



City of Grand Island

Tuesday, October 13, 2020

Council Session

Item F-3

**#9793 - Consideration of Vacation of Utility Easement - 3539 S.
Locust Street - Hooker Brothers**

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Stacy Nonhof, Interim City Attorney

Meeting: October 13, 2020

Subject: Ordinance # 9793 - Consideration of Vacation of Utility Easement – Hooker Bros. Sand & Gravel, Inc. – 3539 S. Locust Street

Presenter(s): Timothy Luchsinger, Utilities Director

Background

There is a (20) foot wide utility easement located in part of the Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4) of Section Thirty Four (34), Township Eleven (11) North, Range Nine (9) West of the 6th PM, Hall County, Nebraska that needs to be vacated.

Discussion

The current office located at 3539 S. Locust Street is being relocated and the electrical service inside the easement has been abandoned. The vacation of this easement will allow the lessee and lessor to proceed with future development.

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 Ordinance, and that the described easement be vacated.

Sample Motion

Move to approve the Ordinance and vacate the utility easement as described in Document No. 200301598 (Exhibit A).

ORDINANCE No. 9793

An ordinance to vacate an existing acquired twenty (20.0) foot wide Utility Easement recorded in Instrument Number 200301598, as recorded in the Hall County, Nebraska Register of Deeds Office, and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; and to provide for the publication and the effective date of this ordinance.

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

SECTION 1. That the twenty (20.0) foot wide utility easement and right-of-way tract located in part of the Southwest Quarter of the Southwest Quarter (SW1/4,SW1/4) of Section Thirty Four (34), Township Eleven (11) North, Range Nine (9) West of the 6th PM, Hall County, Nebraska to be vacated being more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter (SW1/4) of Section Thirty Four (34), Township Eleven (11) North, Range Nine (9) West; thence northerly, along the westerly line of the Southwest Quarter of the Southwest Quarter (SW1.4,SW1/4) of said Section Thirty Four (34), a distance of one thousand seventy-six and thirty hundredths (1,076.30) feet; thence deflecting right 94°19'21" and running southeasterly, a distance of one hundred sixteen and ninety-seven hundredths (116.97) feet to a point on the easterly right-of-way line of Locust Street, being the ACTUAL Point of Beginning; thence deflecting left 36°24'05" and running northeasterly, a distance of one hundred five (105.0) feet; thence deflecting left 46°57'09" and running northeasterly, a distance of seventy (70.0) feet to the point of termination.

Approved as to Form	☐ _____
October 23, 2020	☐ City Attorney

Such Utility Easement to be vacated as shown on Exhibit "A" attached hereto dated 9/10/2020 and incorporated herein by reference.

SECTION 2. This Ordinance is hereby directed to be recorded in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage and publication within fifteen (15) days in one issue of the Grand Island Daily Independent as provided by law.

Enacted: October 13, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

