



# City of Grand Island

Tuesday, March 14, 2023

Council Session

## Item F-2

**#9920 - Consideration of Vacation of Utility Easement - 2819 N.  
Engleman Rd**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# **Council Agenda Memo**

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

**Meeting:** March 14, 2023

**Subject:** Ordinance #9920 - Consideration of Vacation of Utility Easement – 2819 N. Engleman Road

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

## **Background**

There is an existing sixteen (16.0) foot wide Utility Easement for utility usage along the South line of Lot One (1), Miracle Valley Second Subdivision in the City of Grand Island, Hall County, Nebraska. The easement now needs to be partially vacated for construction purposes.

## **Discussion**

The property owner for Lot One (1), Miracle Valley Second Subdivision (2819 N. Engleman Road) has requested that the unused part of the existing sixteen (16.0) foot wide utility easement along the entire south side of their property be vacated so the owner can utilize the land for construction purposes. Ordinance #9920 will provide said vacation and retain the remaining part of the existing sixteen (16.0) easement to allow the Department to install, access, operate, and maintain the existing power line and infrastructure.

## **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. 9920

An ordinance to vacate part of an easement tract currently located in part of Lot One (1), Miracle Valley 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.

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

SECTION 1. That the partial easement tract located in part of Lot One (1) Miracle Valley 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 portion of an existing sixteen (16.0) foot wide Utility Easement tract described in Instrument Number 201703955, recorded in the Hall County Register of Deeds Office being located in a part of Lot One (1), Miracle Valley Second Subdivision, in the City of Grand Island, Hall County, Nebraska, the portion of the existing sixteen (16.0) foot wide utility easement and right-of-way tract being more particularly described as follows:

The easterly two hundred thirty-five (235.0) feet of the southerly sixteen 16.0) feet of Lot One (1), Miracle Valley Second Subdivision, in the City of Grand Island, Hall County, Nebraska.

Approved as to Form	☐ _____
March 10, 2023	☐ City Attorney

ORDINANCE NO. 9920 (Cont.)

Such Utility Easement to be vacated as shown on Exhibit “A” attached hereto dated 2/28/2023 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: March 14, 2023.

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Roger G. Steele, Mayor

Attest:

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Jill Granere, Deputy City Clerk

