



City of Grand Island

Tuesday, December 9, 2014

Council Session

Item F-1

#9513 - Consideration of Vacation of Utility Easement in Lot One (1) and Lot Two (2), Elder 4th Subdivision

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director

Meeting: December 9, 2014

Subject: Ordinance #9513 - Vacation of Utility Easement –
Lot 1 and Lot 2, Elder 4th Subdivision

Item #'s: F-1

Presenter(s): Timothy Luchsinger, Utilities Director

Background

There is an existing twenty foot wide easement that was used for power and telephone across Lots One (1), Two (2), and Three (3) of Elder 3rd Subdivision. The building on those lots was removed and the poles and lines serving that building were also removed. The lots have subsequently been re-subdivided into Lot One (1) and Two (2), Elder 4th Subdivision; therefore, the easement across those lots is no longer needed.

Discussion

The owner of the total property has requested the easement be vacated. Since no utilities are using the easement and are not anticipated for future use, it is recommended that the City Council vacate the easement as shown and described. This does not include the shorter easement described by Document No. 201403491.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

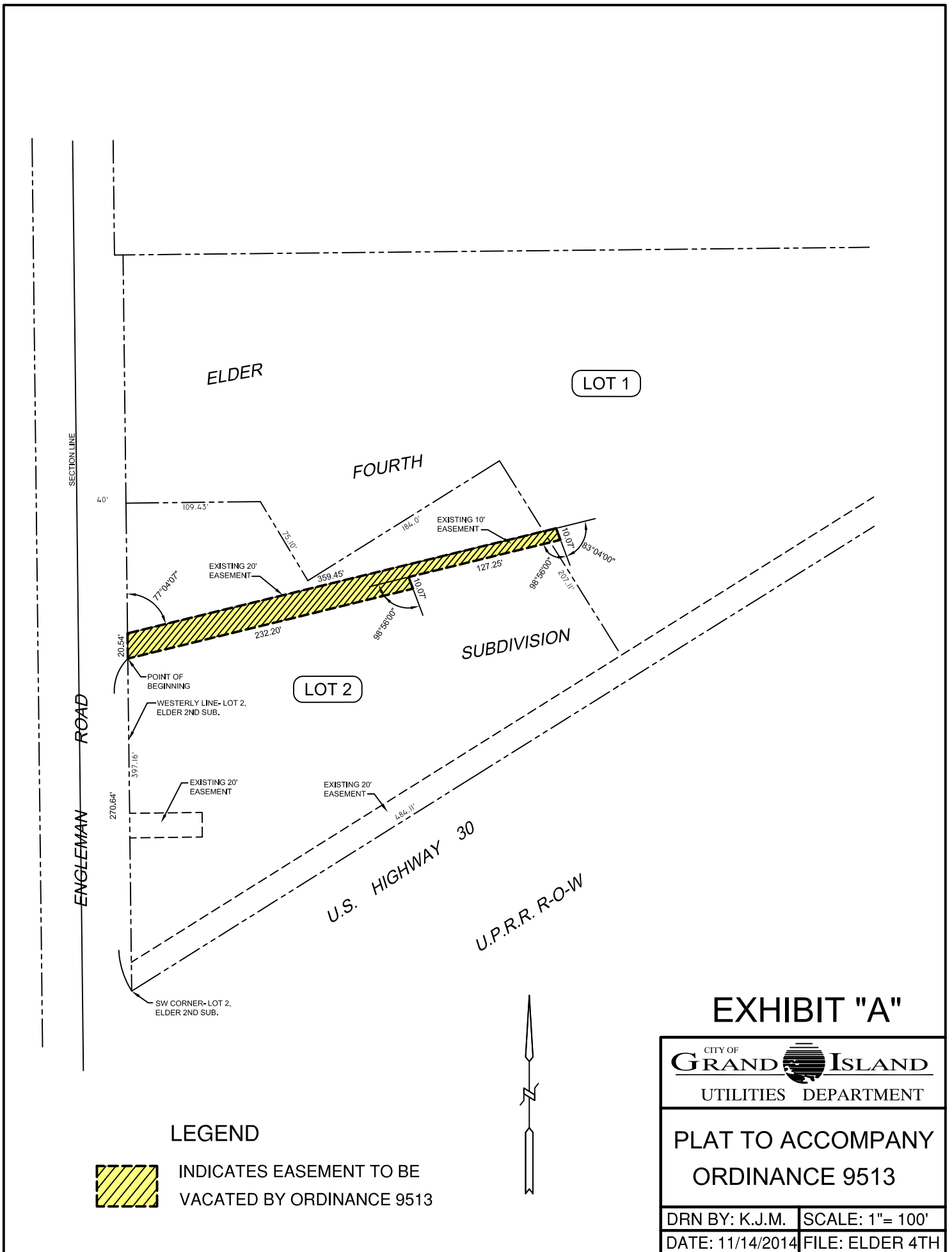
1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that Ordinance #9513 be approved, and that the above described easement be vacated.

Sample Motion

Move to approve Ordinance #9513, and vacate the utility easement on Lots One (1) and Two (2), Elder 4th Subdivision.



ORDINANCE No. 9513

An ordinance to vacate an easement located within Lot one (1) and Lot Two (2), Elder Fourth Subdivision in the City of Grand Island, Hall County, Nebraska, 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 easement and right-of-way to be vacated being more particularly described as follows:

Commencing at the Southwest corner of Lot Two (2), Elder Fourth Subdivision, in the City of Grand Island, Hall County, Nebraska; thence northerly, along the westerly line of said Lot Two (2), a distance of two hundred seventy and sixty four hundredths (270.64) feet to the ACTUAL Point of Beginning; thence continuing along the westerly line of said Lot Two (2), a distance of twenty and fifty four hundredths (20.54) feet; thence deflecting right 77°04'07" and running in a northeasterly direction, a distance of three hundred fifty nine and forty five hundredths (359.45) feet; thence deflecting right 83°04'00" and running in a southeasterly direction, a distance of ten and seven hundredths (10.07) feet; thence deflecting right 98°56'00" and running in a southwesterly direction, a distance of one hundred twenty seven and twenty five hundredths (127.25) feet; thence deflecting left 98°56'00" and running in a southeasterly direction, a

Approved as to Form	☐ _____
December 5, 2014	☐ City Attorney

ORDINANCE #9513 (Cont.)

distance of ten and seven hundredths (10.07) feet; thence deflecting right 98°56'00" and running in a southwesterly direction, a distance of two hundred thirty two and twenty (232.20) feet to a point on the westerly line of said Lot Two (2) being the said Point of Beginning.

Such easement to be vacated is shown and 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 abutting properties.

SECTION 3. This Ordinance is directed to be filed 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 approval, and publication, without plat, within fifteen days, in one issue of the Grand Island Independent as by law provided.

Enacted December 9, 2014

Jeremy Jensen, Mayor

Attest:

RaNae Edwards, City Clerk