



# City of Grand Island

Tuesday, January 26, 2016

Council Session

## Item F-2

**#9572 - Consideration of Vacation of Utility Easements Located at  
2007 N Broadwell Avenue (Super Market Developers, Inc.)**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** Terry Brown PE, Assistant Public Works Director

**Meeting:** January 26, 2016

**Subject:** Consideration of Vacation of Utility Easements Located at 2007 N Broadwell Avenue (Super Market Developers, Inc.)

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

Ingress/Egress, utility and drainage easements were filed with Hall County Register of Deeds on July 10, 2015 in connection with the plat for Skag-Way Third Subdivision. These utility easements are no longer needed to accommodate existing or proposed utilities and vacating them will support the redevelopment of this area.

## **Discussion**

The developer/property owner, Super Market Developer, Inc. is requesting to vacate such dedicated utility easements within Skag-Way Third Subdivision. There are no utilities currently within these easements that will be affected by the vacation. The attached sketch details the referenced easements to be vacated.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council pass an ordinance vacating the utility easements located in Skag-Way Third Subdivision.

## **Sample Motion**

Move to pass an ordinance vacating the easements.

ORDINANCE NO. 9572

An ordinance to vacate existing utility easements and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; to repeal any ordinance or parts of ordinances in conflict herewith, and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. That existing utility easements located in a portion of an existing 40' ingress/egress, utility and drainage easement and portion of an existing 25' utility and drainage easement, both being located in Lot 1 and Lot 2 of Skag-Way 3<sup>rd</sup> Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°33'52"W ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 20.00 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE WEST LINE OF SAID 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT; THENCE N00°49'33"W ALONG SAID WEST LINE A DISTANCE OF 317.36 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE SOUTH LINE OF SAID 25' UTILITY AND DRAINAGE EASEMENT; THENCE S89°10'27"W ALONG SAID SOUTH LINE A DISTANCE OF 342.00 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE EAST LINE OF AN EXISTING 7' UTILITY EASEMENT LOCATED IN SAID LOT 1; THENCE N00°49'33"W ALONG SAID EAST LINE A DISTANCE OF 25.00 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE AND THE NORTH LINE OF SAID 25' UTILITY AND DRAINAGE EASEMENT; THENCE N89°10'27"E ALONG SAID NORTH LINE A DISTANCE OF 342.00 FEET TO THE POINT OF INTERSECTION OF SAID NORTH LINE AND THE WEST LINE OF SAID EXISTING 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT; THENCE N00°49'33"W ALONG SAID WEST LINE A DISTANCE OF

Approved as to Form	☐ _____
January 22, 2016	☐ City Attorney

ORDINANCE NO.9572 (Cont.)

341.42 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N89°29'49"E ALONG SAID NORTH LINE AND THE NORTH LINE OF SAID 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF SAID EASEMENT; THENCE S00°49'33"E ALONG THE EAST LINE OF SAID 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT A DISTANCE OF 683.83 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE AND THE SOUTH LINE OF SAID LOT 2; THENCE S89°33'52"W ALONG SAID SOUTH LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. SAID PORTION OF SAID EASEMENTS CONTAINS 35,902 SQUARE FEET MORE OR LESS.

is hereby vacated. Such easements to be vacated are shown and more particularly described on Easement Vacation Exhibit attached hereto.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate upon which the easement is located.

SECTION 3. This ordinance is directed to be filed, with the drawing, in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: January 26, 2016

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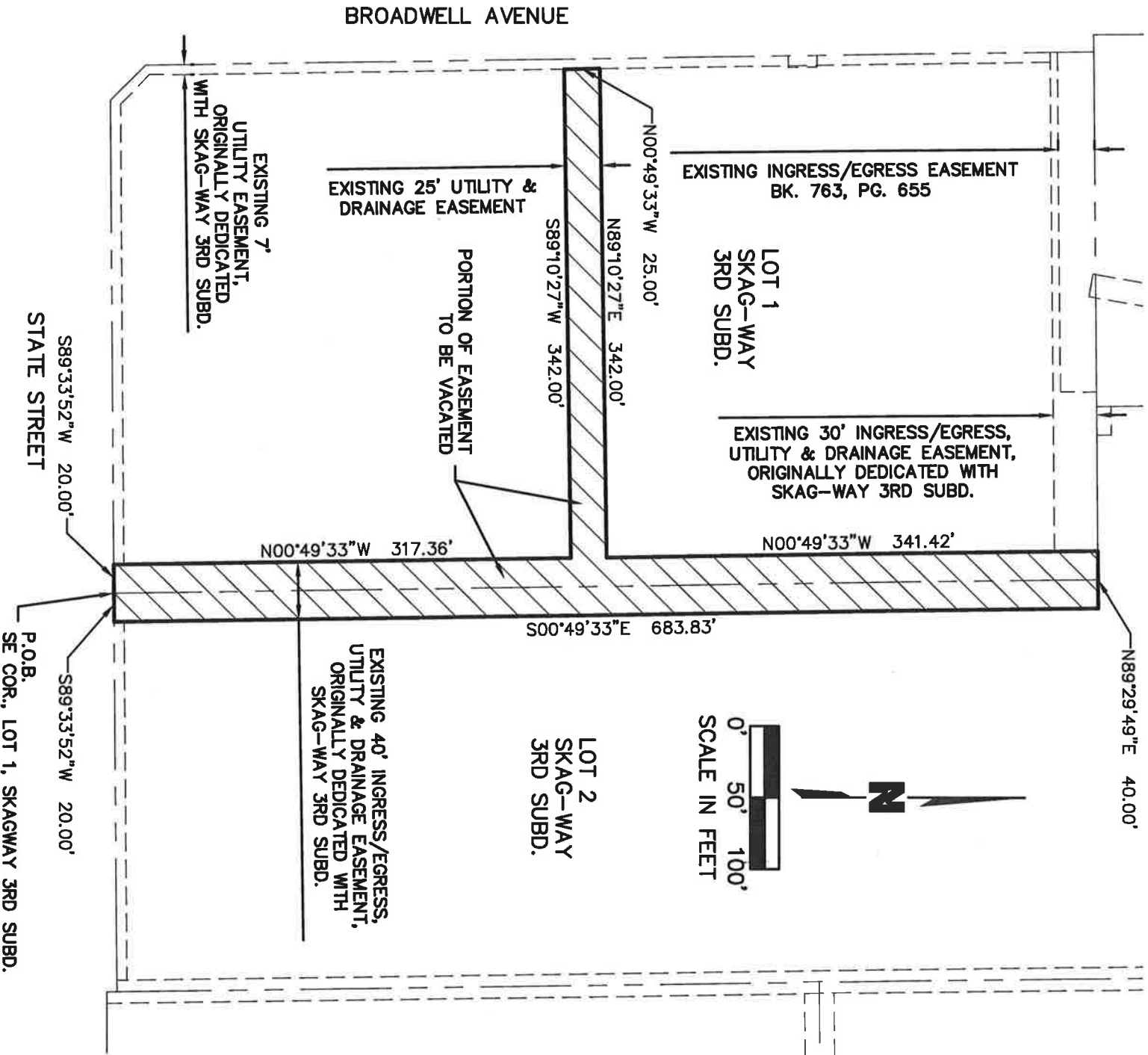
Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

# EASEMENT VACATION



## EASEMENT VACATION DESCRIPTION

A PORTION OF AN EXISTING 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT AND PORTION OF AN EXISTING 25' UTILITY AND DRAINAGE EASEMENT, BOTH BEING LOCATED IN LOT 1 AND LOT 2 OF SKAG-WAY 3RD SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°33'52"W ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 20.00 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE WEST LINE OF SAID 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT; THENCE N00°49'33"W ALONG SAID WEST LINE A DISTANCE OF 317.36 FEET TO THE POINT OF INTERSECTION OF SAID WEST LINE AND THE SOUTH LINE OF SAID 25' UTILITY AND DRAINAGE EASEMENT; THENCE S89°10'27"W ALONG SAID SOUTH LINE A DISTANCE OF 342.00 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE EAST LINE OF AN EXISTING 7' UTILITY EASEMENT LOCATED IN SAID LOT 1; THENCE N00°49'33"W ALONG SAID EAST LINE A DISTANCE OF 25.00 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE AND THE NORTH LINE OF SAID 25' UTILITY AND DRAINAGE EASEMENT; THENCE N89°10'27"E ALONG SAID NORTH LINE A DISTANCE OF 342.00 FEET TO THE POINT OF INTERSECTION OF SAID NORTH LINE AND THE WEST LINE OF SAID EXISTING 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT; THENCE N00°49'33"W ALONG SAID WEST LINE A DISTANCE OF 341.42 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N89°29'49"E ALONG SAID NORTH LINE AND THE NORTH LINE OF SAID 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF SAID EASEMENT; THENCE S00°49'33"E ALONG THE EAST LINE OF SAID 40' INGRESS/EGRESS, UTILITY AND DRAINAGE EASEMENT A DISTANCE OF 683.83 FEET TO THE POINT OF INTERSECTION OF SAID EAST LINE AND THE SOUTH LINE OF SAID LOT 2; THENCE S89°33'52"W ALONG SAID SOUTH LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. SAID PORTION OF SAID EASEMENTS CONTAINS 35,902 SQUARE FEET MORE OR LESS.