



# City of Grand Island

Tuesday, September 28, 2021

Council Session

## Item F-4

### **#9853 - Consideration of an Ordinance to Vacate Highland Park Subdivision**

Staff Contact: Chad Nabity

# Council Agenda Memo

**From:** Chad Naby AICP, Regional Planning Director  
**Meeting:** September 28, 2021  
**Subject:** Request to Vacate Highland Park Subdivision  
**Presenter(s):** Chad Naby AICP, Regional Planning Director

## Background

The owners of all of the property encompassed by Highland Park Subdivision have requested that the City vacate the Highland Park Subdivision and all dedicated rights of way and easements. This subdivision was platted and filed in November of 1961 dividing the property south of Old Potash Highway and west of Engleman Road into lots, blocks and streets. There is no record of approval of the plat by Hall County at that time. The property was farmed before the plat was filed and has been under common ownership and farmed since 1961. No improvements for streets or utilities have been made within the subdivision since it was filed.

## Discussion

This request was made to facilitate the extension of the Northwestern Energy gas line around the perimeter of the City of Grand Island. No improvements have been made to this property to support the subdivision. No development has occurred on the property and the development as shown would be detrimental to traffic flow along Old Potash Highway and Engleman Road.

Staff is suggesting that the City right of way as shown for both Old Potash Highway and Engleman Road.

## 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 to vacate Highland Park Subdivision retaining the 33 foot of right of way along the south side of Old Potash Highway and the west side of Engleman Road.

## **Sample Motion**

Move to approve as recommended.



September 7, 2021

To: City of Grand Island

It is the intent of Shirley Klinginsmith to vacate the recorded subdivision of "Highland Park Subdivision" located in the East Half of the NE1/4, Section 22, Township 11 North, Range 10 West of the 6<sup>th</sup> PM, Hall County NE. No improvements have been established on this subdivision. Please find attached an exhibit and Title Report for proving ownership of this tract of land.

Sincerely,

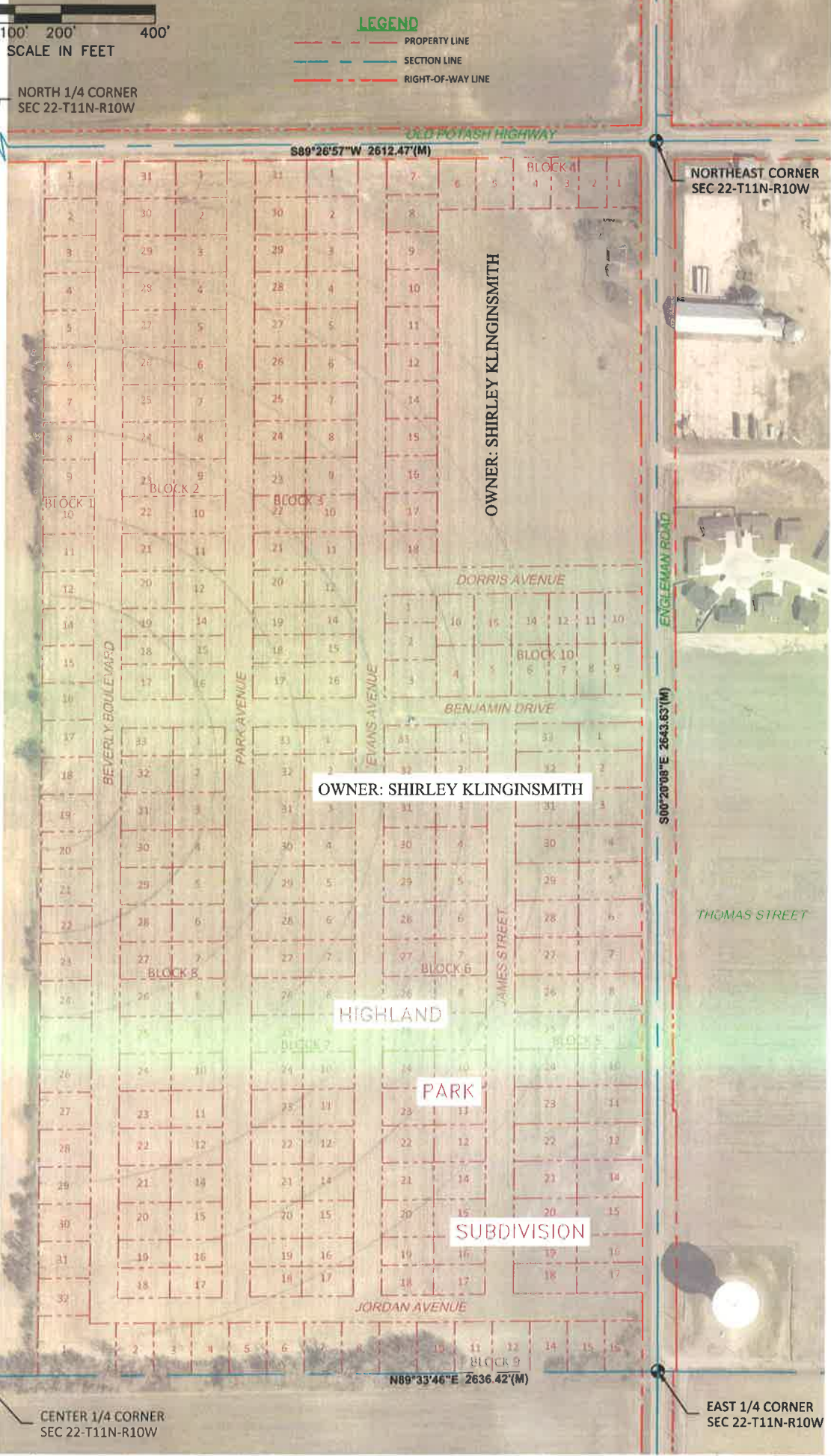
Shirley Klinginsmith

By 

Date 9-8-2021

201 E. Second Street / Grand Island, NE 68801  
O 308.384.8750 / olsson.com

DWG: F:\2020\0001-0500\020-0409\40-Design\Survey\SRV\Kcm\1\V\_XRWAY\_0200409.dwg  
 DATE: Sep 07, 2021 2:43pm  
 XREFS: V\_XTOPO\_0192717 V\_XRWAY\_81392 V\_XRWAY\_81392 V\_XRWAY\_73110 V\_XRWAY\_GMSP\_73110  
 USER: lwheeler  
 V\_AERL\_LDP\_0200409 V\_FTP\_61973 REV V\_XTPD\_61973 Easement V\_XRWAY\_GMSP\_73110 From Others\_Moore's Creek Design SV-161975.00-Water-Tower

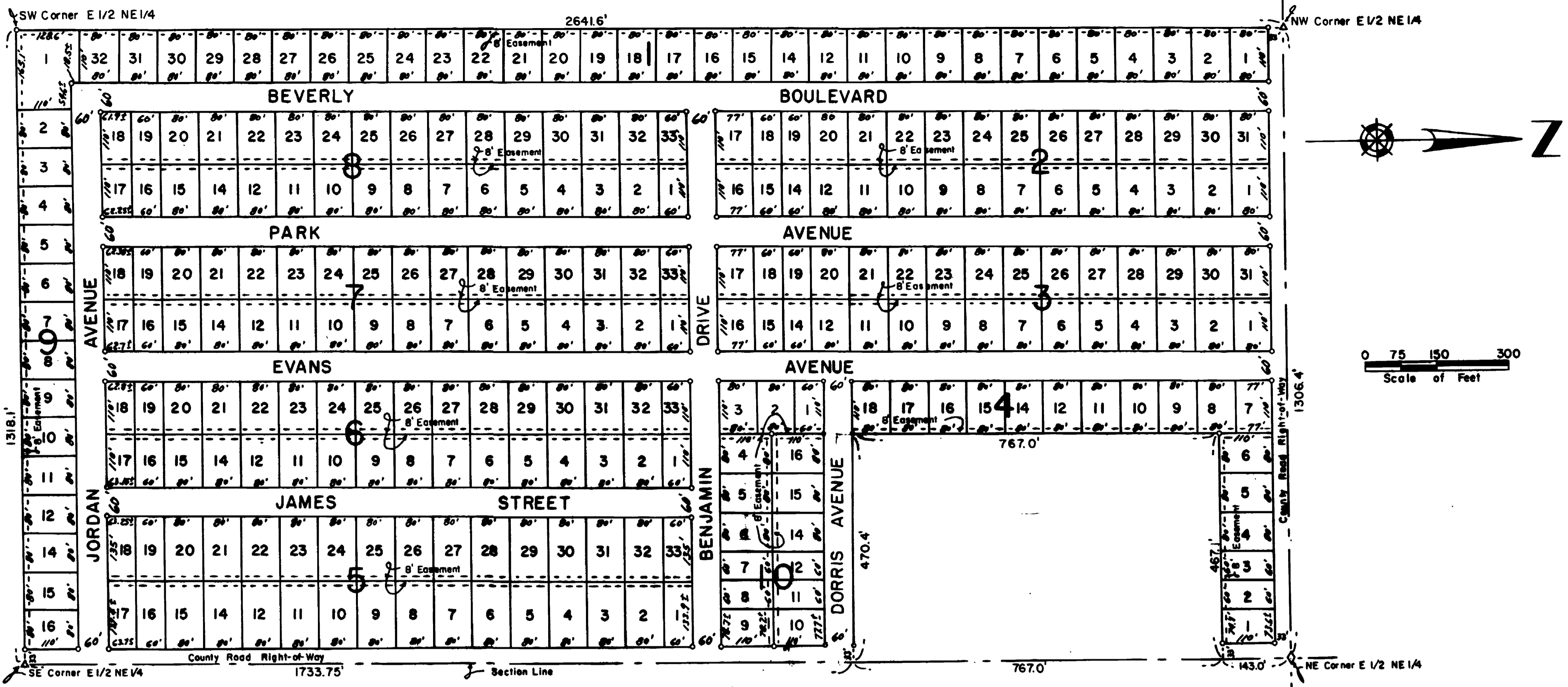


PROJECT NO: 2020-0409  
 DRAWN BY: LJW

SUBDIVISION VACATE EXHIBIT

**olsson**  
 201 East 2nd Street  
 Grand Island, NE 68801  
 TEL: 308.384.8750

EXHIBIT  
 1



**DESCRIPTION**

Plat of a tract of land in the East One Half of the Northeast Quarter (E 1/2 NE 1/4) of Section Twenty Two (22), Township Eleven (11) North, Range Ten (10) West of the 6th P.M.; Hall County, Nebraska and more particularly described as follows:  
 Beginning at the Southeast corner of said E 1/2 NE 1/4; thence running westerly along the south line of the E 1/2 NE 1/4 a distance of One Thousand Three Hundred Eighteen and One Tenth (1318.1) feet to the Southwest corner of the E 1/2 NE 1/4; thence running northerly along the west line of the E 1/2 NE 1/4 a distance of Two Thousand Six Hundred Forty One and Six Tenths (2641.6) feet to the Northwest corner of the E 1/2 NE 1/4; thence running easterly along the north line of the E 1/2 NE 1/4 a distance of One Thousand Three Hundred Six and Four Tenths (1306.4) feet to the Northeast corner of the E 1/2 NE 1/4; thence running southerly along the east line of the E 1/2 NE 1/4 a distance of One Hundred Forty Three (143.0) feet; thence running westerly and parallel to the north line of the E 1/2 NE 1/4 a distance of Four Hundred Sixty Seven and One Tenth (467.1) feet; thence running southerly and parallel to the west line of the E 1/2 NE 1/4 a distance of Seven Hundred Sixty Seven (767.0) feet; thence running easterly and parallel to the north line of the E 1/2 NE 1/4 a distance of Four Hundred Seventy and Four Tenths (470.4) feet to a point on the east line of the E 1/2 NE 1/4; thence running southerly along the east line of the E 1/2 NE 1/4 a distance of One Thousand Seven Hundred Thirty Three and Seventy Five Hundredths (1733.75) feet to the point of beginning and containing 71.362 acres more or less.

**SURVEYOR'S CERTIFICATE**

I hereby certify that on October 24, 1961 I completed a survey of "HIGHLAND PARK SUBDIVISION", Hall County, Nebraska, as shown on the accompanying plat thereof, that iron markers were placed at all block corners, that the dimensions of each lot are as shown on the plat, that each lot and block bears its own number, and that said survey was made with reference to known and recorded monuments.

*Thomas L. Jordan*  
 Registered Land Surveyor L.S. 178



3587

November 7 10  
 20 104  
 Needs Edna Bohm  
 60

**DEDICATION**

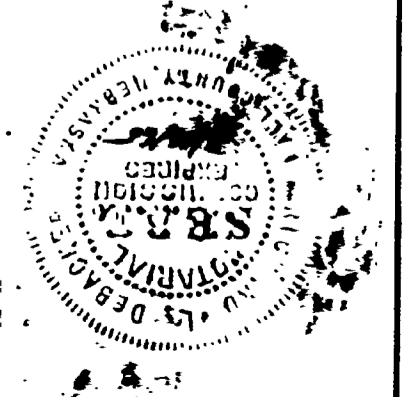
KNOW ALL MEN BY THESE PRESENTS, That we, SYLVESTER J. McHUGH and DORRIS B. McHUGH, each in his and her own right and as spouse of each other, being the owners of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as "HIGHLAND PARK SUBDIVISION" as shown on the accompanying plat and do hereby dedicate the streets as thereon shown to the public for their use forever and the easements as thereon shown for the location, construction and maintenance of public utilities forever, and that the foregoing subdivision, as more particularly described in the description hereon as appears on this plat, is made with the free consent and in accordance with the desire of the undersigned owners and proprietors.  
 IN WITNESS WHEREOF, We have affixed our signatures hereto at Grand Island, Nebraska, this 3rd day of November, 1961.

*Sylvester J. McHugh*  
 SYLVESTER J. McHUGH  
  
*Dorris B. McHugh*  
 DORRIS B. McHUGH

**ACKNOWLEDGEMENT**

State of Nebraska SS  
 County of Hall  
 On the 3rd day of November, 1961 before me Richard L. DeBaker  
 a Notary Public, within and for said County, personally appeared SYLVESTER J. McHUGH and DORRIS B. McHUGH, his wife, to me personally known to be the identical persons whose signatures are affixed thereon, and each in his and her own right did acknowledge the execution thereof to be his and her voluntary act and deed.  
 IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska on the date last above written.  
 My commission expires March 16, 1965.

*Richard L. DeBaker*  
 Notary Public



SEAL

**HIGHLAND PARK SUBDIVISION  
 HALL COUNTY, NEBRASKA**

THOMAS & BENJAMIN & CLAYTON  
 ENGINEERS and ARCHITECTS  
 GRAND ISLAND, NEBRASKA

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 9853

An ordinance to vacate the plat for Highland Park Subdivision; to provide for the recording of 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 the plat dated November 3<sup>rd</sup>, 1961 and filed with the Hall County Register of Deeds on November 7<sup>th</sup>, 1961 by Sylvester J. McHugh and Dorris B. McHugh is hereby vacated along with all easements and rights-of-way dedicated with and/or shown on this plat except the thirty-three foot of road right of way along the north side of the subdivision for Old Potash Highway and the thirty-three foot of road right of way along the east side of the subdivision for Engleman Road which shall be retained by the City on behalf of the public.

Approved as to Form    ✕ \_\_\_\_\_  
September 24, 2021    ✕ City Attorney

ORDINANCE NO. 9853(Cont.)

SECTION 2. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

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, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted September 28, 2021.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk