



# City of Grand Island

Tuesday, October 28, 2014

Council Session

## Item F-1

**#9507 - Consideration of Vacation of a Utility Easement Located in Copper Creek Estates Fifth 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:** October 28, 2014

**Subject:** Consideration of Vacation of a Utility Easement Located in Copper Creek Estates Fifth 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 Fifth Subdivision plat on October 24, 2013. Such easement is not necessary to accommodate existing or proposed utilities and vacating it will support the development of Lot 6 and Lot 7.

## **Discussion**

The developer/property owner of Cooper Creek Estates Fifth Subdivision is requesting to vacate the originally dedicated easement for Lot 6 & Lot 7. 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 Fifth Subdivision.

### **Sample Motion**

Move to pass an ordinance vacating the easement.

ORDINANCE NO. 9507

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 comprising a part of Lots Six (6) and Seven (7), Copper Creek Estates Fifth Subdivision, in the City of Grand Island, Nebraska, more particularly described as follows:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT SIX (6), SAID POINT BEING FIVE (5.0) FEET EAST OF THE NORTHWEST CORNER OF SAID LOT SIX (6); THENCE RUNNING EASTERLY ON THE NORTH LINE OF SAID LOT SIX (6) A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING SOUTHERLY PARALLE WITH THE WEST LINE OF SAID LOT SIX (6), A DISTANCE OF SIXTY FIVE AND SEVTY EIGHT HUNDREDTHS (66.78) FEET; THENCE CONTINUING SOUTHERLY PARALLEL WITH THE WEST LINE OF SAID LOT SIX (6), A DISTANCE OF FORTY AND TWENTY FIVE HUNDREDTHS (40.25) FEET, TO A POINT ON THE NORTH LINE OF SAID LOT SEVEN (7); THENCE RUNNING SOUTHERLY PARALLEL WITH THE WETS LINE OF SAID LOT SEVEN (7), A DISTANCE OF NINETY FOUR AND SEVENTY TWO HUNDREDTHS (94.72) FEET, TO A POINT FIVE (5.0) FEET NORTH OF THE SOUTH LINE OF SAID LOT SEVEN (7); THENCE RUNNING WESTERLY PARALLEL WITH THE SOUTH LINE OF SAID LOT SEVEN (7), A DISTANCE OF FIVE (5.0) FEET TO A POINT FIVE (5.0) FEET EAST OF THE WETS LINE OF SAID LOT SEVEN (7); THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF SAID LOT SEVEN (7), A DISTANCE OF NIENTY FOUR AND EIGHTY SIX HUNDREDTHS (94.86) FEET, TO A

Approved as to Form	▣ _____
October 24, 2014	▣ City Attorney

ORDINANCE NO. 9507 (Cont.)

POINT ON THE SOUTH LINE OF SAID LOT SIX (6); THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF SAID LOT SIX (6), A DISTANCE OF FORTY AND TEN HUNDREDTHS (40.10) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF SAID LOT SIX (6), A DISTANCE OF SIXTY SIX AND EIGHTY HUNDREDTHS (66.80) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.023 ACRES (1009 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: October 28, 2014

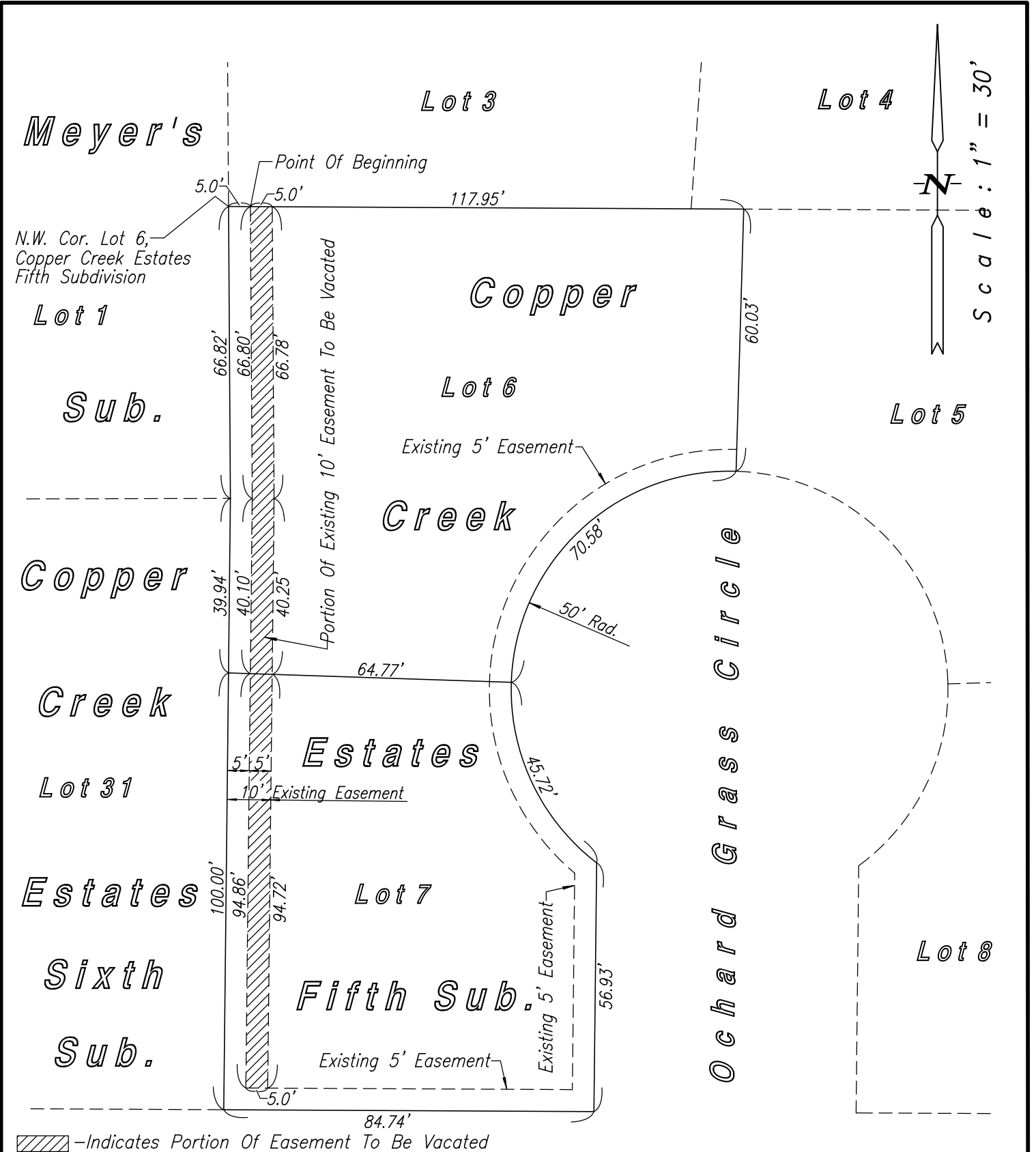
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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



—Indicates Portion Of Easement To Be Vacated

**Yarrow Drive**  
**Description (Portion Of 10' Easement To Be Vacated)**

A tract of land comprising a part of Lots Six (6) and Seven (7), Copper Creek Estates Fifth Subdivision, in the City of Grand Island, Nebraska, more particularly described as follows:

Beginning at a point on the north line of said Lot Six (6), said point being Five (5.0) feet east of the northwest corner of said Lot Six (6); thence running easterly on the north line of said Lot Six (6), a distance of Five (5.0) feet; thence running southerly parallel with the west line of said Lot Six (6), a distance of Sixty Six and Seventy Eight Hundredths (66.78) feet; thence continuing southerly parallel with the west line of said Lot Six (6), a distance of Forty and Twenty Five Hundredths (40.25) feet, to a point on the north line of said Lot Seven (7); thence running southerly parallel with the west line of said Lot Seven (7), a distance of Ninety Four and Seventy Two Hundredths (94.72) feet, to a point Five (5.0) feet north of the south line of said Lot Seven (7); thence running westerly parallel with the south line of said Lot Seven (7), a distance of Five (5.0) feet, to a point Five (5.0) feet east of the west line of said Lot Seven (7); thence running northerly parallel with the west line of said Lot Seven (7), a distance of Ninety Four and Eighty Six Hundredths (94.86) feet, to a point on the south line of said Lot Six (6); thence running northerly parallel with the west line of said Lot Six (6), a distance of Forty and Ten Hundredths (40.10) feet; thence running northerly parallel with the west line of said Lot Six (6), a distance of Sixty Six and Eighty Hundredths (66.80) feet, to the point of beginning and containing 0.023 acres (1009 Sq. Ft.) more or less.

**Exhibit 'A'**

Date : October 16, 2014

Sheet No. 1 Of 1



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