



City of Grand Island

Tuesday, November 9, 2021

Council Session

Item F-8

#9862 - Consideration of Vacation of Public Utility Easement in Lake Heritage Second Subdivision; 2009 W US Highway 34 (Brian T. & Lori L. Fausch)

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

Council Agenda Memo

From: Keith Kurz PE, Assistant Public Works Director

Meeting: November 9, 2021

Subject: Consideration of Vacation of Public Utility Easement in Lake Heritage Second Subdivision; 2009 W US Highway 34 (Brian T. & Lori L. Fausch)

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

Background

A public utility easement within Lake Heritage Second Subdivision was filed with Hall County Register of Deeds on October 13, 2010 as Document No. 201007490.

Discussion

Public easements were dedicated with the original plat of Lake Heritage Second Subdivision. The initial location of the septic utility easement needs to be relocated to allow for construction of a new building, therefore City Council is being asked at tonight's meeting to vacate the initial easement and acquire a new one in the appropriate location. A sketch is attached to show the easement area.

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 septic utility easement in Lake Heritage Second Subdivision; 2009 W US Highway 34 (Brian T. & Lori L. Fausch).

Sample Motion

Move to pass an ordinance vacating the easement.

ORDINANCE NO. 9862

An ordinance to vacate an existing septic 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 septic utility easement located in Lake Heritage Second Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

TWO (2) TRACTS OF LAND BEING 25 FEET WIDE BY 100 FEET IN LENGTH LOCATED IN LOT FOUR (4), LAKE HERITAGE SECOND SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, AS SHOWN ON A PLAT FILED IN THE OFFICE OF THE HALL COUNTY REGISTER OF DEEDS, INSTRUMENT NO. 0201007490, THE TWO (2) 25 FEET BY 100 FEET STRIPS OF LAND, LYING 5.00 FEET NORTHERLY OF THE FOLLOWING DESCRIBED SIDELINE:

COMMENCING AT A ½" PIPE AT THE NORTHWEST CORNER OF SAID LOT FOUR (4); THENCE S01°49'21"W ON THE WEST LINE OF SAID LOT FOUR (4); AND ALL BEARINGS CONTAINED HEREIN ARE RELATIVE THERETO, A DISTANCE OF 139.88 FEET TO A ½" PIPE; THENCE S69°53'20"E, A DISTANCE OF 4.45 FEET TO THE POINT OF BEGINNING OF SAID SIDELINE FOR TRACT ONE (1); THENCE S69°53'20"E A DISTANCE OF 100.00 FEET TO THE END OF THE FIRST TRACT OF LAND; THENCE S69°53'20"E, A

Approved as to Form	▣ _____
November 6, 2021	▣ City Attorney

ORDINANCE NO. 9862 (Cont.)

DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING OF SAID SIDELINE FOR TRACT TWO (2); THENCE S69°53'20"E, A DISTANCE OF 100.00 FEET TO THE END OF TRACT TWO (2). THE ABOVE DESCRIBED TRACTS OF LAND BEING USED FOR A UTILITY EASEMENT CONTAINING A TOTAL OF 0.11 ACRES MORE OR LESS.

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: November 9, 2021

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

"EASEMENT VACATION & RELOCATION EXHIBIT"

LAKE HERITAGE FIFTH SUBDIVISION

A REPLAT OF LOTS 3 AND 4, LAKE HERITAGE SECOND SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA.

NW COR., NW1/4 SEC. 33-11-09

LAKE HERITAGE SECOND SUB.
PART OF LOT 3
INST. NO. 201109764

NEBRASKA STATE HIGHWAY NO. 2

S 89°57'43" E
101.14'(M)
101.26'(P)

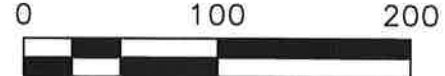
S 00°23'15" E
49.71'(M)
50.00'(P)

N 89°52'17" W
79.76'(M)
80.00'(P)

10' UTILITY EASEMENT
INST. NO. 201107571

LAKE HERITAGE SECOND SUBDIVISION

LOT 5



- (M) = MEASURED DISTANCE
- (P) = PLATTED DISTANCE
- = FOUND PROPERTY CORNER (CAPPED 5/8" IRON ROD)
- = SET PROPERTY CORNER (CAPPED 5/8" X 24" REBAR)
- E = ELECTRICAL BOX
- S = SEPTIC LID
- T = TEL. PEDESTAL
- W = WELL
- G - G - = GAS
- E - E - E - = UNDERGROUND ELECTRIC
- FO - FO - FO - = FIBER OPTIC
- x - = FENCE
- - - - = EASEMENT
- - - - = GRAVEL
- - - - = CONCRETE

N 33°42'52" E
58.74'(M)&(D)

25'X100' UTILITY EASEMENT
INST. NO. 201007490

BLAINE STREET

CL OF 20' UTILITY EASEMENT
INST. NO. 201107172

5' UTILITY & TRAIL EASEMENT
INST. NO. 201007490

LOT 1

15' TRAIL EASEMENT
INST. NO. 201007490

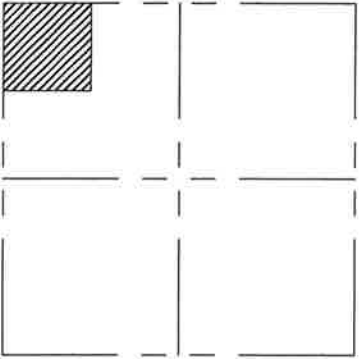
SW COR., NW1/4 NW1/4 SEC. 33-11-09

LEGAL DESCRIPTION

A tract of land being all of lots three (3) and four (4), Lake Heritage Second Subdivision, in the City of Grand Island, Hall County, Nebraska.

LOCATION MAP

SECTION 33-T11N-R9W



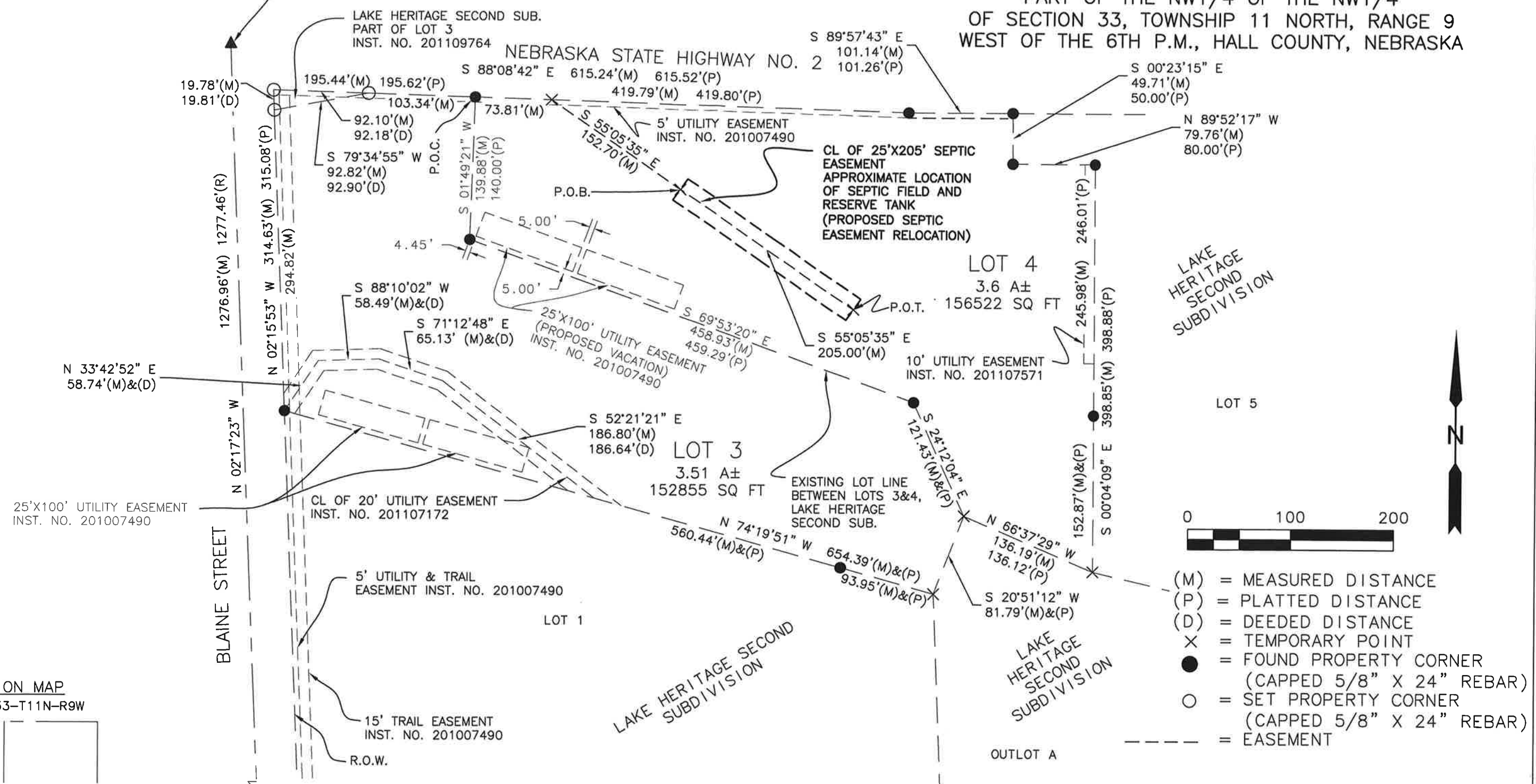
LTS1&2-L.H.5THSUB		
DRAWN	DATE	818 LAND SURVEYING
DJC	10/20/21	4153 ARIZONA AVE
APPROVED	DATE	G.I., NE 68803
DJC	10/21/21	(308)991-3943
SCALE	SHEET	PROJECT NO.
1:100	1-1	

"EASEMENT VACATION & RELOCATION PLAT"

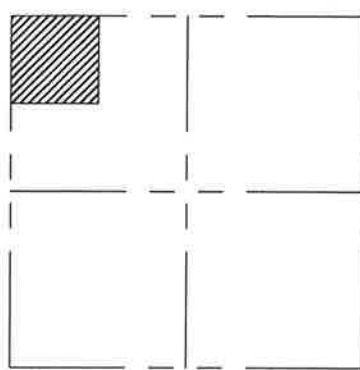
LAKE HERITAGE SECOND SUBDIVISION

PART OF THE NW1/4 OF THE NW1/4
OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 9
WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA

NW COR., NW1/4 SEC. 33-11-09



LOCATION MAP
SECTION 33-T11N-R9W



LTS3&4-L.H.2NDSUB		
DRAWN DJC	DATE 11/02/21	818 LAND SURVEYING 4153 ARIZONA AVE G.I., NE 68803 (308)991-3943
APPROVED DJC	DATE 11/02/21	
SCALE 1:100	SHEET 1-2	PROJECT NO.

"EASEMENT VACATION & RELOCATION LEGAL DESCRIPTIONS"
 LAKE HERITAGE SECOND SUBDIVISION
 PART OF THE NW1/4 OF THE NW1/4
 OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 9
 WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA

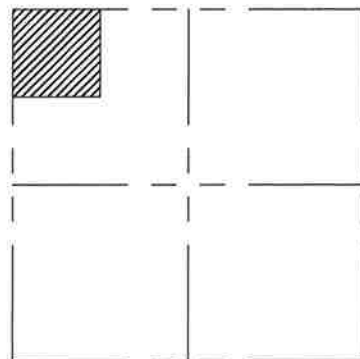
LEGAL DESCRIPTION (25' X 100' UTILITY EASEMENT VACATION)

Two (2) tracts of land being 25 feet wide by 100 feet in length located in Lot four (4), Lake Heritage Second Subdivision, in the City of Grand Island, Hall County, Nebraska, as show on a plat filed in the office of the Hall County Register of Deeds, Instrument Number 0201007490, the two (2) 25 feet by 100 feet strips of land, lying 5.00 feet northerly of the following described sideline: COMMENCING at a 1/2" pipe at the Northwest corner of said Lot four (4); thence S 01°49'21" W on the West line of said Lot four (4), and all bearings contained herein are relative thereto, a distance of 139.88 feet to a 1/2" pipe; thence S 69°53'20" E, a distance of 4.45 feet to the POINT OF BEGINNING of said sideline for tract (1); thence S 69°53'20" E a distance of 100.00 feet to the end of the first tract of land; thence S 69°53'20" E, a distance of 5.00 feet to the POINT OF BEGINNING of said sideline for tract two (2); thence S 69°53'20" E, a distance of 100.00 feet to the end of tract two (2).
 The above described tracts of land being using for a Utility Easement containing a total of 0.11 Acres more of less.

LEGAL DESCRIPTION (SEPTIC UTILITY EASEMENT)

A strip of land being 25 feet wide septic utility easement located in Lot four (4), Lake Heritage Second Subdivision, in the City of Grand Island, Hall County, Nebraska, the center line of which is more particularly described as follows: COMMENCING at a 1/2" pipe at the Northwest corner of said Lot four (4); thence S 88°08'42" E on the North line of said Lot four (4), and all bearings contained herein are relative thereto, a distance of 73.81 feet to a point on the North line of said Lot four (4); thence S 55°05'35" E a distance of 152.70 feet to the POINT OF BEGINNING; thence S 55°05'35" E a distance of 205.00 feet to the POINT OF TERMINATION.
 The above described easement containing a total of 0.12 Acres more of less.

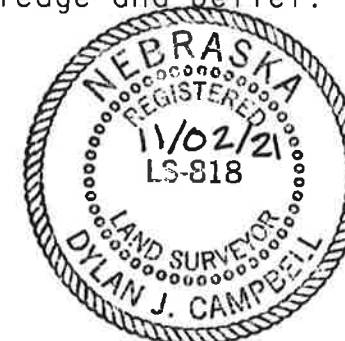
LOCATION MAP
 SECTION 33-T11N-R9W



SURVEYOR'S CERTIFICATE

I, Dylan Campbell, Nebraska Registered Land Surveyor No. 818, do hereby certify that on September 22, 2021, I surveyed the above platted and described tract of land using known and record monuments. All information shown hereon is true and correct to the best of my knowledge and belief.


 Dylan Campbell
 Nebraska R.L.S. No. 818



LTS3&4-L.H.2NDSUB		
DRAWN DJC	DATE 11/02/21	818 LAND SURVEYING 4153 ARIZONA AVE G.I., NE 68803 (308)991-3943
APPROVED DJC	DATE 11/02/21	PROJECT NO.
SCALE 1:100	SHEET 2-2	