



Request for City Council Committee Action from the Department of Community Planning & Economic Development

Date: April 17, 2014

To: Council Member Lisa Bender, Chair of Zoning & Planning Committee

Referral to: Zoning & Planning Committee

Subject: Correction of an alley vacation resolution 2008R-267, and as amended in Resolution 2013R-187 (Vac-1540)

Recommendation: The City vacated part of the alley on the block bound by Lyndale Avenue South, 29th Street West, Lake Street West and Aldrich Avenue South ("Alley") (Vacation File No. 1540) on June 20, 2008, pursuant to Resolution 2008R-267 ("Vacation"). The Vacation was initiated based on an application submitted by adjacent private property owner, Lyndale Development Partners, LLC ("Applicant"), to facilitate the partial location of a building to be constructed by Applicant.

The original legal description in the Vacation action was supplied by Applicant, and city staff confirmed that vacation of the legally described area would not conflict with ongoing public needs for the remaining portion of the Alley.

The legal description in Resolution 2008R-267 for the Vacation was eventually identified as vague and/or susceptible to confusion by the Hennepin County Examiner of Titles; thus, Applicant requested an amendment to the legal description in Resolution 2008R-267 for purposes of clarification; the City therefore corrected the same with passage of Resolution 2013R-187 on April 26, 2013 ("Amended Vacation").

Applicant constructed a building during 2013 that is partially located within the area vacated by Resolutions 2008R-267 and 2013R-187 ("Applicant's Building"). Since constructing Applicant's Building, Applicant has noted discrepancies in the upper and lower elevations of the legal description set out in the Amended Vacation; the discrepancies are based on a .9 foot, south to north elevation change in the Alley that was not previously identified by Applicant.

Applicant has requested that the City amend the legal description in the Amended Vacation to account for the elevation change, and to bring the current location of Applicant's Building entirely out of the public right of way.

City staff has reviewed the proposed amendment to the legal description and has concluded that the proposed amendment keeps with the original intent and conceptual scope of the previously approved Vacation actions and therefore recommends that the attached corrected resolution be approved.

Previous Directives: The vacation for part of the alley was originally approved by Council on June 20, 2008, and was subsequently amended on April 26, 2013.

Prepared by: Janelle Widmeier, Senior City Planner, 612.673.3156
Approved by: Jason Wittenberg, Planning Manager, 612.673.2297
Presenters in Committee: Janelle Widmeier, Senior City Planner

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The City of Minneapolis notified the Lowry Hill East Neighborhood Association and Whittier Alliance as required on March 10, 2008.
- City Goals: The vacation is in conformance with City Goals.
- Comprehensive Plan: The vacation is in conformance with the Comprehensive Plan.
- Zoning Code: The vacation is in conformance with the Zoning Code.

Supporting Information

Bender

Correcting the legal description in Resolution 2008R-267, as amended in Resolution 2013R-187 (Vacation File No. 1540).

WHEREAS, the City of Minneapolis vacated part of the alley on the block bound by Lyndale Avenue South, 29th Street West, Lake Street West and Aldrich Avenue South ("Alley") (Vacation File No. 1540) on June 20, 2008, pursuant to Resolution 2008R-267 ("Vacation"); and

WHEREAS, the Vacation was initiated based on an application submitted by an adjacent private property owner ("Applicant"), to facilitate the partial location of a building to be constructed by Applicant; and

WHEREAS, the Vacation was performed in accordance with standard City processes and procedures; and

WHEREAS, the legal description in the Vacation action was supplied by Applicant, and city staff confirmed that vacation of the legally described area would not conflict with ongoing public needs for the remaining portion of the Alley; and

WHEREAS, the legal description in Resolution 2008R-267 for the Vacation was eventually identified as vague and/or susceptible to confusion by the Hennepin County Examiner of Titles; and

WHEREAS, Applicant requested an amendment to the legal description in Resolution 2008R-267 for purposes of clarification, and the City therefore corrected the same with passage of Resolution 2013R-187 on April 26, 2013 ("Amended Vacation"); and

WHEREAS, Applicant constructed a building during 2013 that is partially located within the area vacated by Resolutions 2008R-267 and 2013R-187 ("Applicant's Building"); and

WHEREAS, since constructing Applicant's Building, Applicant has noted discrepancies in the upper and lower elevations of the legal description set out in the Amended Vacation; and

WHEREAS, the discrepancies are based on a .9 foot, south to north elevation change in the Alley that was not previously identified by Applicant; and

WHEREAS, Applicant has requested that the City amend the legal description in the Amended Vacation to account for the elevation change, and to bring the current location of Applicant's Building entirely out of the public right of way; and

WHEREAS, city staff has reviewed the proposed amendment to the legal description and has concluded that the proposed amendment keeps with the original intent and conceptual scope of the previously approved Vacation action.

Now, therefore, be it resolved by The City Council of The City of Minneapolis:

That the legal description in paragraph three on page one of Resolution 2008R-267, which was subsequently amended by Resolution 2013R-187, shall read as follows:

~~"That part of the east half of the alley in Block 17, Windom's Addition to Minneapolis, lying north of the westerly extension of the south line of Lot 3, Auditor's Subdivision No. 187, below the elevation of 874.33 feet and above the elevation of 894.5 feet, all based on NGVD29; and~~

~~That part of the west half of the alley in Block 17, Windom's Addition to Minneapolis, lying north of the easterly extension of the south line of Lot 10, said Block, below the elevation of 874.33 feet and above the elevation of 894.5 feet, all based on NGVD29.~~

~~All according to the plats of record at the Hennepin County Recorder's office (Minneapolis, MN), and plans submitted by Lynlake Development Partners, LLC."~~

That part of the east half of the alley in Block 17, Windom's Addition to Minneapolis, lying north of the westerly extension of the south line of Lot 3, Auditor's Subdivision No. 187, lying below the following described Line 1 and above the following described Line 2:

Line 1

Beginning at an elevation of 874.43 feet at the north line of said vacated alley; thence South, at a vertical grade of 0.78% for 136.61 feet to the intersection with the westerly extension of said south line of Lot 3, said point being at an elevation of 875.50 feet and said line there terminating.

Line 2

Beginning at an elevation of 892.64 feet at the north line of said vacated alley; thence South, at a vertical grade of 0.78% for 136.61 feet to the intersection with the westerly extension of said south line of Lot 3, said point being at an elevation of 893.71 feet and said line there terminating.

All based on NGVD29.

That part of the west half of the alley in Block 17, Windom's Addition to Minneapolis, lying north of the easterly extension of the south line of Lot 10, said Block, lying below the following described Line 1 and above the following described Line 2:

Line 1

Beginning at an elevation of 874.43 feet at the north line of said vacated alley; thence South, at a vertical grade of 0.78% for 137.00 feet to the intersection with the easterly extension of said south line of Lot 10, said point being at an elevation of 875.50 feet and said line there terminating.

Line 2

Beginning at an elevation of 892.64 feet at the north line of said vacated alley; thence South, at a vertical grade of 0.78% for 137.00 feet to the intersection with the easterly extension of said south line of Lot 10, said point being at an elevation of 893.71 feet and said line there terminating.

All based on NGVD29.

All according to the plats of record at the Hennepin County Recorder's office (Minneapolis, MN), and plans submitted by Lynlake Development Partners, LLC."