



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item F2

**#8907 - Consideration Vacation of Utility Easement - 1850 Union Road - Livengood Second Subdivision**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director  
**Meeting:** June 8, 2004  
**Subject:** Vacation of Utility Easement – 1850 Union Road - Livengood Second Subdivision  
**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 Livengood Properties, LLC, in the City Of Grand Island, Hall County, in order to Allow construction on properties subdivided as lots Four (4), Five (5) and Seven (7) of Livengood Second Subdivision. This property is north of Highway 30 and west of Stuhr Road extended.

## **Discussion**

An overhead electrical line previously occupied the easement to be vacated. The line has been placed underground in an easement granted to the City by Livengood Properties, LLC, for that purpose. Since the easement is no longer occupied or needed in the future, it is available to be vacated.

## **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.

## EASEMENTS TO BE VACATED – Ordinance 8907

... an ordinance to vacate twenty (20.0) foot wide easement tracts located in part of Livengood Second Subdivision and as originally dedicated with the plat of Livengood Subdivision all in the City of Grand Island, Hall County, Nebraska

### TRACT #1

A twenty (20.0) foot wide utility easement located in part of Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road right-of-way; also being a twenty (20.0) foot wide easement located in part of Lot One (1) Livengood Subdivision as originally dedicated and platted. The easterly line of the easement tract being more particularly described as follows:

Referring to the Southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of seventy-three (73.0) feet to the Actual Point of Beginning; thence continuing along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of two hundred thirty-four and eleven hundredths (234.11) feet.

### TRACT #2

A twenty (20.0) foot wide utility easement located in part of Lot Four (4), Lot Five (5), and Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road right-of-way; also being a twenty (20.0) foot wide easement located in part of Lot One (1) Livengood Subdivision as originally dedicated and platted. The centerline of the easement tract being more particularly described as follows:

Referring to the Southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of two hundred eighty-seven and eleven hundredths (287.11) feet to the Actual Point of Beginning; thence deflecting right  $11^{\circ}21'32''$  and running Northeasterly, a distance of two hundred ninety-seven and seventy-seven hundredths (297.77) feet; thence deflecting left  $37^{\circ}04'58''$  and running Northwesterly, a distance of one hundred thirty-four and eighty-one hundredths (134.81) feet.

### TRACT#3

A twenty (20.0) foot wide utility easement located in part of Lot Four (4) Livengood Second Subdivision as originally dedicated and shown on the plat of said subdivision.

The three above-described tracts containing 0.303 acres, more or less, as shown on the plat dated 5/19/2004, marked Exhibit "A", attached hereto and incorporated herein by reference.

# Application for Vacation/Relocation of Easements

pc: Clerk, Utilities  
Building, Planning  
Legal, Public Works(2)

**Name of Applicant:**

If Individual(s):

WILLIAM D. LIVENGOOD

If Corporation or Partnership: (if a corporation, please include state of incorporation)

Name of individual signing on behalf of the entity:

Title:

**Reason for the Vacation/Relocation of Easement:**

Please explain why you are requesting a Vacation/Relocation of Easement:

THE EXISTING EASEMENT IS RUNNING THRU THE CENTER OF 3 LOTS, THE NEW PLAN SHOWS THE EASEMENT RELOCATED TO THE EDGE OF LOTS 4 & 5. THE OLD OVERHEAD ELECTRICAL HAS BEEN TAKEN DOWN & THE NEW UNDERGROUND IS ALREADY IN PLACE.

Type of Easement: (ie electrical, sanitary sewer, general utility, water, etc.)

ELECTRICAL

Legal Description: LIVENGOOD SECOND SUBDIVISION, THE OLD EASEMENT RUNS ACROSS LOTS 7, 5 & 4 AND SEEDLING MILE ROAD.

Address:



Please include property deed, diagrams, and drawing.



545 J STREET LINCOLN NE 68508

Applicant Address

(402) 435-3567 X100

Applicant Phone Number

*William D. Livengood*  
Applicant Signature

5-27-04

Date

Please Note: Delays May Occur if Application is Incomplete or Inaccurate.

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 8907

An ordinance to vacate existing easements and rights-of-way located in a part of Livengood Second Subdivision and as originally dedicated with the plat of Livengood Subdivision, and within part of the Seedling Mile Road Right-of-Way 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 twenty foot easements and rights-of-way located in a part of Livengood Second Subdivision and as originally dedicated with the plat of Livengood Subdivision, and within a part of the Seedling Mile Road Right-of-Way in the city of Grand Island, Hall County, Nebraska, more particularly described as follows, are hereby vacated:

Tract No. 1:

A twenty (20.0) foot wide utility easement located in part of Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road right-of-way; also being a twenty (20.0) foot wide easement located in part of Lot One

Approved as to Form  \_\_\_\_\_  
June 3, 2004  City Attorney

ORDINANCE NO. 8907 (Cont.)

(1) Livengood Subdivision as originally dedicated and platted. The easterly line of the easement tract being more particularly described as follows:

Referring to the southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of Seventy Three (73.0) feet to the Actual Point of Beginning; thence continuing along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of Two Hundred Thirty Four and Eleven Hundredths (234.11) feet.

Tract No. 2:

A twenty (20.0) foot wide utility easement located in part of Lot Four (4), Lot Five (5), and Lot Seven (7) Livengood Second Subdivision and within part of the Seedling Mile Road Right-of-Way; also being a twenty (20.0) foot wide easement located in part of Lot One (1) Livengood Subdivision as originally dedicated and platted. The centerline of the easement tract being more particularly described as follows:

Referring to the southeast corner of the original platted Lot One (1) Livengood Subdivision; thence northerly along the easterly line of the said original platted Lot One (1) Livengood Subdivision, a distance of Two Hundred Eighty Seven and Eleven Hundredths (287.11) feet to the Actual Point of Beginning; thence deflecting right  $11^{\circ}21'32''$  and running northeasterly, a distance of Two Hundred Ninety-Seven and Seventy Seven Hundredths (297.77) feet; thence deflecting left  $37^{\circ}04'58''$  and running northwesterly, a distance of One Hundred Thirty Four and Eighty One Hundredths (134.81) feet.

Tract No. 3:

A twenty (20.0) foot wide utility easement located in part of Lot Four (4) Livengood Second Subdivision as originally dedicated and shown on the plat of said subdivision.

The above three tracts containing a total of 0.303 acres, more or less, as shown on the plat dated May 19, 2004, attached hereto and incorporated herein by reference.

ORDINANCE NO. 8907 (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: June 8, 2004.

---

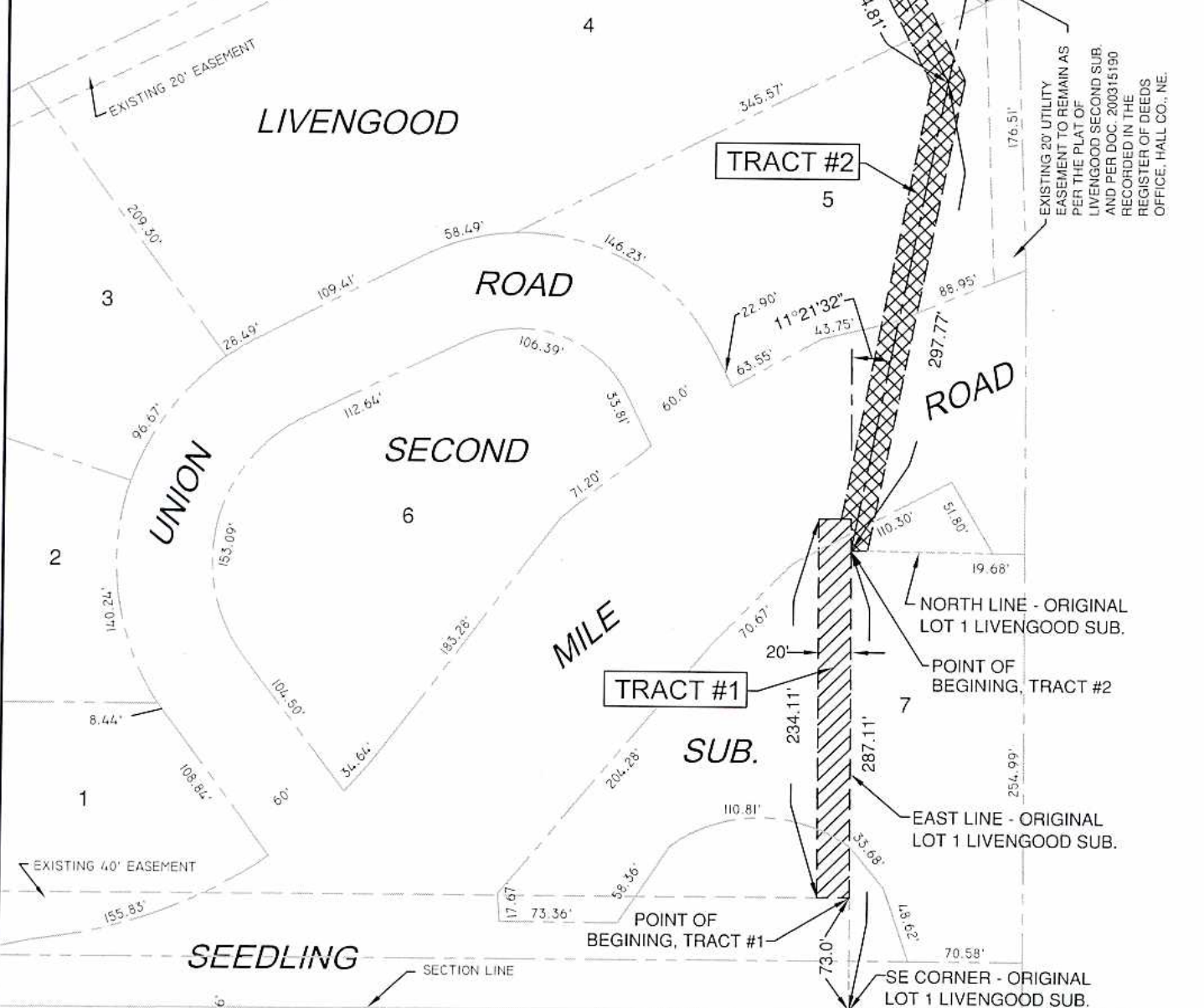
Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk

UNION PACIFIC RAILROAD R-O-W



EXISTING 20' UTILITY EASEMENT TO REMAIN AS PER THE PLAT OF LIVENGOOD SECOND SUB. AND PER DOC. 200315190 REGISTERED IN THE OFFICE OF DEEDS HALL CO., NE.

NORTH LINE - ORIGINAL LOT 1 LIVENGOOD SUB.

POINT OF BEGINNING, TRACT #2

EAST LINE - ORIGINAL LOT 1 LIVENGOOD SUB.

POINT OF BEGINNING, TRACT #1

SE CORNER - ORIGINAL LOT 1 LIVENGOOD SUB.

**LEGEND**




-  TRACT #1 - INDICATES 20' WIDE UTILITY EASEMENT TO BE VACATED: PART OF LOT 7 LIVENGOOD 2ND SUB AND PART OF SEEDLING MI RD R-O-W.
-  TRACT #2 - INDICATES 20' WIDE UTILITY EASEMENT TO BE VACATED: PART OF LOT 4, 5, AND 7 LIVENGOOD 2ND SUB; AND PART OF SEEDLING MI RD R-O-W.
-  TRACT #3 - INDICATES 20' WIDE UTILITY EASEMENT TO BE VACATED: PART OF LOT 4 LIVENGOOD 2ND SUB.

EXHIBIT "A"

<p>CITY OF <b>GRAND ISLAND</b></p> <p>UTILITIES DEPARTMENT</p>	
<p><b>PLAT TO ACCOMPANY ORDINANCE # 8907</b></p>	
DRN BY: K.J.M.	SCALE: 1" = 100'
DATE: 5/19/04	FILE: LIVENGOOD