



# **City of Grand Island**

**Tuesday, September 24, 2013**

**Council Session**

## **Item F-3**

**#9453 - Consideration of Vacation of a Utility Easement Located in Sterling Estates Second Subdivision (TS12, LLC)**

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

# **Council Agenda Memo**

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

**Meeting:** September 24, 2013

**Subject:** Consideration of Vacation of a Utility Easement Located in Sterling Estates Second Subdivision (TS12, LLC)

**Item #'s:** F-3

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

## **Background**

Thirty Seven (37) feet wide utility easements were dedicated on August 28, 2012 within the Sterling Estates Second Subdivision. The full width of such easements is not necessary.

## **Discussion**

The developer/property owner of the Sterling Estates Apartment Complex is requesting to vacate twenty-five (25) feet of each of the existing three (3) utility easements running north and south through the development, for the purpose of constructing additional garages on such property. There are not any utilities currently within this easement that would be affected by this vacation, and proposed utilities will be placed in a newly dedicated easement also being presented at tonight's meeting for Council approval. 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 three (3) twenty-five (25) foot easements located in Sterling Estates Subdivision.

### **Sample Motion**

Move to pass an ordinance vacating the easements.

ORDINANCE NO. 9453

An ordinance to vacate existing utility easements 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 a portion of existing utility easements within Sterling Estates Second Subdivision in Grand Island, Hall County, Nebraska, more particularly described as follows:

A portion of a 37 foot utility easement located in Lot 1 of Sterling Estates Second Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Commencing at the northwest corner of said Lot 1; thence on an assumed bearing of S00°59'26"W along the west line of said lot 1 a distance of 157.00 feet to the point of intersection of said west line and a southerly line of an existing 30 foot ingress/egress and utility easement located in said Lot 1; thence S89°00'34"E along said southerly line a distance of 45.00 feet to the point of intersection of the west line of said 37 foot utility easement and said southerly line of said ingress/egress and utility easement, said point also being the point of beginning; thence continuing S89°00'34"E along said southerly line a distance of 25.00 feet; thence S00°59'26"W a distance of 100.00 feet; thence N89°00'34"W a distance of 25.00 feet to a point on the west line of said 37 foot utility easement; Thence N00°59'26"E along said west line a

Approved as to Form	▣ _____
September 20, 2013	▣ City Attorney

ORDINANCE NO. 9453 (Cont.)

distance of 100.00 feet to the point of beginning. Said portion of said 37 foot utility easement contains 2500.00 square feet more or less.

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A portion of a 37 foot utility easement located in Lot 1 of Sterling Estates Second Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Commencing at the northwest corner of said Lot 1; thence on an assumed bearing of S00°59'26"W along the west line of said lot 1 a distance of 277.00 feet; thence S89°00'34"E a distance of 45.00 feet to a point on the east line of an existing 30 foot ingress/egress and utility easement located in said lot 1, said line also being the west line of said 37 foot utility easement, said point also being the point of beginning; thence continuing S89°00'34"E a distance of 25.00 feet; thence S00°59'26"W a distance of 150.00 feet; thence N89°00'34"W a distance of 25.00 feet to a point on the east line of said 30 foot ingress/egress and utility easement, said line also being the west line of said 37 foot utility easement; thence N00°59'26"E along said west line a distance of 150.00 feet to the point of beginning. Said portion of said 37 foot utility easement contains 3750.00 square feet more or less.

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A portion of a 37 foot utility easement located in Lot 1 of Sterling Estates Second Subdivision, in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

Commencing at the northwest corner of said Lot 1; thence on an assumed bearing of S00°59'26"W along the west line of said lot 1 a distance of 487.00 feet; thence S89°00'34"E a distance of 45.00 feet to a point on the east line of an existing 30 foot ingress/egress and utility easement located in said lot 1, said line also being the west line of said 37 foot utility easement, said point also being the point of beginning; thence continuing S89°00'34"E a distance of 25.00 feet; thence S00°59'26"W a distance of 107.00 feet to a point on the north line of a 15 foot drainage and utility easement located in said lot 1; thence N89°00'34"W along said north line a distance of 25.00 feet to the point of intersection of said north line and the east line of said 30' ingress/egress and utility easement, said east line also being the west line of said 37 foot utility easement; thence N00°59'26"E along said west line a distance of 107.00 feet to the point of beginning. Said portion of said 37 foot utility easement contains 2675.00 square feet more or less.

are hereby vacated. Such easement to be vacated is shown and more particularly described on

Exhibit A 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.

ORDINANCE NO. 9453 (Cont.)

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 24, 2013.

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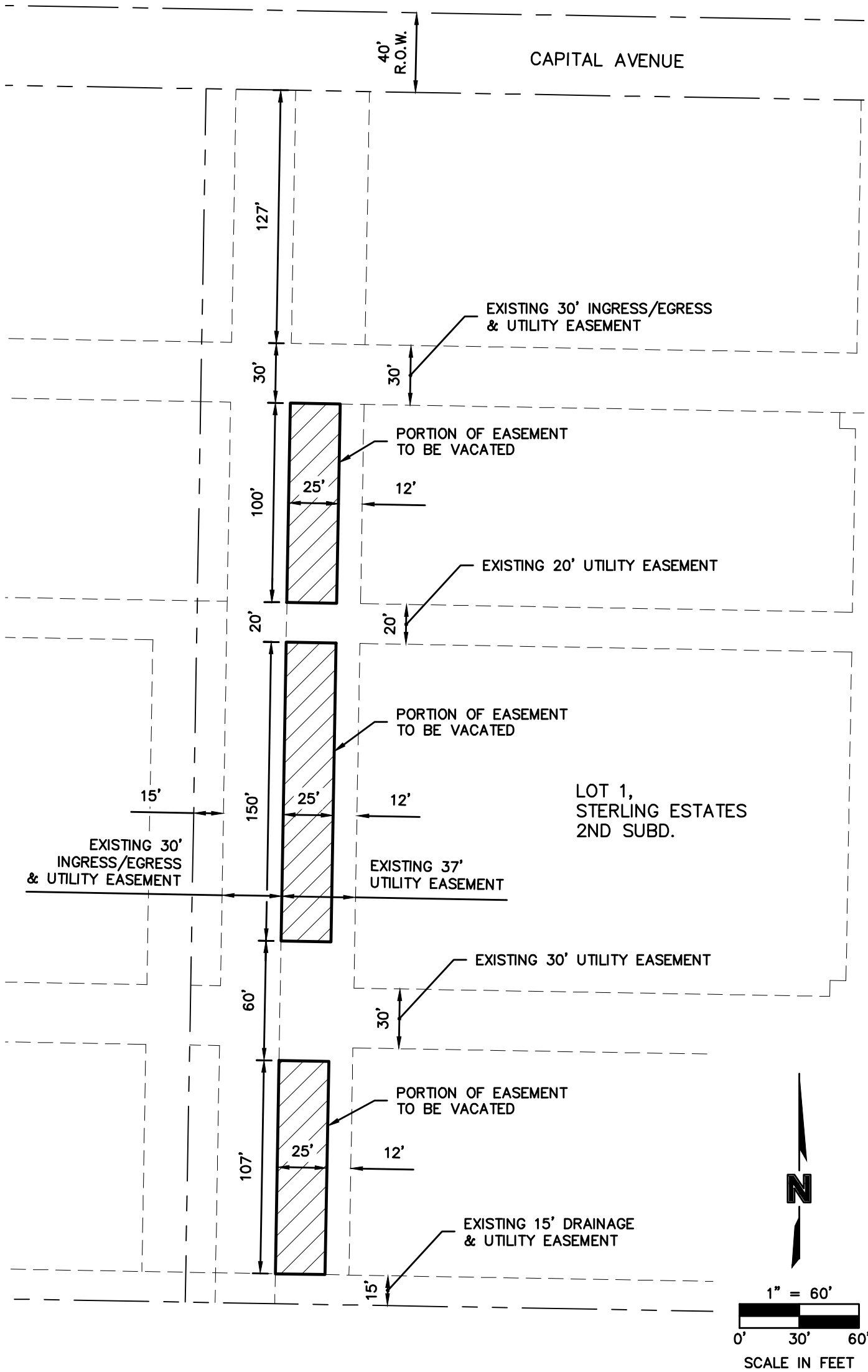
Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

# EASEMENT VACATION



DWG: F:\projects\012-1026\_PBIN\Final\_Plat\0121026\_EASE-VACATE.dwg  
DATE: Sep 04, 2013 12:48pm  
USER: zloomis  
XREFS: 0121026\_ROW

**OLSSON**  
ASSOCIATES

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