



City of Grand Island

Tuesday, October 12, 2021

Council Session

Item F-4

#9853 - Consideration of an Ordinance to Vacate Highland Park Subdivision (Second and Final Reading)

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity AICP, Regional Planning Director

Meeting: October 12, 2021

Subject: Request to Vacate Highland Park Subdivision

Presenter(s): Chad Nabity 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 6th 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.

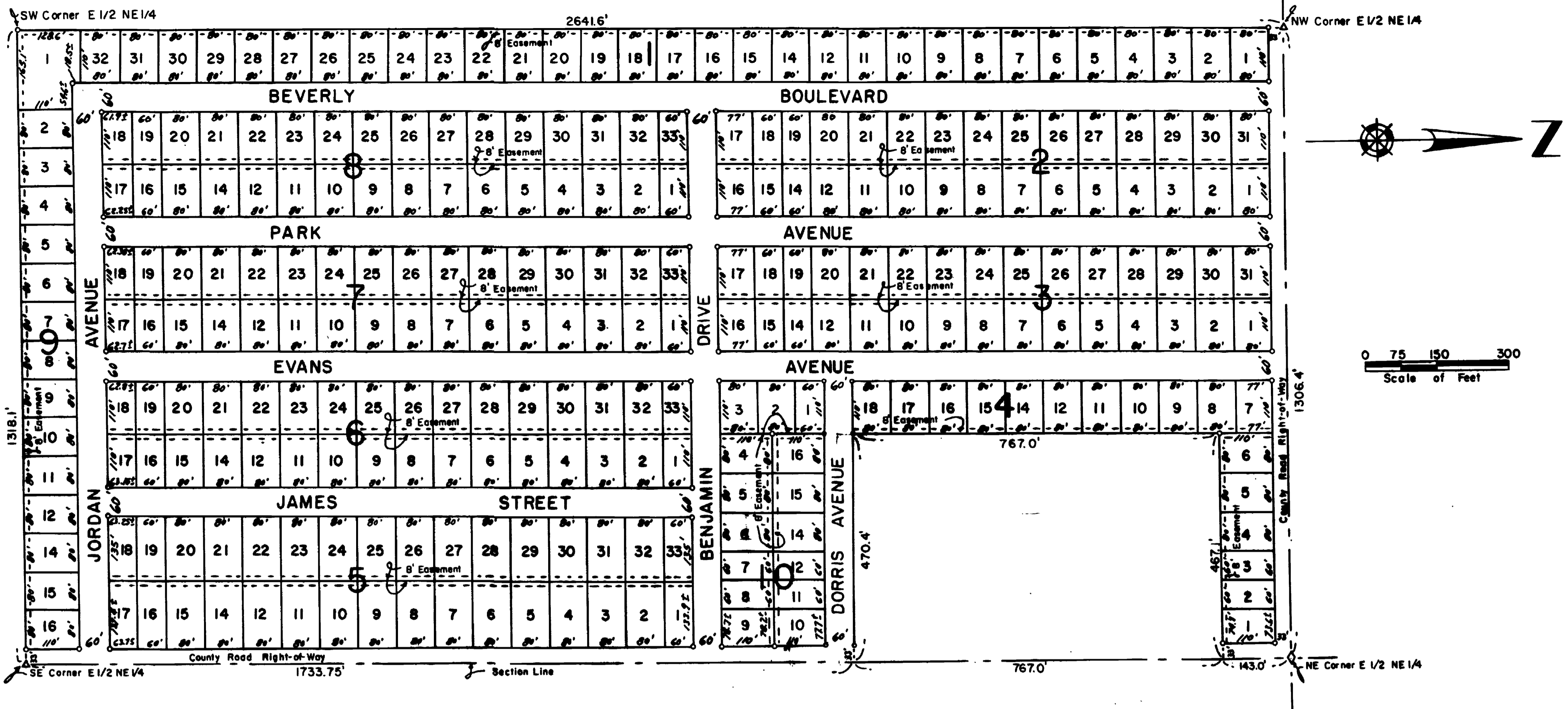
Sincerely,

Shirley Klinginsmith

By 

Date 9-8-2021

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



DESCRIPTION

Plat of a tract of land in the East One Half of the Northeast Quarter (E1/2 NE1/4) 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 E1/2 NE1/4; thence running westerly along the south line of the E1/2 NE1/4 a distance of One Thousand Three Hundred Eighteen and One Tenth (1318.1) feet to the Southwest corner of the E1/2 NE1/4; thence running northerly along the west line of the E1/2 NE1/4 a distance of Two Thousand Six Hundred Forty One and Six Tenths (2641.6) feet to the Northwest corner of the E1/2 NE1/4; thence running easterly along the north line of the E1/2 NE1/4 a distance of One Thousand Three Hundred Six and Four Tenths (1306.4) feet to the Northeast corner of the E1/2 NE1/4; thence running southerly along the east line of the E1/2 NE1/4 a distance of One Hundred Forty Three (143.0) feet; thence running westerly and parallel to the north line of the E1/2 NE1/4 a distance of Four Hundred Sixty Seven and One Tenth (467.1) feet; thence running southerly and parallel to the west line of the E1/2 NE1/4 a distance of Seven Hundred Sixty Seven (767.0) feet; thence running easterly and parallel to the north line of the E1/2 NE1/4 a distance of Four Hundred Seventy and Four Tenths (470.4) feet to a point on the east line of the E1/2 NE1/4; thence running southerly along the east line of the E1/2 NE1/4 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.

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 3rd, 1961 and filed with the Hall County Register of Deeds on November 7th, 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 ☐ _____
October 21, 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 October 12, 2021.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk