINALLY

(describe)

INTENDED FOR CUL-DE-SAC CONSTRUCTION

Description of area proposed to be vacated:

SOUTHEAST CORNER OF LOT 5, BLOCK 1 BRAEMAR HILLS 11<sup>TH</sup> ADDITION

AND NORTHEAST CORNER OF LOT 4, BLOCK 1 BRAEMAR HILLS 11<sup>TH</sup>

ADDITION AS SHOWN IN YELLOW HIGHLIGHT FROM ORIGINAL PLAT

APPROVED BY CITY COUNCIL ON MARCH 7, 1983 (EXACT LEGAL

DESCRIPTION ATTACHED AS PREPARED BY RON KRUEGER AND ASSOCIATES,

Attached copy of scaled drawing showing in full detail the proposed vacation. <sup>LAND SURVEYORS</sup>

Richard A. Grafton  
RICHARD A. GRAFTON\*

Signature

MARTHE PROPERTIES\*

Susan S. Grafton  
SUSAN S. GRAFTON\*

Address

720 NORTHSTAR CENTER  
MNLS. MINN. 55402

Telephone

339-6841

\*(CONTRACT PURCHASERS LOT 5)

\*(OWNER LOT 4 AND LOT 5)

2) Review

CITY ENGINEER by \_\_\_\_\_

Acceptable

Opposed

Conditional

Conditions \_\_\_\_\_

MINNEGASCO by \_\_\_\_\_

Acceptable

Opposed

Conditional

Conditions \_\_\_\_\_

N.W. BELL by \_\_\_\_\_

Acceptable

Opposed

Conditional

Conditions \_\_\_\_\_

N.S.P. by \_\_\_\_\_

Acceptable

Opposed

Conditional

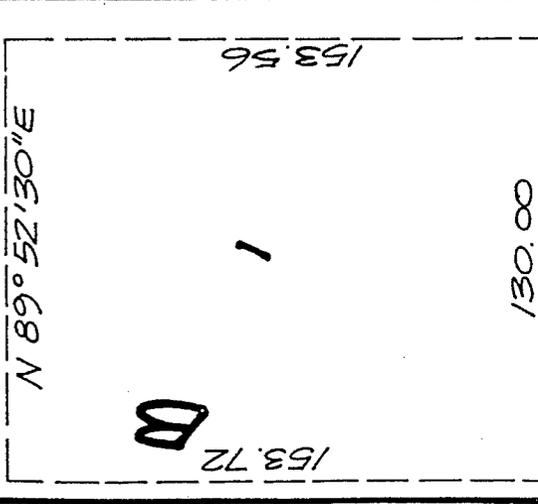
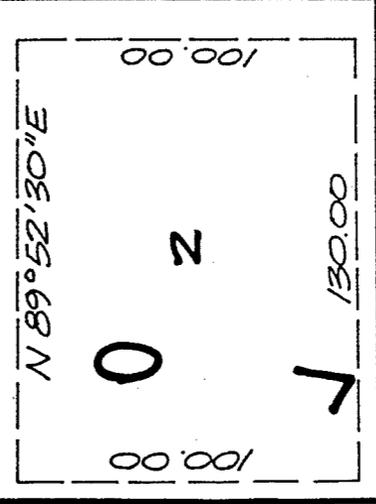
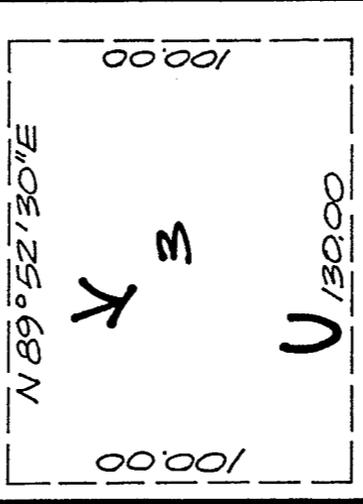
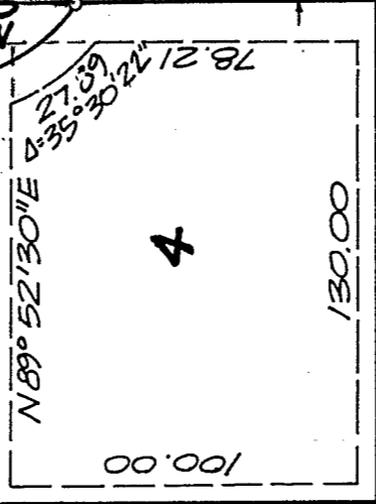
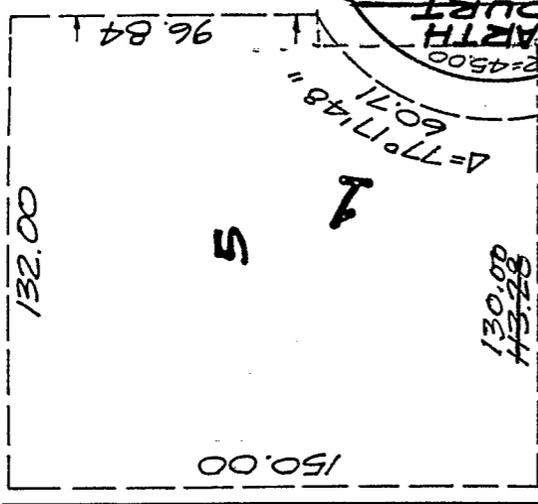
Conditions \_\_\_\_\_

BRAEMAR HILLS

10TH ADDITION

THE NORTH LINE OF THE SOUTH 1/2 OF THE S.W. 1/4 OF SEC. 8.

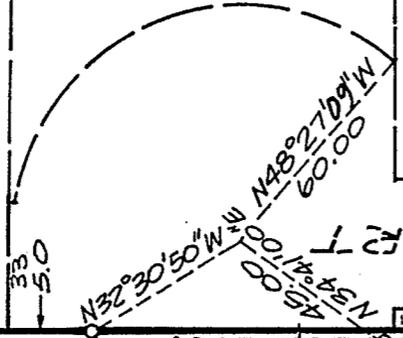
N 89° 52' 30" E



SECOND ADDITION

DEWEY HILL

WARREN  
HANSON  
ADDITION



MARTH COURT

9TH ADDITION

BRAEMAR HILLS

THE WEST LINE OF THE EASTERLY 132.00 FEET OF THE SOUTH 1/2 OF S.W. 1/4 OF SEC. 8.

N 0° 36' 39" W --- 658.07 ---

THE EAST LINE OF THE S.W. 1/4 OF S.W. 1/4 OF SEC. 8.

ADDITION

WINSOR

BE.

DR.

BE.  
AD.  
S.O.  
ING  
INDIC

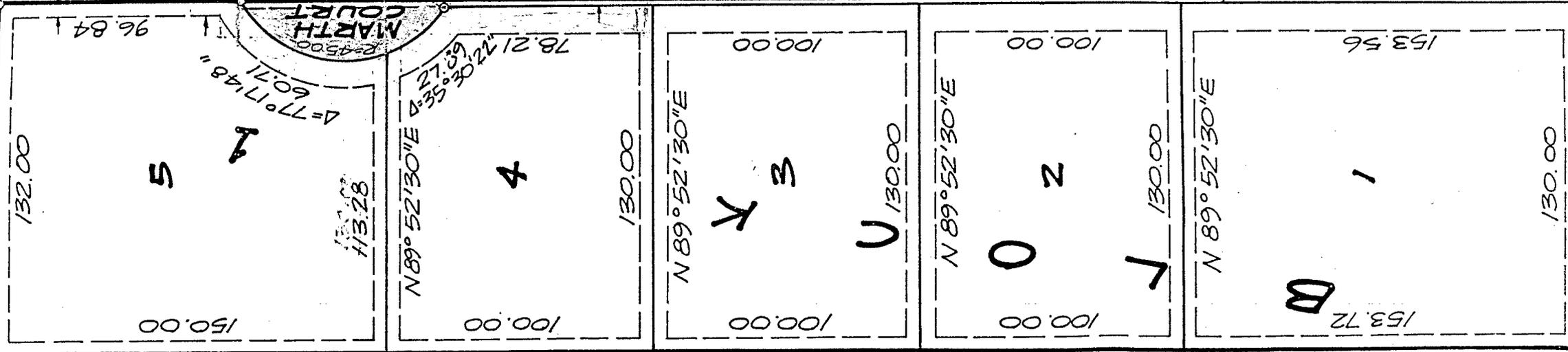
48

BRAEMAR HILLS

10TH ADDITION

THE NORTH LINE OF THE SOUTH 1/2 OF THE S.W. 1/4 OF SEC. 8.

N 89° 52' 30" E



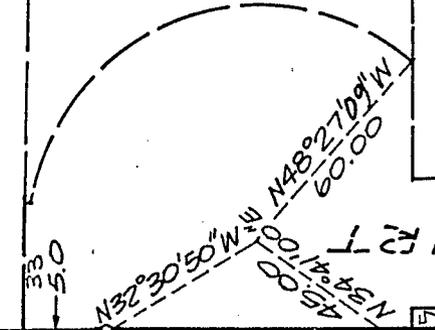
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DEWEY HILL

WARREN HANSON ADDITION



THE EAST LINE OF THE S.W. 1/4 OF S.W. 1/4 OF SEC. 8.

WINSOR ADDITION

MARTH COURT

BE. DR.

BE. AD. S. O. ING INDIC

(OFFICIAL PUBLICATION)

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

NOTICE OF PUBLIC HEARING ON VACATION OF  
EASEMENTS FOR STREET, DRAINAGE AND UTILITY PURPOSES  
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on April 6, 1987, at 7 o'clock p.m. for the purpose of holding a public hearing on the proposed vacation of the following easements for street, drainage and utility purposes:

Right of way and drainage and utility easements on and adjacent to Lots 4 and 5, Block 1, Braemar Hills 11th Addition.  
That part of Marth Court lying West of the northerly extension of the East line of said Lot 4,  
Also that part of the adjacent drainage and utility easement lying West of a line 10 feet West of and parallel with the East line of said Lot 4, and its northerly extensions.  
Subject to proposed drainage and utility easements over:  
The East 10 feet of the above described vacated Marth Court,  
Also that part lying 5 feet on either side of the South line of said Lot 5 and its easterly extension.

All persons who desire to be heard with respect to the question of whether or not the above proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend there-to, 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 on Wednesday, March 18, 1987.

\*Please send two (2) Affidavits of Publication.

(OFFICIAL PUBLICATION)

CITY OF EDINA  
4801 WEST 50TH STREET  
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