

RESOLUTION NO. 7223
A RESOLUTION APPROVING A VACATION OF PUBLIC RIGHT-OF-WAY

WHEREAS, it has been made to appear to the Shakopee City Council that public rights-of-way adjacent to the Rahr Malting Company property in the area north of 3rd Avenue West, south of 1st Avenue West, West of Apgar Street, and East of Harrison Street are no longer of public use or interest; and

WHEREAS, the public right-of-way to be vacated is legally described as attached on Exhibit C; and

WHEREAS, the Shakopee Planning Commission considered the request at its meeting of August 9, 2012, and unanimously recommended approval with conditions to the City Council; and

WHEREAS, a public hearing to consider the action to vacate was held in the Council Chambers of the City Hall in the City of Shakopee at 7:00 P.M. on the 21st day of August, 2012; and

WHEREAS, two weeks published notice will be given in the SHAKOPEE VALLEY NEWS and posted notice will be given by posting such notice on the bulletin board on the main floor of the Scott County Courthouse, the bulletin board at the U.S. Post Office, the bulletin board at the Shakopee Public Library, and the bulletin board in the Shakopee City Hall.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, THAT:

1. It finds and determines that the vacation of the City's interest in segments of public rights-of-way north of 3rd Avenue West, south of 1st Avenue West, West of Apgar Street, and East of Harrison Street hereinafter described is in the public interest.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, THAT:

1. As-built/record drawing information shall be provided per requirements set forth in Section 11, Subdivision 2 of the City of Shakopee Design Criteria as described in the City of Shakopee Engineering Department memorandum.
2. Drainage and utility easements shall be recorded over portions of the subject area, as described in the City of Shakopee Engineering Department and Shakopee Public Utilities Commission memorandums of July 24, 2012 and July 27, 2012 respectively.

After the adoption of the Resolution, the City Clerk shall file certified copies hereof with the County Auditor and County Recorder of Scott County.

Adopted in regular session of the City Council of the City of Shakopee, Minnesota, held the 21 day of August, 2012.


Mayor of the City of Shakopee

ATTEST:


Julie Linnihan, City Clerk

City of Shakopee
Memorandum

TO: Mark Noble, Planner II

FROM: Joe Swentek, Project Engineer

SUBJECT: Vacation of Rights-of-Way (Rahr Malting Company)

PID NO.: 27-001000-0, 27-001112-0, 27-001116-0, 27-001119-0, 27-001119-1, 27-001120-0
27-001121-0, 27-001123-1, 27-001126-1, 27-001865-0, 27-003000-0, 27-003002-0,
27-003003-0, 27-003004-0, 27-341000-0

CASE NO.: 12028

DATE: July 24, 2012

The application indicates a request to vacate several rights-of-way within the Rahr Malting Company's property. The rights-of-way are remnants of Adams Street, Cass Street, Clay Street, Pierce Street, Shumway Street, Washington Street, Webster Street and two alleys. The total area requested to be vacated is 30,473 square feet (0.70 acre).

The engineering department has completed its review of the vacation request and offers the following comments at this time for the applicant and for the planning department:

1. For the Adams Street right-of-way, the applicant will provide as-built/record drawing information per requirements set forth in Section 11, Subdivision 2 of the City of Shakopee Design Criteria of the public sanitary sewer shown in the requested vacation area in order to verify its location and depth. The applicant will dedicate a drainage and utility easement per requirements set forth in Section 10, Subdivision 1.A of the City of Shakopee Design Criteria.
2. For the Clay Street right-of-way, the applicant will provide as-built/record drawing information per requirements set forth in Section 11, Subdivision 2 of the City of Shakopee Design Criteria of the public sanitary sewer manhole shown north of the requested vacation in order to verify its location and depth. If located inside of the requested vacation area, the applicant will dedicate a drainage and utility easement per requirements set forth in Section 10, Subdivision 1.A of the City of Shakopee Design Criteria.
3. For the Pierce Street right-of-way, the applicant will provide as-built/record drawing information per requirements set forth in Section 11, Subdivision 2 of the City of Shakopee Design Criteria of the public sanitary sewer shown in the requested vacation area in order to verify its location and depth. The applicant will dedicate a drainage and utility easement per requirements set forth in Section 10, Subdivision 1.A of the City of Shakopee Design Criteria.

Recommendation

Should the City recommend approval of this request, the engineering department suggests the items listed above be attached as conditions of the approval.



SHAKOPEE PUBLIC UTILITIES COMMISSION

"Lighting the Way - Yesterday, Today and Beyond"

MEMORANDUM

TO: Shakopee Community Development Department

FROM: Joseph D. Adams, Planning and Engineering Director 

SUBJECT: STAFF REVIEW RECORD COMMENTS for:
Vacation of R-O-W (Street & Alleys)

CASE NO: 12028

DATE: 7/27/12

COMMENTS:

1. Shakopee Public Utilities (SPU) has an overhead power line located in the alley of block 13 so SPU requires an easement be maintained if the alley is vacated as proposed.
2. SPU has an overhead power line located in the Adams Street R-O-W south of CR 69/First Avenue past Third Street and requires an easement be maintained if the street is vacated as proposed.
3. SPU has an overhead power line located in the Shumway Street R-O-W south of CR 69/First Avenue that serves the building on Tract A of RLS 89 and requires an easement be maintained if the street is vacated as proposed.
4. Also note the vacation sketch does not illustrate that the west half of Cass Street north of CR 69/First Avenue was previously vacated to the alley mid-block and SPU believes that area was transferred to the City of Shakopee under a quit claim deed from NSP.