



# **City of Grand Island**

**Tuesday, February 11, 2014**

**Council Session**

## **Item F-1**

**#9473 - Consideration of Vacation of a Utility Easement Located in Copper Creek Estates 3rd Subdivision (The Guarantee Group, LLC)**

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

# **Council Agenda Memo**

**From:** Terry Brown PE, Assistant Public Works Director

**Meeting:** February 11, 2014

**Subject:** Consideration of Vacation of a Utility Easement Located in Copper Creek Estates 3<sup>rd</sup> Subdivision (The Guarantee Group, LLC)

**Item #'s:** F-1

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

## **Background**

A utility easement was dedicated with the original Copper Creek Estates Subdivision plat on July 31, 2006. Such easement is not necessary to accommodate existing or proposed utilities.

## **Discussion**

The developer/property owner of Copper Creek Estates 3<sup>rd</sup> Subdivision is requesting to vacate the originally dedicated easement. There are no utilities currently within this easement that will 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 easement located in Copper Creek Estates 3<sup>rd</sup> Subdivision.

### **Sample Motion**

Move to pass an ordinance vacating the easement.

ORDINANCE NO. 9473

An ordinance to vacate 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 an existing utility easement within Copper Creek Estates 3<sup>rd</sup> Subdivision in Grand Island, Hall County, Nebraska, more particularly described as follows:

TRACT NO. 1

A TRACT OF LAND COMPRISING A PART OF LOTS THIRTY EIGHT (38) AND FORTY ONE (41), COPPER CREEK ESTATES THIRD SUBDIVISION, IN THE CITY OF GRAND ISLAND, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT THIRTY EIGHT (38); THENCE RUNNING NORTHERLY ON THE WEST LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF THREE HUNDRED THIRTY FIVE (335.00) FEET, TO THE NORTHWEST CORNER OF SAID LOT THIRTY EIGHT (38); THENCE RUNNING EASTERLY ON THE NORTH LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF ONE HUNDRED EIGHTY (180.00) FEET, TO THE NORTHEAST CORNER OF SAID LOT THIRTY EIGHT (38); THENCE RUNNING SOUTHERLY ON THE EAST LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF NINETY TWO (92.00) FEET, TO THE NORTHEAST CORNER OF LOT THIRTY NINE (39), COPPER CREEK ESTATES THIRD SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT

Approved as to Form	▣ _____
February 9, 2014	▣ City Attorney

ORDINANCE NO. 9473 (Cont.)

THIRTY NINE (39), COPPER CREEK ESTATES THIRD SUBDIVISION, A DISTANCE OF FIVE (5.00) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH AND FIVE (5.00) FEET WEST OF THE EAST LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF EIGHTY TWO (82.00) FEET, TO A POINT TEN (10.00) FEET SOUTH OF THE NORTH LINE OF SAID LOT THIRTY EIGHT (38); THENCE RUNNING WESTERLY PARALLEL WITH AND TEN (10.00) FEET SOUTH OF THE NORTH LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF ONE HUNDRED SIXTY FIVE (165.00) FEET, TO A POINT TEN (10.00) FEET EAST OF THE WEST LINE OF SAID LOT THIRTY EIGHT (38), THENCE RUNNING SOUTHERLY PARALLEL WITH AND TEN (10.00) FEET EAST OF THE WEST LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF THREE HUNDRED FIFTEEN (315.00) FEET, TO A POINT TEN (10.00) FEET NORTH OF THE SOUTH LINE OF SAID LOT THIRTY EIGHT (38); THENCE RUNNING EASTERLY PARALLEL WITH AND TEN (10.00) FEET NORTH OF THE SOUTH LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF ONE HUNDRED (100.00) FEET, TO A POINT THIRTY (30.00) FEET EAST OF THE WEST LINE OF SAID LOT FORTY ONE (41); THENCE RUNNING SOUTHERLY PARALLEL WITH AND THIRTY (30.00) FEET EAST OF THE WEST LINE OF SAID LOT FORTY ONE (41), A DISTANCE OF SEVEN (7.00) FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT FORTY ONE (41); THENCE RUNNING WESTERLY ON THE SOUTH LINE OF SAID LOT FORTY ONE (41), A DISTANCE OF TEN (10.00) FEET, TO THE NORTHWEST CORNER OF LOT FORTY TWO (42), COPPER CREEK ESTATES THIRD SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOT FORTY TWO (42), COPPER CREEK ESTATES THIRD SUBDIVISION, A DISTANCE OF THREE (3.00) FEET, TO THE SOUTHEAST CORNER OF SAID LOT THIRTY EIGHT (38); THENCE RUNNING WESTERLY ON THE SOUTH LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF NINETY (90.00) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.145 ACRE (6330 SQ. FT.) MORE OR LESS.

AND

TRACT NO. 2

A TRACT OF LAND COMPRISING A PART OF LOTS THIRTY EIGHT (38), THIRTY NINE (39), FORTY (40) AND FORTY ONE (41), COPPER CREEK ESTATES THIRD SUBDIVISION, IN THE CITY OF GRAND ISLAND, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT TEN (10.00) FEET EASTERLY AND SEVEN (7.00) FEET NORTHERLY OF THE NORTHWEST CORNER OF LOT FORTY TWO (42), COPPER CREEK ESTATES THIRD SUBDIVISION; THENCE RUNNING WESTERLY PARALLEL WITH AND SEVEN (7.00) FEET NORTH OF THE SOUTH LINE OF SAID LOT FORTY ONE (41), A DISTANCE OF TWENTY (20.00) FEET, TO A POINT TEN (10.00) FEET EAST OF THE WEST LINE OF SAID LOT FORTY ONE (41); THENCE RUNNING NORTHERLY PARALLEL WITH AND TEN (10.00) FEET EAST OF WEST LINE OF LOTS THIRTY NINE (39), FORTY (40), AND FORTY ONE (41), AND ITS EXTENSION, A DISTANCE OF THREE HUNDRED FIFTEEN (315.00) FEET, TO A POINT TEN (10.00) FEET SOUTH OF

ORDINANCE NO. 9473 (Cont.)

THE NORTH LINE OF SAID LOT THIRTY EIGHT (38); THENCE RUNNING EASTERLY PARALLEL WITH AND TEN (10.00) FEET SOUTH OF THE NORTH LINE OF SAID LOT THIRTY EIGHT (38), A DISTANCE OF TWENTY (20.00) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH AND THIRTY (30.00) FEET EAST OF THE WEST LINE OF SAID LOTS THIRTY NINE (39), FORTY (40) AND FORTY ONE (41), AND ITS EXTENSION, A DISTANCE OF THREE HUNDRED FIFTEEN (315.00) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.145 ACRES (6300 SQ. FT.) MORE OR LESS.

is 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.

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: February 11, 2014

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Jay Vavricek, Mayor

Attest:

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Nicki Stoltenberg, Assistant to the City Administrator

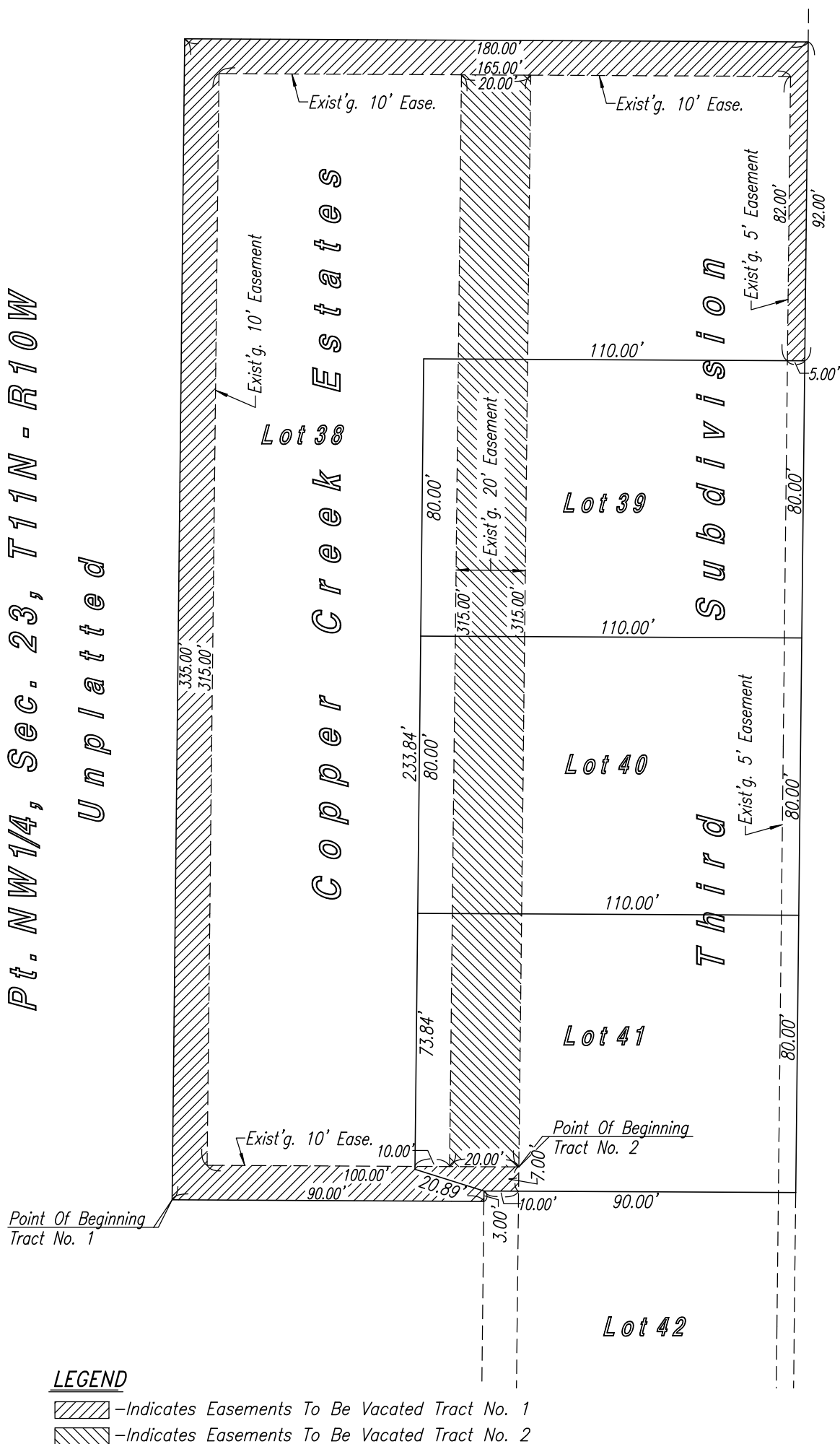
Unplanted

*Lot 38*

### Third Subdivision

Brome Grass Drive

Scale: 1" = 40'



*Exhibit 'A'*

*Date : January 21, 2014*

Sheet No. 1 Of 2



**ROCKWELL ANDERSON ASSOC.**  
**ENGINEERING & SURVEYING**

2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O.BOX 549  
E-MAIL [surveyor@cccusa.net](mailto:surveyor@cccusa.net) PHONE (308) 382-1472 FAX (308) 382-1423

**Description Tract No. 1 (Easement To Be Vacated)**

A tract of land comprising a part of Lots Thirty Eight (38) and Forty One (41), Copper Creek Estates Third Subdivision, in the City of Grand Island, Nebraska and more particularly described as follows:

Beginning at the Southwest corner of said Lot Thirty Eight (38); thence running northerly on the west line of said Lot Thirty Eight (38), a distance of Three Hundred Thirty Five (335.00) feet, to the northwest corner of said Lot Thirty Eight (38); thence running easterly on the north line of said Lot Thirty Eight (38), a distance of One Hundred Eighty (180.00) feet, to the northeast corner of said Lot Thirty Eight (38); thence running southerly on the east line of said Lot Thirty Eight (38), a distance of Ninety Two (92.00) feet, to the the northeast corner of Lot Thirty Nine (39), Copper Creek Estates Third Subdivision; thence running westerly on the north line of Lot Thirty Nine (39), Copper Creek Estates Third Subdivision, a distance of Five (5.00) feet; thence running northerly parallel with and Five (5.00) feet west of the east line of said Lot Thirty Eight (38), a distance of Eighty Two (82.00) feet, to a point Ten (10.00) feet south of the north line of said Lot Thirty Eight (38); thence running westerly parallel with and Ten (10.00) feet south of the north line of said Lot Thirty Eight (38), a distance of One Hundred Sixty Five (165.00) feet, to a point Ten (10.00) feet east of the west line of said Lot Thirty Eight (38), thence running southerly parallel with and Ten (10.00) feet east of the west line of said Lot Thirty Eight (38), a distance of Three Hundred Fifteen (315.00) feet, to a point Ten (10.00) feet north of the south line of said Lot Thirty Eight (38); thence running easterly parallel with and Ten (10.00) feet north of the south line of said Lot Thirty Eight (38), a distance of One Hundred (100.00) feet, to a point Thirty (30.00) feet east of the west line of said Lot Forty One (41); thence running southerly parallel with and Thirty (30.00) feet east of the west line of said Lot Forty One (41), a distance of Seven (7.00) feet, to a point on the south line of said Lot Forty One (41); thence running westerly on the south line of said Lot Forty One (41), a distance of Ten (10.00) feet, to the northwest corner of Lot Forty Two (42), Copper Creek Estates Third Subdivision; thence running southerly on the west line of Lot Forty Two (42), Copper Creek Estates Third Subdivision, a distance of Three (3.00) feet, to the southeast corner of said Lot Thirty Eight (38); thence running westerly on the south line of said Lot Thirty Eight (38), a distance of Ninety (90.00) feet, to the Point of Beginning and containing 0.145 acre (6330 Sq. Ft.) more or less.

**Description Tract No. 2 (Easement To Be Vacated)**

A tract of land comprising a part of Lots Thirty Eight (38), Thirty Nine (39), Forty (40) and Forty One (41), Copper Creek Estates Third Subdivision, in the City of Grand Island, Nebraska and more particularly described as follows:

Beginning at a point Ten (10.00) easterly and Seven (7.00) feet northerly of the northwest corner of Lot Forty Two (42), Copper Creek Estates Third Subdivision; thence running westerly parallel with and Seven (7.00) feet north of the south line of said Lot Forty One (41), a distance of Twenty (20.00) feet, to a point Ten (10.00) feet east of the west line of said Lot Forty One (41); thence running northerly parallel with and Ten (10.00) feet east of the west line of Lots Thirty Nine (39), Forty (40) and Forty One (41), and its extension, a distance of Three Hundred Fifteen (315.00) feet, to a point Ten (10.00) feet south of the north line of said Lot Thirty Eight (38); thence running easterly parallel with and Ten (10.00) south of the north line of said Lot Thirty Eight (38), a distance of Twenty (20.00) feet; thence running southerly parallel with and Thirty (30.00) east of the west line of said Lots Thirty Nine (39), Forty (40) and Forty One (41), and its extension, a distance of Three Hundred Fifteen (315.00) feet, to the Point of Beginning and containing 0.145 acres (6300 Sq. Ft.) more or less.

**Exhibit 'A'**

Date : January 21, 2014

Sheet No. 2 Of 2



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