



# City of Grand Island

Tuesday, January 25, 2022

Council Session

## Item F-3

**#9870 - Consideration of Vacation of Utility Easements - 655 S. Cherry and 1010 E. Bismark - Nikodym**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# Council Agenda Memo

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

**Meeting:** January 25, 2022

**Subject:** Ordinance #9870 - Consideration of Vacation of Utility Easements – 655 S. Cherry and 1010 E. Bismark

**Presenter(s):** Timothy Luchsinger, Utilities Director

## Background

John and Janice Nikodym are in the process of re-subdividing Nikodym Second Subdivision into lots for single family dwellings located at Cherry Street and Bismark Road. They have requested the vacation of two existing easements: a sixteen (16.0) foot wide Power Easement originally platted on Superbowl Subdivision and a twenty (20.0) foot wide Utility Easement described in Instrument Number 202004934, both recorded in the Hall County Register of Deeds Office. A new sixteen (16.0) foot wide Utility Easement will be acquired to cover the existing electrical services.

## Discussion

Due to the re-subdividing of Nikodym Second Subdivision and to realign the current existing easement, the City will need to vacate two (2) existing easements and acquire a new sixteen (16.0) foot wide Utility Easement. The new sixteen (16.0) foot wide utility easement will accommodate the existing electrical services that currently feed Lot One (1) and Lot Two (2) of Nikodym Subdivision (655 S. Cherry Street and 1010 E. Bismark 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, and that the described easement tracts be vacated.

## **Sample Motion**

Move to approve the Ordinance and vacate the utility easements as described.

ORDINANCE NO. 9870

This ordinance is to vacate two (2) easement tracts currently located in parts of Nikodym Subdivision and Nikodym Second Subdivision, 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 two (2) easement tracts located in parts of Nikodym Subdivision and Nikodym Second Subdivision, and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska being more particularly described as follows:

TRACT 1

A twenty (20.0) foot wide Utility Easement tract described in Instrument Number 202004934, recorded in the Hall County Register of Deeds Office being located in a part of Lot Two (2), Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska, the centerline of the twenty (20.0) foot wide utility easement and right-of-way tract being more particularly described as follows:

Commencing at the Northeast corner of Lot Two (2), Nikodym Subdivision, in the City of Grand Island, Hall County, Nebraska; thence westerly along the northerly line of said Lot Two (2), a distance of forty-four and seventy-two hundredths (44.72) feet to the ACTUAL Point of Beginning; thence deflecting left 58°41'18" and running in a southwesterly direction, a distance of ninety-four (94.0) feet to the point of termination. The side lines of the above described tract shall be prolonged or shortened as required to terminate on the boundary of Grantor's property.

Approved as to Form	☐ _____
January 21, 2022	☐ City Attorney

ORDINANCE NO. 9870 (Cont.)

TRACT 2

The entire sixteen (16.0) foot wide Power Easement tract as originally platted on Lot One (1), Superbowl Subdivision in the City of Grand Island, Hall County, Nebraska, recorded as Instrument Number 91106036 in the Hall County, Nebraska Register of Deeds Office.

Such Utility Easements to be vacated as shown on Exhibit "A" attached hereto dated 1/7/2022 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: January 25, 2022.

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk

NIKODYM

LOT 2

SECOND

EXISTING 16' POWER EASEMENT

N.E. CORNER- LOT 2, NIKODYM SUB.

POINT OF BEGINNING

652.55'

58°41'18"

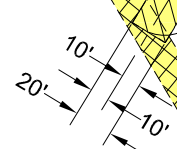
44.72'

NORTH LINE- LOT 2, NIKODYM SUB.

TRACT 1- 20' UTILITY EASEMENT (INSTRUMENT NO. 202004934)

NIKODYM

LOT 2



570.73'

TRACT 2- 16' POWER EASEMENT ORIGINALLY PLATTED IN PART OF LOT 1, SUPERBOWL SUBDIVISION. (INSTRUMENT NO. 91106036.)

SUB.

CHERRY

STREET

LOT 1

EXISTING 16' POWER EASEMENT

SUBDIVISION

170.19'

414.05'

80'

372.02'

366.97'

40.0'

90.0'

LOT 1

40'

33'

BISMARCK ROAD

SECTION LINE

LEGEND



TRACT 1- INDICATES 20' WIDE UTILITY EASEMENT TO BE VACATED (INSTRUMENT #202004934)



TRACT 2- INDICATES 16' WIDE POWER EASEMENT TO BE VACATED (PLATTED)



EXHIBIT "A"

CITY OF GRAND ISLAND UTILITIES DEPARTMENT

PLAT TO ACCOMPANY ORDINANCE NO. 9870