



# City of Grand Island

Tuesday, September 10, 2013

Council Session

## Item F-2

**#9445 - Consideration of Vacation of a Utility Easement Located in Miscellaneous Tracts 4-11-9, Part of the W 1/2 of the SW 1/4 (Agricultural Services)**

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

# Council Agenda Memo

**From:** Terry Brown PE, Manager of Engineering Services

**Meeting:** September 10, 2013

**Subject:** Consideration of Vacation of a Utility Easement Located in Miscellaneous Tracts 4-11-9, Part of the W ½ of the SW ¼ (Agricultural Services)

**Item #'s:** F-2

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

## Background

An eight (8) foot wide utility easement was dedicated on June 18, 1949. There isn't a need for such utility easement now, nor is one anticipated in the future.

## Discussion

The property owner of 2308 N Broadwell Avenue is requesting to vacate the existing eight (8) foot easement, for the purpose of constructing a new building on such property. There are not any utilities within this easement that would be affected by this vacation. The attached sketch details the referenced easement to be vacated.

## 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 eight (8) foot of the utility easement in Miscellaneous Tracts 4-11-9, Part of the W ½ of the SW ¼.

## **Sample Motion**

Move to pass an ordinance vacating the eight (8) foot utility easement in Miscellaneous Tracts 4-11-9, Part of the W ½ of the SW ¼.

ORDINANCE NO. 9445

An ordinance to vacate an existing 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 the existing utility easement at 2711, 2777, 2805, 2817 N Broadwell Avenue in Grand Island, Hall County, Nebraska, more particularly described as follows:

VACATING A STRIP OF LAND APPROXIMATELY 8 FEET WIDE AND 4039.1 FEET IN LENGTH, DESCRIBED AS: COMMENCING AT A POINT IN THE WEST HALF OF THE WEST HALF OF SECTION 4, TOWNSHIP 11, RANGE 9, 169 FEET EAST OF THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SECTION WITH THE NORTH LINE OF ROBERTS AVENUE IN RAINS ADDITION TO THE CITY OF GRAND ISLAND, AND PROCEEDING IN A NORTHERLY DIRECTION PARALLEL TO THE WEST LINE OF SAID SECTION, TO THE WEST LINE OF SAID SECTION, TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID SECTION, THENCE ALONG SAID NORTHERLY LINE A DISTANCE OF EIGHT FEET, THENCE IN A SOUTHERLY DIRECTION IN A LINE PARALLEL TO THE WEST LINE OF SAID SECTION TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF ROBERTS AVENUE, IN RAINS ADDITION TO THE CITY OF GRAND ISLAND, THENCE ALONG SAID NORTH

Approved as to Form	☐ _____
September 6, 2013	☐ City Attorney

ORDINANCE NO. 9445 (Cont.)

LINE OF ROBERTS AVENUE A DISTANCE OF EIGHT FEET, TO THE POINT OF BEGINNING, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA (LESS THAT PORTION PREVIOUSLY VACATED BY ORDINANCE NO. 6318 RECORDED AS DOCUMENT NO 79-001899 IN THE RECORDS OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA AND ORDINANCE NO. 6318 RECORDED AS DOCUMENT NO 78-004124 IN THE RECORDS OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA).

is hereby vacated. Such easement to be vacated is shown and more particularly described on Exhibit A attached hereto. It is the intention to vacate all of the easement as recorded in Miscellaneous Book 1, Pages 607 and 608 of the records of the Register of Deeds of Hall County, Nebraska, portions of which were previously vacated by prior ordinances.

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: September 10, 2013.

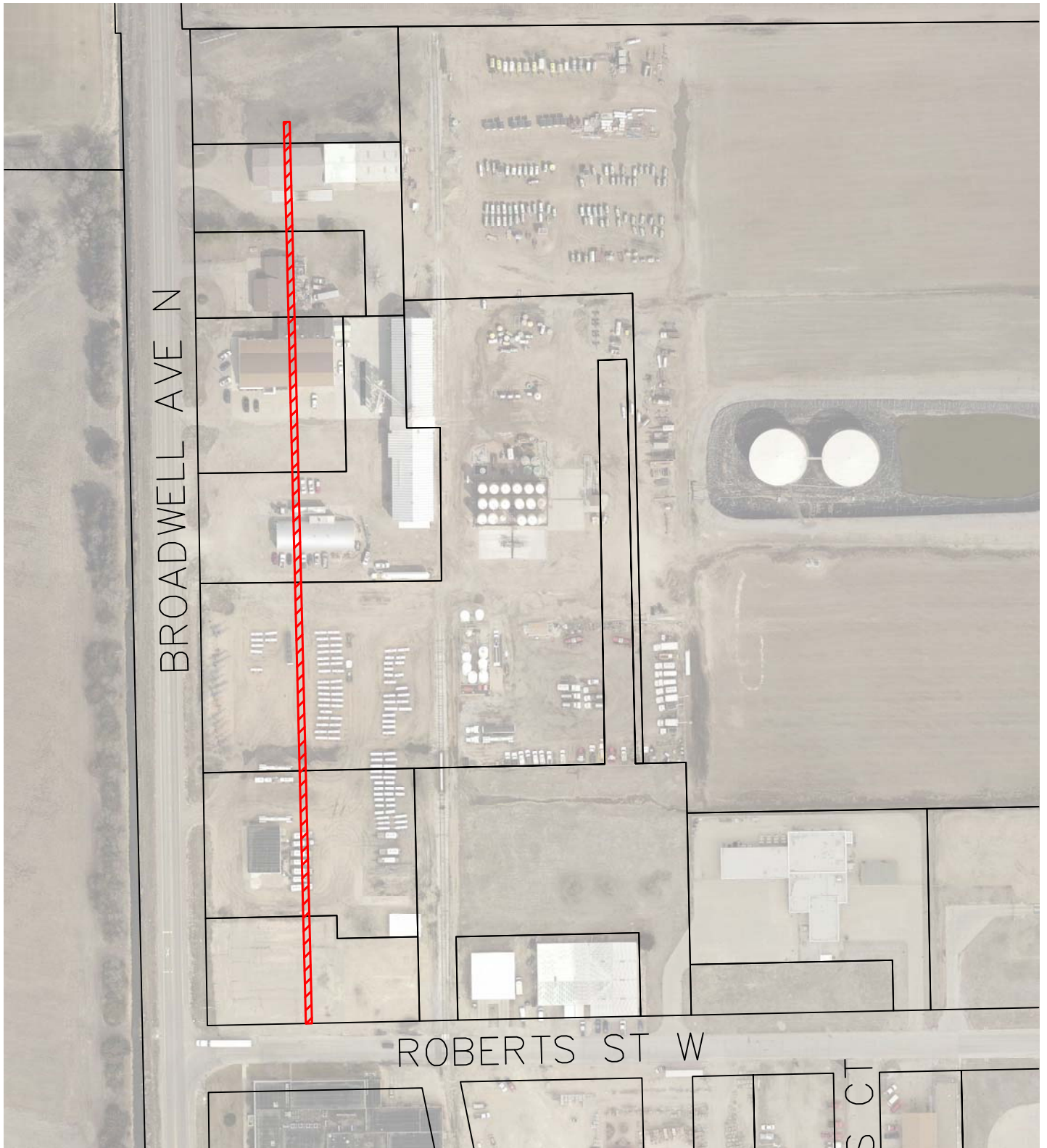
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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



= EASEMENT VACATION


  
**CITY OF GRAND ISLAND**
  
**PUBLIC WORKS DEPARTMENT**

DATE: 08/29/13
DRAWN BY: TJY
APPVD. BY:
SCALE: NONE

ROBERTS ST & BROADWELL AVE  
UTILITY EASEMENT/VACATION

PLAN

