



City of Grand Island

Tuesday, August 8, 2017

Council Session

Item F-1

**#9638 - Consideration of Correction to Ordinance No. 9631
Relative to Vacation of the North End of Voss Road; North of
Seedling Mile Road**

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: August 8, 2017

Subject: Correction to Ordinance No. 9631 Relative to Vacation of the North End of Voss Road; North of Seedling Mile Road

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

Background

Bernhard Voss First Subdivision was platted in January 1955, with a public road dedicated at the north end of Voss Road; running east and west 303.53 feet within such subdivision. The property owner at 223 North Voss Road requested to vacate the unnamed road at the north end of Voss Road, as shown on the attached sketch.

On May 9, 2017, via Ordinance No. 9631, City Council approved the vacation of the northern end of Voss Road.

Discussion

An error was discovered upon filing of Ordinance No. 9631 with Hall County Register of Deeds. Rather than the ordinance stating the vacated street would revert to the abutting properties south of such, it stated that the vacated street would revert half to the property to the north and half to the property to the south. As the vacated right-of-way was only the south half of the typical 60' right-of-way, the vacated right-of-way should all revert to the south properties.

If adopted, the ordinance will clarify the road right-of-way being vacated is a part of the south one-half of Voss Road as platted by Voss Subdivision and replatted in part by Bernahrd Voss First Subdivision. The vacated Tract 1 would revert to the owners of Lot 16 and vacated Tract 2 would revert to the owners of Lot 1.

There are public utilities located within the subject area; therefore a drainage/utility easement is being maintained to allow sufficient access to such.

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 approve the correction to Ordinance No. 9631 relative to vacation of the north end of Voss Road as requested, and retain a drainage/utility easement for access to such.

Sample Motion

Move to approve the ordinance.

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

ORDINANCE NO. 9638

An ordinance to clarify and correct the action taken by adoption of Ordinance No. 9631 on May 9, 2017; to vacate existing right of way; to provide for reservation of a drainage/utility easement; to provide for reversion of the vacated right-of-way to the abutting owners; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; to repeal Ordinance No. 9631 and all ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, on May 9, 2017, Ordinance No. 9631 was passed and adopted vacating a part of the right-of-way of Voss Road and providing for the reversion of the same to abutting owners of abutting lands; and

WHEREAS, said Ordinance failed to identify the area vacated as the south one-half of the street platted as part of Voss Subdivision, Hall County, Nebraska, and recorded at Book 81, Page 72 by the Hall County Register of Deeds; and

WHEREAS, it is in the best interests of the City and the owners of the abutting lands that action taken by Ordinance No. 9631 be corrected by passage of this ordinance.

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

SECTION 1. That the south one-half of the existing right-of-way of Voss Road, originally platted and dedicated as a part of Voss Subdivision and replatted as a part of Bernhard Voss First Subdivision, more particularly described as follows:

| | |
|---------------------|-----------------|
| Approved as to Form | ▣ _____ |
| August 4, 2017 | ▣ City Attorney |

ORDINANCE NO. 9638 (Cont.)

Tract 1 -

Beginning at the Northwest corner of Lot Sixteen (16) of Bernhard Voss First Subdivision of the City of Grand Island, Hall County, Nebraska, said point also being on the southerly roadway right-of-way line of Voss Road platted with Voss Subdivision and replatted in part with Bernhard Voss First Subdivision and the actual point of beginning; thence northerly and co-linear with the westerly line of said Lot Sixteen (16) of Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet; thence easterly and parallel with the northerly line of Lot Sixteen (16) of Bernhard Voss First Subdivision a distance of one hundred-twelve (112.0) feet; thence southerly and parallel with the westerly line of said Lot Sixteen (16) of Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet to a point on the northerly line of Lot Sixteen (16) of Bernhard Voss First Subdivision; thence westerly on said northerly line of Lot Sixteen (16) of Bernhard Voss First Subdivision a distance of one hundred-twelve (112.0) feet to said point of beginning, said tract being a part of the south one-half of Voss Road. Vacated area shown in attached Exhibit "A",.

And

Tract 2 -

Beginning at the Northeast corner of Lot One (1) of Bernhard Voss First Subdivision of the City of Grand Island, Hall County, Nebraska, said point also being on the southerly roadway right-of-way line of Voss Road platted with Voss Subdivision and replatted in part with Bernhard Voss First Subdivision and the actual point of beginning; thence northerly and co-linear with the easterly line of said Lot One (1) of Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet; thence westerly and parallel with the northerly line of Lot One (1) of Bernhard Voss First Subdivision a distance of one hundred-eleven and fifty-three hundredths (111.53) feet; thence southerly and parallel with the easterly line of said Lot One (1) of Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet to a point on the northerly line of Lot One (1) of Bernhard Voss First Subdivision; thence easterly on said northerly line of Lot One (1) of Bernhard Voss First Subdivision a distance of one hundred-eleven and fifty-three hundredths (111.53) feet to said point of beginning, said tract being a part of the south one-half of Voss Road. Vacated area shown in attached Exhibit "A",

be, and hereby is, vacated.

SECTION 2. The title to the property vacated by Section 1 of this Ordinance, the same being a part of the south one-half of Voss Road as platted and dedicated by the plat of Voss Subdivision, shall revert to the owner or owners of the real estate abutting the same in proportion to the respective ownership of such real estate, to wit: title to the above-described tract 1 shall revert to the owner or owners of Lot Sixteen (16), Bernhard Voss First Subdivision; title to the above-described tract 2 shall revert to the owner or owners of Lot One (1), Bernhard Voss First Subdivision.

SECTION 3. The City shall retain a drainage/utility easement through the vacated portion to line up with the existing easement through this area, more particularly described as follows:

Tract 1 -

Beginning at the Northwest corner of Lot Sixteen (16) of Bernhard Voss First Subdivision of the City of Grand Island, Hall County, Nebraska, said point also being on the southerly roadway right-of-way line of Road platted with Bernhard Voss First Subdivision and the actual point of beginning; thence northerly and co-linear with the westerly line of said Lot Sixteen (16) of

- 2 -

ORDINANCE NO. 9638 (Cont.)

Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet; thence easterly and parallel with the northerly line of Lot Sixteen (16) of Bernhard Voss First Subdivision a distance of one hundred-twelve (112.0) feet; thence southerly and parallel with the westerly line of said Lot Sixteen (16) of Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet to a point on the northerly line of Lot Sixteen (16) of Bernhard Voss First Subdivision; thence westerly on said northerly line of Lot Sixteen (16) of Bernhard Voss First Subdivision a distance of one hundred-twelve (112.0) feet to said point of beginning.

And

Tract 2 -

Beginning at the Northeast corner of Lot One (1) of Bernhard Voss First Subdivision of the City of Grand Island, Hall County, Nebraska, said point also being on the southerly roadway right-of-way line of Road platted with Bernhard Voss First Subdivision and the actual point of beginning; thence northerly and co-linear with the easterly line of said Lot One (1) of Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet; thence westerly and parallel with the northerly line of Lot One (1) of Bernhard Voss First Subdivision a distance of one hundred-eleven and fifty-three hundredths (111.53) feet; thence southerly and parallel with the easterly line of said Lot One (1) of Bernhard Voss First Subdivision a distance of thirty-three (33.0) feet to a point on the northerly line of Lot One (1) of Bernhard Voss First Subdivision; thence easterly on said northerly line of Lot One (1) of Bernhard Voss First Subdivision a distance of one hundred-eleven and fifty-three hundredths (111.53) feet to said point of beginning. Shown in attached Exhibit "A".

SECTION 4. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 5. Ordinance No. 9631 and all ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plate, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: August 8, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk



1