



# City of Grand Island

Tuesday, May 25, 2004

Council Session

## Item F2

**#8905 - Consideration of Vacation of Utility Easement - 1204 S.  
Locust - Zana**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director

**Meeting:** May 25, 2004

**Subject:** Vacation of Utility Easement - 1204 S. Locust Street - Zana

**Item #'s:** F-2

**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

The Utilities Department needs to vacate an easement relative to the property of James Scott Zana, located at 1204 S. Locust Street (Arby's Restaurant), in the City Of Grand Island, Hall County, in order to allow a new building (Arby's Restaurant) to be constructed to replace the existing Arby's Restaurant. This vacation is at the request of the property owner.

## **Discussion**

The property owner is willing to give a new easement and pay for the relocation of the underground cable and conduit to the existing transformer that feeds electricity to the existing building.

## **Alternatives**

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

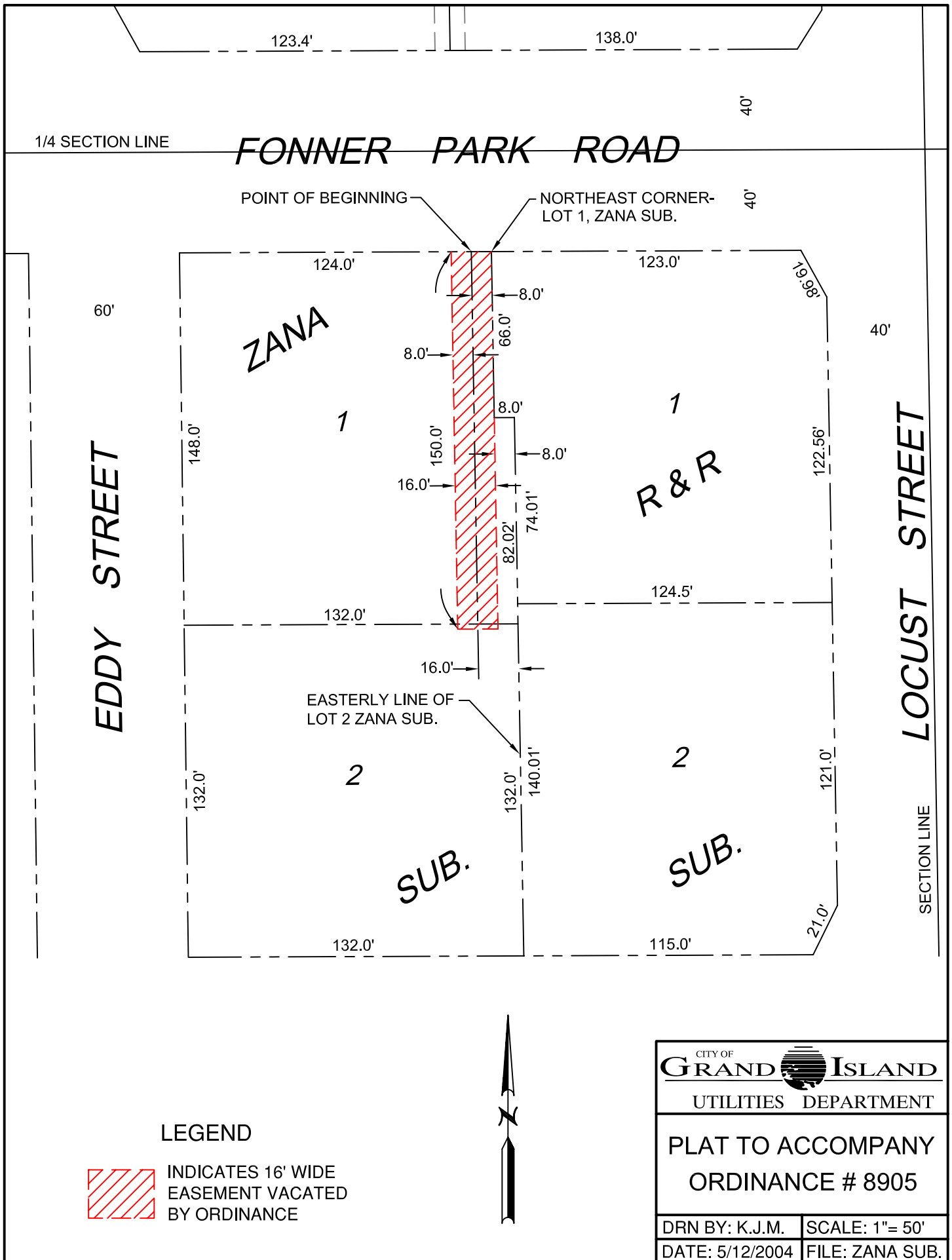
1. Approve the vacation of the utility easement.
2. Deny the easement vacation.
3. Modify the request to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

City Administration recommends that the Council approve the resolution for the vacation of the easement.

## **Sample Motion**

Approve the vacation of the Utility Easement.



\* This Space Reserved for Register of Deeds \*

## ORDINANCE NO. 8905

An ordinance to vacate an existing easement and right-of-way located in a part of Lot One (1) and Lot Two (2), Zana Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Register of Deeds of Hall County; 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 the existing sixteen (16.0) foot wide easement and right-of-way located in a part of Lot One (1) and Lot Two (2), Zana Subdivision in the city of Grand Island, Hall County, Nebraska, is hereby vacated. The centerline of the easement to be vacated being more particularly described as follows:

Referring to the northeast corner of Lot One (1) Zana Subdivision; thence westerly along the northerly line of said Lot One (1), a distance of Eight (8.0) feet to the Actual Point of Beginning; thence southerly, a distance of One Hundred Fifty (150.0) feet to a point Sixteen (16.0) feet west of the easterly line of Lot Two (2) Zana Subdivision; as shown on the plat dated May 12, 2004, attached hereto and incorporated herein by reference.

Approved as to Form	<input type="checkbox"/> _____
May 19, 2004	<input type="checkbox"/> City Attorney

ORDINANCE NO. 8905 (Cont.)

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 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. 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: May 25, 2004.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk