



# City of Grand Island

Tuesday, February 23, 2016

Council Session

## Item F-4

**#9576 - Consideration of Vacation of Utility Easements Located at  
2716 W Old Highway 30 (Middleton Properties, LLC)**

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

# **Council Agenda Memo**

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

**Meeting:** February 23, 2016

**Subject:** Consideration of Vacation of Utility Easements Located at 2716 W Old Highway 30 (Middleton Properties, LLC)

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

## **Background**

A public utility easement was filed with Hall County Register of Deeds on December 3, 2003 in connection with the plat for Commercial Industrial Park Fourth Subdivision. This utility easement is no longer needed to accommodate existing or proposed utilities and vacating it will support the redevelopment of this area.

## **Discussion**

The property owner, Middleton Properties, Inc., is requesting to vacate such dedicated utility easement within Commercial Industrial Park Fourth Subdivision. There are no utilities currently within this easement that will be affected by the vacation. The attached sketch details the referenced easement 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 easement located in Commercial Industrial Park Fourth Subdivision.

## **Sample Motion**

Move to pass an ordinance vacating the easement.

ORDINANCE NO. 9576

An ordinance to vacate an existing utility easement 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 easement located in Bonsall Subdivision and Commercial Industrial Park Fourth Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF LOT FOUR (4) BONSALL SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, SAID POINT ALSO BEING ON THE WESTERLY LINE OF LOT TWO (2) COMMERCIAL INDUSTRIAL PARK FOURTH SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA; THENCE SOUTHEASTERLY ON SAID WESTERLY LINE OF LOT TWO (2) A DISTANCE OF 94.30 FEET TO THE SOUTHERLY LINE OF SAID LOT TWO (2) AND THE NORTH LINE OF AN UNPLATTED TRACT OF LAND IN SECTION 20, TOWNSHIP 11 NORTH, RANGE 9 WEST, HALL COUNTY, NEBRASKA, SAID POINT ALSO BEING THE ACTUAL POINT OF BEGINNING; THENCE NORTHEASTERLY ON THE SOUTHERLY LINE OF SAID LOT TWO (2) AND THE NORTH LINE OF SAID UNPLATTED TRACT OF LAND A DISTANCE OF 99.97 FEET TO THE WESTERLY LINE OF SAID LOT TWO (2) AND THE NORTHEAST CORNER OF SAID UNPLATTED TRACT OF LAND; THENCE NORTHWESTERLY, PERPENDICULAR TO THE SOUTHERLY LINE OF SAID LOT TWO (2) AND THE NORTH LINE OF SAID UNPLATTED TRACT OF LAND, A DISTANCE OF 8.00 FEET; THENCE SOUTHWESTERLY, PARALLEL TO THE SOUTHERLY LINE OF SAID LOT TWO (2) AND THE NORTH LINE OF SAID UNPLATTED TRACT OF LAND A DISTANCE OF 99.97 FEET TO A POINT ON THE WESTERLY LINE OF SAID

Approved as to Form	▣ _____
February 19, 2016	▣ City Attorney

ORDINANCE NO. 9576 (Cont.)

LOT TWO (2); THENCE SOUTHEASTERLY ON THE WESTERLY LINE OF SAID LOT TWO (2) A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

is hereby vacated. Such easement to be vacated is 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: February 23, 2016

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk

US HIGHWAY 30

FRONTAGE ROAD

LOT 1  
NELSEN  
SUBDIVISION

LOT 1  
BONSALL  
SUBDIVISION

LOT 2  
COMMERCIAL  
INDUSTRIAL PARK  
SECOND SUBDIVISION

LOT 2  
BONSALL  
SUBDIVISION

LOT 1  
COMMERCIAL INDUSTRIAL  
PARK FOURTH SUBDIVISION

EXISTING  
16.00' EASEMENT  
TO REMAIN

LOT 3  
BONSALL  
SUBDIVISION

LOT 6  
COMMERCIAL  
INDUSTRIAL  
PARK SUBDIVISION

INDUSTRIAL LANE

LOT 4  
BONSALL  
SUBDIVISION

EXISTING  
8.00' EASEMENT  
TO BE VACATED

LOT 2  
COMMERCIAL  
INDUSTRIAL PARK  
FOURTH SUBDIVISION

LOT 3  
COMMERCIAL INDUSTRIAL  
PARK THIRD SUBDIVISION

UNPLATTED  
SECTION 20  
T11N-R9W

LOT 12  
COMMERCIAL INDUSTRIAL  
PARK SUBDIVISION

LOT 2  
STAROSTKA  
SUBDIVISION

OLD HIGHWAY 30

LOT 1  
STAROSTKA  
SUBDIVISION

CITY OF  
GRAND ISLAND  
PUBLIC WORKS DEPARTMENT

SCALE: 1" = 100'  
DATE: FEBRUARY 2016  
DRAWN BY: M. SOTO  
APPVD. BY: PUBLIC WORKS



VACATION OF EASEMENT