



City of Grand Island

Tuesday, July 28, 2020

Council Session

Item F-4

#9779 - Consideration of Vacation of Public Utility Easement in Sterling Estates Tenth Subdivision; 3793 Monarch Avenue (Starostka Group Unlimited, Inc.)

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: July 28, 2020

Subject: Consideration of Vacation of Public Utility Easement in Sterling Estates Tenth Subdivision; 3793 Monarch Avenue (Starostka Group Unlimited, Inc.)

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

Background

A public utility easement within Sterling Estates Tenth Subdivision was dedicated on July 28, 2015, via Resolution No. 2015-192 and filed with Hall County Register of Deeds on September 15, 2015 as Document No. 201506285.

Discussion

The current property owner of 3793 Monarch Avenue is requesting to vacate such dedicated easement to allow for further development of the area. There is no utility currently or proposed 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 public utility easement in Sterling Estates Tenth Subdivision; 3793 Monarch Avenue (Starostka Group Unlimited, Inc.).

Sample Motion

Move to pass an ordinance vacating the easement.

ORDINANCE NO. 9779

An ordinance to vacate an existing public 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 public utility easement located in Sterling Estates Tenth Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

*A TRACT OF LAND IN PART OF LOT 1, BLOCK 2, STERLING ESTATES TENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 2, STERLING ESTATES TENTH SUBDIVISION, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N00°52'40"E, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 2, A DISTANCE OF 120.00 FEET TO A POINT BEING THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 2; THENCE S89°07'20"E, ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 2, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MONARCH AVENUE, A DISTANCE OF 25.47 FEET; THENCE S00°52'40"W A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, BLOCK 2; THENCE N89°07'20"W, ALONG SAID SOUTH LINE, A DISTANCE OF 25.47 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3056 SQUARE FEET OR 0.07 ACRES MORE OR LESS.*

Approved as to Form	▣ _____
July 24, 2020	▣ City Attorney

ORDINANCE NO. 9779 (Cont.)

is hereby vacated. Such easement to be vacated is shown and more particularly described on Easement Vacate Exhibit 1 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: July 28, 2020

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

DWG: G:\Grand Island\Teams\Survey\Misc Project\2020\STERLING ESTATES\0131214--NEIDFELT_SR.dwg USER: jjimenez
 DATE: Jul 17, 2020 12:49pm XREFS: MASTERXREF_ROW 016-2984_FTR LOTS

PROJECT NO.: 2014-1966
 DRAWN BY: JMJ
 DATE: 07.17.2020

EASEMENT VACATE

Olsson
 201 East 2nd Street
 Grand Island, NE 68801
 TEL 308.384.8750
 FAX 308.384.8752

EXHIBIT
A

VACATE DESCRIPTION

A TRACT OF LAND IN PART OF LOT 1, BLOCK 2, STERLING ESTATES TENTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 2, STERLING ESTATES TENTH SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°52'40"E, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 2, A DISTANCE OF 120.00 FEET TO A POINT BEING THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 2; THENCE S89°07'20"E, ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 2, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MONARCH AVENUE, A DISTANCE OF 25.47 FEET; THENCE S00°52'40"W A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, BLOCK 2; THENCE N89°07'20"W, ALONG SAID SOUTH LINE, A DISTANCE OF 25.47 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 3056 SQUARE FEET OR 0.07 ACRES MORE OR LESS.

