



City of Grand Island

Tuesday, December 23, 2003

Council Session

Item F1

#8879 - Consideration of Vacation of Alley in the Stehr's Subdivision - East Seedling Mile Road

Background:

Herbert Lavinge the owner of Lot's 7 and 11 in Stehr's Subdivision located between U.S. Highway 30 and Seedling Mile Road has requested that the alley between Lot's 6, 7 and 11 be vacated. John and Cynthia Ogle the owners of Lot 6 have been notified and have not expressed any concerns. In conjunction with vacating the alley, the city will retain the same area as a public utilities easement. Council action is necessary for the City of Grand Island to vacate public right-of-way and public alleys.

Discussion:

This has been reviewed by City Staff and we have no objections to their request for vacating the alley as long as we retain the vacated area for public utilities. A portion of the alley westerly of the current area under consideration, has previously been vacated. Mr. Lavinge has been told that we want an administrative plat combining the portion of Lot 11 that he owns, with Lot 7, to avoid compounding the existing non-conforming situation.

Recommendation:

Approve the alley vacation.

Financial Implications:

None

Alternatives:

Deny this request. This would result in the area remaining as an alley.

Staff Contact: Steve Riehle, Public Works Director/City Engineer

* This space reserved for Register of Deeds *

ORDINANCE NO. 8879

An ordinance to vacate a portion of an alley in Stehr's Subdivision, conditioned upon the reservation of the vacated alley for a public utility easement; to provide for the filing of this ordinance in the office of the Register of Deeds of Hall County; 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 the east/west alley located generally south of Lot Eleven (11) Stehr's Subdivision in the City of Grand Island, Nebraska, more particularly described as follows:

Beginning at the northwest corner of Lot Six (6), Stehr's Subdivision; thence north on a prolongation of the west line of Lot Six (6) Stehr's Subdivision to the south line of Lot Eleven (11) Stehr's Subdivision; thence east on the south line of Lot Eleven (11) Stehr's Subdivision to the southeast corner of said Lot Eleven (11); thence south on a line perpendicular to the north line of Lot Seven (7) Stehr's Subdivision to the north line of said Lot Seven (7); thence west on the north line of Lot Six (6) and Lot Seven (7) Stehr's Subdivision to the point of beginning;

Approved as to Form ☐ _____
December 18, 2003 ☐ City Attorney

ORDINANCE NO. 8879 (Cont.)

be, and hereby is, vacated, provided and conditioned, that the City of Grand Island hereby reserves for the public the entire vacated alley for a public utility easement for sewer, water, electric, storm drainage, gas, and other public utilities easements and all rights and appurtenances thereto. No trees, shrubbery, fences, improvements, structures, or buildings of any kind whatsoever shall be allowed in, upon, or over the utility easement herein retained. Said property is shown on the plat dated November 25, 2003, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. Subject to the public utilities easement reserved, the title to the alley vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate abutting the same in proportion to the respective ownership of such real estate.

SECTION 3. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 4. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: December 23, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk