



City of Grand Island

Tuesday, January 23, 2018

Council Session

Item F-1

#9674 - Consideration of Partial Vacation of Utility Easement - Lot Six, Prairie Creek Meadows Subdivision (One R and Webb Roads)

Staff Contact: Tim Luchsinger, Jerry Janulewicz

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Jerome Janulewicz, City Attorney

Meeting: January 23, 2018

Subject: Ordinance #9674 - Vacation of Utility Easement Lot 6,
Prairie Creek Meadows Subdivision

Presenter(s): Timothy Luchsinger, Utilities Director

Background

In 1970, the Utilities Department was granted an Assignment of Rights of Way by Nebraska Public Power district, formerly Consumer's Public Power District for property that included Lot 6 of the recently created Prairie Creek Meadow Subdivision at One-R and Webb Roads. This Assignment of Rights of Way was originally granted to Consumer's in 1927 and 1930 and the current property owner has requested that the Assignment be released.

Discussion

This Assignment of Rights of Way for this property is no longer needed and easements serving the property were acquired by the Department at the October 24, 2017 Council meeting. Utilities and Legal staff have reviewed the request to release the assignment and vacate the easement on Lot 6, Prairie Creek Meadow Subdivision.

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 Ordinance #9674, and that the above described easement be vacated.

Sample Motion

Move to approve Ordinance #9674 to vacate the utility easement and right-of-way in part Lot Six (6), Prairie Creek Meadows Subdivision, in the City of Grand Island, Hall County, Nebraska.

This Space Reserved for the Register of Deeds

ORDINANCE NO. 9674

An ordinance releasing in part an Assignment of Right of Way; to provide for recording; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

WHEREAS, on July 24, 1970, Nebraska Public Power District, formerly named Consumer's Public Power District, a public corporation and political subdivision of the State of Nebraska, executed and granted an Assignment of Rights of Way to the City of Grand Island, Nebraska, a municipal corporation in Hall County, Nebraska ("City"), which was recorded on August 19, 1970 in Book 20 of Miscellaneous, Page 715 at the Hall County Register of Deeds (the "Assignment"); and

WHEREAS, on August 12, 2017, DMBG Investments, L.L.C., a Nebraska Limited Liability Company, executed and granted a Utility Easement to City, which was recorded on October 30, 2017, as Instrument No. 201707386 at the Hall County Register of Deeds (the "Utility Easement"); and

Approved as to Form ✕ _____
January 19, 2018 ✕ City Attorn

ORDINANCE NO. 9674 (Cont.)

WHEREAS, as a result of the recording of the Utility Easement, the Assignment is no longer necessary to City upon the property legally described as Lot Six (6), Prairie Creek Meadows Subdivision, Hall County, Nebraska (the "Property").

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

SECTION 1. City hereby releases the Assignment solely with respect to and upon the Property, retaining all other rights and interests granted by the Assignment.

SECTION 2. That this ordinance shall be presented to the Hall County Register of Deeds for recording.

SECTION 3. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication as provided by law.

Enacted: January 23, 2018.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk