

5/7/84 STREET VACATION - Portion of
Garden Avenue



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

May 14, 1984

James Van Valkenburg, P.A.
Thomsen, Nybeck, Johnson, Bouquet & Van Valkenburg
Suite 102
7250 France Avenue So.
Edina, MN 55435

Re: Vacation of Part of Garden Avenue

Dear Jim:

Enclosed are two copies of Notice of Completion of Proceedings on the above referenced Vacation of Part of Garden Avenue, which hearing was held to clarify the legal description of the vacated part.

It is my understanding that you will arrange to have this document filed with the Register of Deeds and entered in the transfer record of the County Auditor.

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.
Dorsey and Whitney



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

NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF PART OF GARDEN AVENUE
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on May 7, 1984, adopted a Resolution Vacating Part of Garden Avenue, 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 street vacation be made, which resolution ordered the vacation of the following described easement for roadway purposes, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

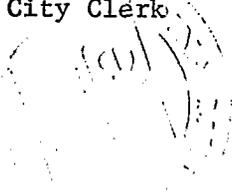
That part of Garden Avenue as platted in Garden Park, Hennepin County, Minnesota, described as lying between a line 27 feet north of and parallel with the south line of the North half of Section 32, Township 117, Range 21 and a line 264 feet north of and parallel with said south line of the North half of Section 32.

The time of completion of proceedings and the effective date of said vacation is May 14, 1984.

BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

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

Marcella M. Daehn
City Clerk





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

RESOLUTION VACATING
PART OF GARDEN AVENUE

WHEREAS, a resolution of the City Council, adopted the 2nd day of April, 1984, fixed a date for a public hearing on a proposed street vacation for road purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 7th day of May, 1984, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

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

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric 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 portion of the street be and is hereby vacated:

That part of Garden Avenue as platted in Garden Park, Hennepin County, Minnesota, described as lying between a line 27 feet north of and parallel with the south line of the North half of Section 32, Township 117, Range 21 and a line 264 feet north of and parallel with said south line of the North half of Section 32.

and 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 Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 7th day of May, 1984.

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
JACK W. CARLSON
DENNIS M. PATRICK
MARSH J. HALBERG
MARK E. LASEE

OF COUNSEL
HELGE THOMSEN
RICHARD D. WILSON, P. A.
ROBERT E. ZECK

June 22, 1984

Mr. H. Gerald Floren
Examiner of Titles
A 701 Government Center
Minneapolis, Minnesota 55487

RE: A-20739
Smaby

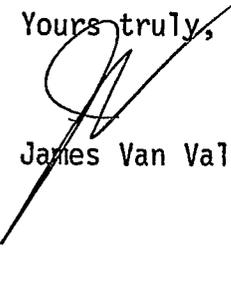
Dear Jerry:

This is to advise that the Vacation of a part of Garden Avenue was filed in the Registrar of Titles office on June 14th. I do not have the document number.

Inasmuch as part of this property is also abstract, another copy of the same was filed in the Register of Deeds Office on June 20th and bears Document #4900335.

I would appreciate now getting your report.

Yours truly,


James Van Valkenburg

JVV:jd

cc: Mr. Philip Smaby
Mr. Gordon Hughes
Mrs. Marcella Daehn

NOTICE OF COMPLETION OF PROCEEDINGS
ON VACATION OF PART OF GARDEN AVENUE
IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE CITY COUNCIL,
CITY OF EDINA

Marcella M. Daehn
City Clerk

5/7/84

foot setback from the south lot line of Parcel A, and 2) the south 15 feet of the subject property be dedicated to the City by Warranty Deed. The proponent has returned with final plat of the property indicating a 75 foot lot on the north end and a 15 foot outlot on the south end of the property for which a deed has been provided. Staff recommended approval of the final plat subject to receipt of the title opinion to accompany the 15 foot outlot grant. No objections being heard, Member Bredesen offered the following resolution and moved its adoption, subject to receipt of the title opinion to accompany the 15 foot outlot grant:

RESOLUTION GRANTING FINAL PLAT
APPROVAL FOR NORMANDALE BLUFFS

BE IT RESOLVED by the City Council of the City of Edina, Minnesota that that certain plat entitled "Normandale Bluffs", platted by Duncan B. and Karen K. Wallace, husband and wife, and Norwest Bank Minneapolis National Association, a National Banking Association, and presented at the regular meeting of the City Council of May 7, 1984, be and is hereby granted final plat approval subject to receipt of title opinion to accompany the 15 foot outlot grant.

Motion for adoption of the resolution was seconded by Member Schmidt.

Rollcall:

Ayes: Bredesen, Richards, Schmidt, Turner, Courtney

Resolution adopted.

FINAL PLAT APPROVAL FOR DEWEY HILL FOURTH ADDITION CONTINUED TO MAY 21, 1984.

Member Richard's motion was seconded by Member Schmidt to continue the final plat approval for Dewey Hill Fourth Addition to May 21, 1984.

Ayes: Bredesen, Richards, Schmidt, Turner, Courtney

Motion carried.

PRELIMINARY PLAT APPROVAL FOR MILLER ADDITION; HEARING DATE SET. Motion of Member Turner was seconded by Member Richards, setting May 21, 1984 as the hearing date for preliminary plat approval for Miller Addition, generally located west of Dearborn Street and north of Belmore Lane.

Ayes: Bredesen, Richards, Schmidt, Turner, Courtney

Motion carried.

PUBLIC HEARING HELD ON STREET VACATION FOR PART OF GARDEN AVENUE; VACATION GRANTED.

Affidavits of Notice were presented by Acting Clerk, approved as to form and ordered placed on file. Mr. Hoffman explained this was a re-confirmation of street vacation for part of Garden Avenue in that the previous legal description had posed some problems. Mr. Hoffman stated they had clarified the legal description and were recommending approval of the street vacation for part of Garden Avenue. No objections being heard, Member Bredesen offered the following resolution and moved its adoption:

RESOLUTION VACATING
PART OF GARDEN AVENUE

WHEREAS, a resolution of the City Council, adopted the 2nd day of April, 1984, fixed a date for a public hearing on a proposed street vacation for road purposes; and WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 7th day of May, 1984, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and WHEREAS, the Council deems it to be in the best interest of the City and of the public that said street vacation be made; and WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric 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 are or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto; NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described portion of the street be and is hereby vacated:

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and 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 Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

Motion for adoption of the resolution was seconded by Member Turner.

Rollcall:

Ayes: Bredesen, Richards, Schmidt, Turner, Courtney

Resolution adopted.



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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;

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and 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 Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

ADOPTED this 7th day of May, 1984.

NOTICE OF PUBLIC HEARING
ON VACATION OF PORTION OF GARDEN AVENUE
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 May 7, 1984, at 7 p.m., for the purpose of holding a public hearing on the proposed vacation of the following street:

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All persons who desire to be heard with respect to the question of whether or not the above proposed street vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed vacation of street 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

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO BY W. J. Schraue 4/26/84 Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by _____ Acceptable Opposed Conditional

CONDITIONS _____

LOCATION Part of Garden Avenue (To clarify legal description of prior vacated portion)

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

CONDITIONS _____

NORTHWESTERN BELL by *Cary C. Schmidt* Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by _____ Acceptable Opposed Conditional

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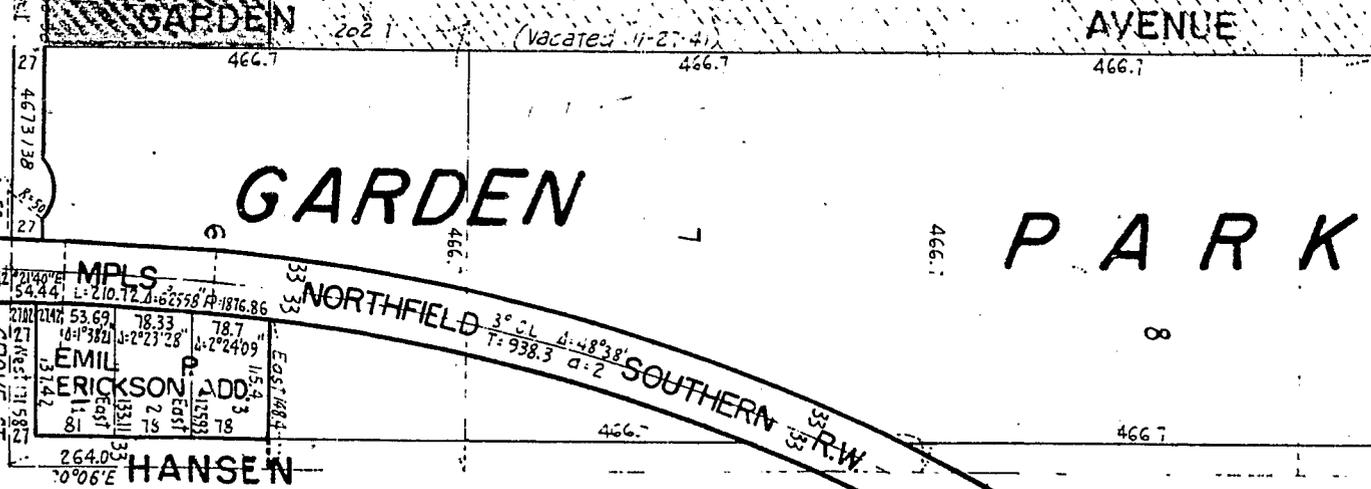
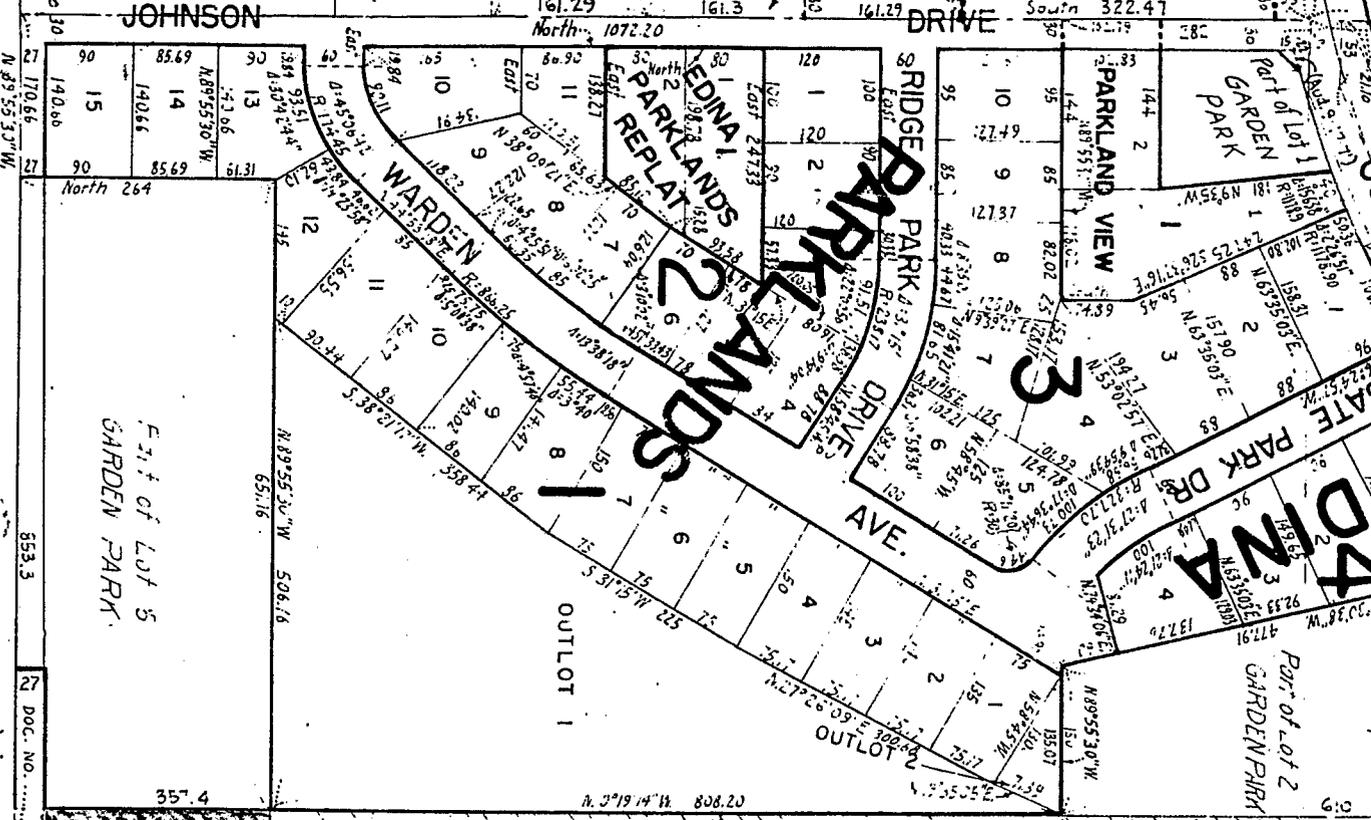
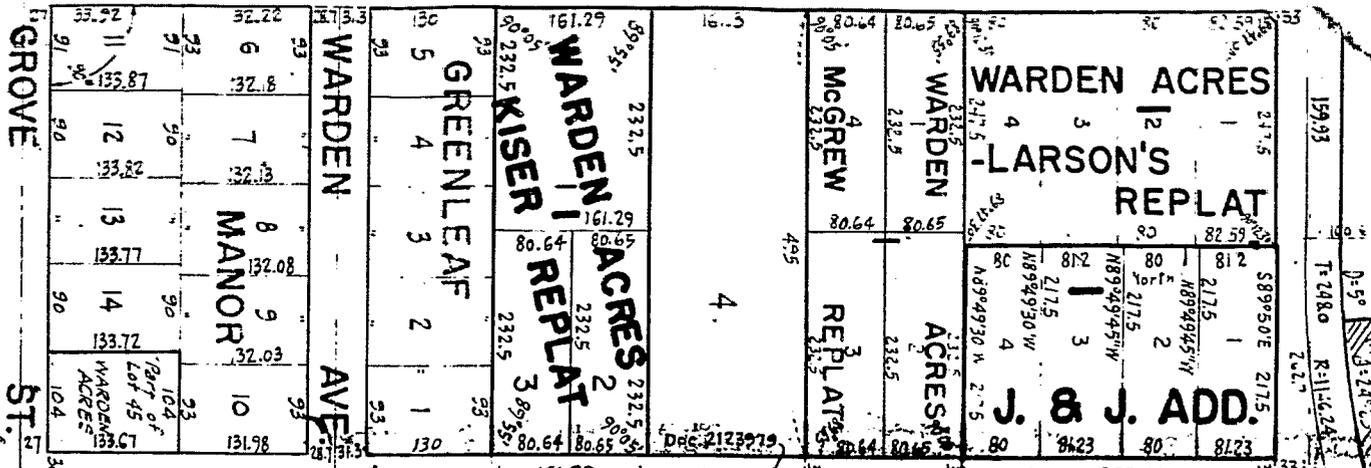
Marcella M. Daehn
City Clerk

BEARD

EXCHANGE

TRACY

AVENUE



ACREAGE	1/4	1/4
	N. W.	N. E.

ROBERT L. BAKKA
 County Surveyor

2636 48200

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by _____ Acceptable Opposed Conditional

CONDITIONS _____

MINNEGASCO by _____ Acceptable Opposed Conditional

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NORTHWESTERN BELL by _____ Acceptable Opposed Conditional

CONDITIONS _____

N.S.P. by J. E. Fraser Acceptable Opposed Conditional

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LOCATION Part of Garden Avenue (To clarify legal description of prior vacated portion)

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BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn
City Clerk

(Official Publication)
CITY OF EDINA
4801 W. 50th Street
Edina, Minnesota 55424

NOTICE OF PUBLIC HEARING
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IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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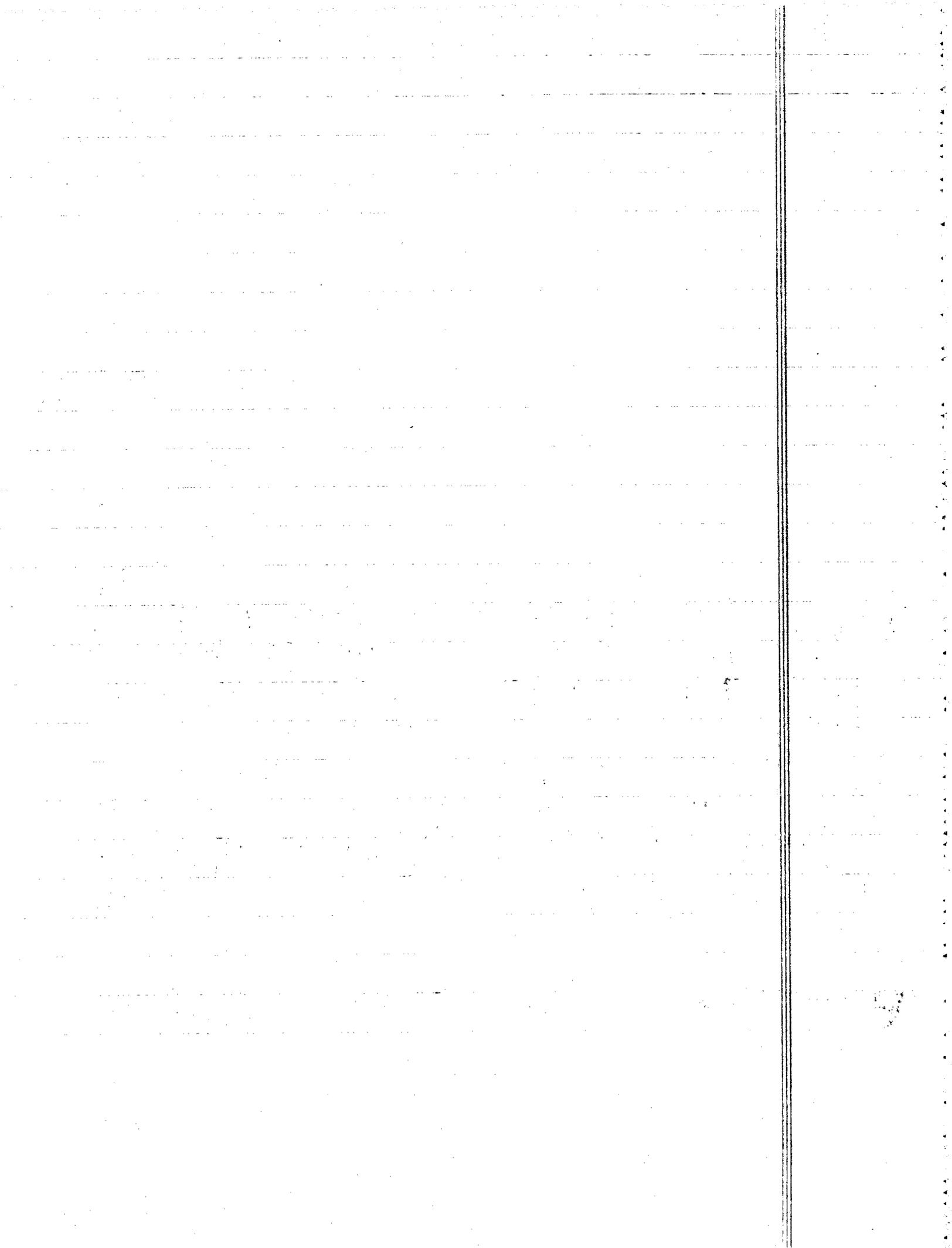
Marcella M. Daehn
City Clerk

Please publish in the Edina Sun on April 18 and 25, 1984
Please send two Affidavits of Publication

Amended description for Vacation of a portion of Garden Ave.

That part of Garden Avenue as platted in Garden Park, Hennepin County, Minnesota described as lying between a line 27 feet north of and parallel with the south line of the North half of Section 32, Township 117, Range 21 and a line 264 feet north of and parallel with said south line of the North half of Section 32.

By DSL
OK DSL



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
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MARSH J. HALBERG
MARK E. LASEE

OF COUNSEL
HELGE THOMSEN
RICHARD D. WILSON, P.A.
ROBERT E. ZECK

March 29, 1984

Mr. Gerald Floren
Examiner of Titles
A-700 Government Center
Minneapolis, Minnesota 55487

RE: Smaby
File # A 20739

Dear Jerry:

I appreciate your call on the description of the vacated street. I have talked with the City of Edina and they will be having another hearing to clarify that description.

It is my understanding that this will be heard on May 7th and as soon as I get the new resolution of vacation I will promptly forward that to you.

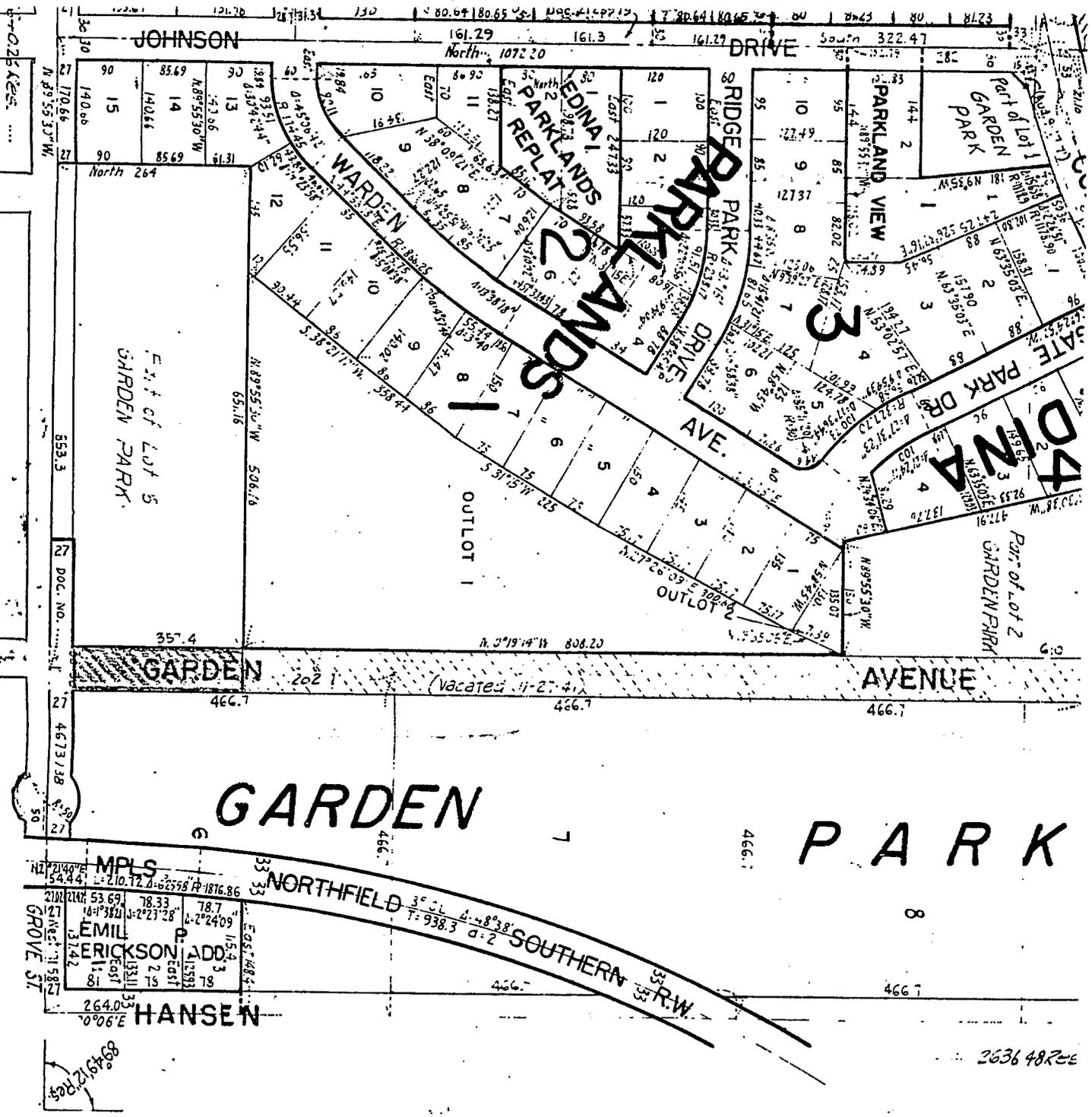
Yours truly,


James Van Valkenburg


JVV:jd
cc: Phil Smaby

1/4 N. E. 1/4

ROBERT L. BAKKA
County Surveyor



JOHNSON DRIVE
 MEDINA PARK DRIVE
 GARDEN AVENUE
 WARDEN AVENUE
 PARKLANDS REPLANT
 PARKLANDS
 PARKLAND VIEW
 RIDGE PARK DRIVE
 GATE PARK DRIVE
 MEDINA DRIVE
 Part of Lot 1 GARDEN PARK
 Part of Lot 2 GARDEN PARK
 Part of Lot 3 GARDEN PARK
 Part of Lot 5 GARDEN PARK
 OUTLOT 1
 OUTLOT 2

GARDEN AVENUE
 GARDEN PARK
 MEDINA PARK
 NORTHFIELD SOUTHERN R.W.
 HANSEN
 ERICKSON
 MILL
 GROVE ST.

2636 4825E

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 April 20, 19 84, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - Vacation of part of Garden Avenue (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 20 day of April, 19 84.

Maudie M. Dack
Edina City Clerk

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ON VACATION OF PORTION OF GARDEN AVENUE
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn
City Clerk

MAILING LIST - VACATION OF PORTION OF GARDEN AVENUE

32-117-21-14-0047 Smaby Development Company
Attn; James T. Kurvers
5309 Lyndale Ave. So.
Minneapolis, MN 55419

0050 Same as above

Stuart E. Fraser
Normandale Division
Northern States Power Co.
5309 W. 70th St.
Edina, MN 55435

William Schramm
Minnegasco
700 Linden Avenue W.
Minneapolis, MN 55403

Don Romain
NW Bell Telephone Co.
6244 Cedar Ave. So.
Minneapolis, MN 55423

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

AFFIDAVIT OF POSTING NOTICE OF HEARING

Part of Garden Avenue

The undersigned, being first duly sworn, upon oath deposes and says that he is a duly appointed and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on April ²⁵ 1984 he posted the Notice of Hearing on street vacation above described to be held on May 7, 1984, 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 in a manner likely to attract attention:

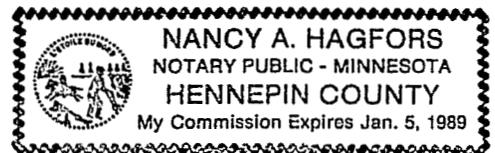
- One at Edina City Hall, 4801 W. 50th Street
- One at 50th and France Business Area - 39~~39~~ W. 50th Street
- One at Amundson Avenue Shopping Center - Northwest corner of Parking Lot

B. J. Dasher #212
Police Patrolman

Dated 4/24/84

Subscribed and sworn to before me
this 24th day of April, 1984

Nancy A. Hagfors
Notary Public, Hennepin County,
Minnesota
My commission expires: Jan. 5, 1989



(Notarial Seal)

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IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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That part of Garden Avenue as platted in Garden Park, Hennepin County, Minnesota, described as lying between a line 27 feet north of and parallel with the south line of the North half of Section 32, Township 117, Range 21 and a line 264 feet north of and parallel with said south line of the North half of Section 32.

All persons who desire to be heard with respect to the question of whether or not the above proposed street vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed vacation of street 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

(Official Publication)
CITY OF EDINA
4801 W-50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF PORTION OF
GARDEN AVENUE IN THE CITY
OF EDINA
HENNEPIN COUNTY,
MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL.

MARCELLA M. DAEHN
City Clerk
(Weeks of April 16 & 23, 1984) -ED



SUN NEWSPAPERS

AFFIDAVIT OF PUBLICATION

EDINA SUN

7401 Bush Lake Road

Edina, Minnesota

State of Minnesota
County of Hennepin

D. K. MORTENSON, being duly sworn, on oath says he is and during all times here stated has been the vice president and general manager of the newspaper know as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once every week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisement. (4) Said newspaper is circulated in and near the municipalities which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Edina in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter and affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed Notice of Public Hearing hereto attached as a part hereof was cut from the columns of said newspaper, and was printed

and published therein in the English language, once each week, for two successive weeks;

that it was first so published on Wed the 18 day of April, 19 84

and was thereafter printed and published on every Wednesday to and including

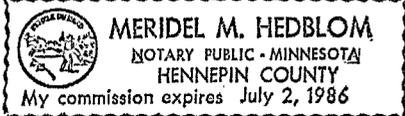
Wed the 25 day of April, 19 84 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

abcdefghijklmnopqrstuvwxyz

D. K. Mortenson

Subscribed and sworn to before me this 25 day of April, 19 84

Meridel Hedblom



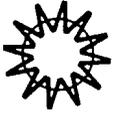
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BY ORDER OF THE EDINA CITY COUNCIL.
MARCELLA M. DAEHN
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