



# City of Grand Island

Tuesday, June 08, 2004

Council Session

## Item F4

**#8913 - Consideration of Vacating Right of Way Along and Utility Easement on Wilmar Avenue Within Martin's Second Subdivision**

Staff Contact: Steven P. Riehle, P.E., Public Works Director

# **Council Agenda Memo**

**From:** Steven P. Riehle, P.E., Public Works Director

**Meeting:** June 8, 2004

**Subject:** Consideration of Vacating Right of Way and Utility Easement, Within Martin Subdivision (Along Wilmar Avenue)

**Item #'s:** F-4

**Presenter(s):** Steven P. Riehle, P.E., Public Works Director

## **Background**

Council action is required for vacation of Right-of-Way and Easements through the passing of an ordinance.

## **Discussion**

The vacation of the existing right-of-way and easement, located within Martin Subdivision, will facilitate the development of the proposed Martin's Second Subdivision. Both the right-of-way and utility easement will need to be relocated within the proposed Martin's Second Subdivision. The right-of-way and utility easement relocations will be included in Item G9, Approval of the Preliminary Plat for Martin's Second Subdivision. The Subdivision Review Committee has approved the plans for the new Subdivision.

## **Alternatives**

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

1. Approve the request to vacate the right-of-way/easement.
2. Disapprove or /Deny the request to vacate the right-of-way/easement.
3. Modify the request to meet the wishes of the Council.
4. Table the issue.

## **Recommendation**

City Administration recommends that the Council pass an ordinance vacating a part of Wilmar Avenue right-of-way/easement.

## **Sample Motion**

Approve the request to vacate the right-of-way/easement.

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 8913

An ordinance to vacate an existing easement and right-of-way located in a part of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska; to vacate a portion of existing Wilmar Avenue in Martin Subdivision located in the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. 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 easement and right-of-way located in a part of the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, more particularly described as follows, is hereby vacated:

|                     |                 |
|---------------------|-----------------|
| Approved as to Form | ☐ _____         |
| June 3, 2004        | ☐ City Attorney |

ORDINANCE NO. 8913 (Cont.)

Commencing at the intersection of the east ROW line of Wilmar Avenue and the North ROW line of Old Potash Highway, also known as the southwest corner of Lot 3 of Martin's Subdivision; thence S89°10'52"W 563.43 feet along the south property line of said Lot 3; thence N01°41'48"E 10.00 feet to the intersection of the north utility easement line of Old Potash Highway and the west easement line of an existing 20' Utility Easement, also the Point of Beginning; thence N01°41'48"W 302.01 feet to a point on the existing Wilmar south ROW line; thence N01°40'36"W 224.01 feet to a point on the north ROW line of Wilmar Avenue; thence N01°40'36"W 644.05 feet to a point on the intersection of the south side of an Utility Easement on the south side of the West North Front Street ROW and the west Easement line of an existing 20' Utility Easement; thence N89°03'56"E 20 feet to a point on the intersection of the south side of an Utility Easement on the south side of the West North Front Street ROW and the east side of an existing 20' Utility Easement; thence S01°40'36"E 613.12 feet to a point on the north side of the Wilmar Avenue ROW; thence S01°40'36"E 224.01 feet to a point on the south side of the Wilmar Avenue ROW; thence S01°40'36"E 332.98 feet to a point on the north side of the 10' Utility Easement on the north side of Old Potash Highway; thence S89°10'52"W 19.90 feet to the point of beginning; containing 23386.01 square feet or 0.54 acres, more or less, as shown on the plat attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That a portion of Wilmar Avenue in Martin Subdivision located in the Southeast Quarter of the Southeast Quarter (SE1/4, SE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6<sup>th</sup> P.M. in the City of Grand Island, Hall County, Nebraska, more particularly described as follows, is hereby vacated:

Commencing at the southwest corner of said Southeast Quarter of the Southeast Quarter on an assumed bearing of N89°11'13"E along the south line of said SE1/4, SE1/4 a distance of 74.92 feet; thence N01°47'41"W a distance of 32.89 feet to a point on the east right-of-way line of U.S. Highway 281; thence N01°47'41"W along the east right-of-way line of U.S. Highway 281 a distance of 7.00 feet; thence N89°10'52"E a distance of 277.98 feet to a point on the west ROW line of Wilmar Avenue; thence N01°47'41"W a distance of 119.95 feet to the Point of Beginning; thence around a curve in a clockwise direction having a delta angle of 24°20'40", an arc length of 76.48 feet, a radius of 180.00 feet and a chord bearing of N10°22'39"E for a distance of 75.91 feet to a point of continued curvature; thence around a curve in a clockwise direction having a delta angle of 33°46'46", an arc length of 106.12 feet, a radius of 180.00 feet and a chord bearing of N39°26'22"E for a distance of 104.59 feet to a point of continued curvature; thence around a curve in a clockwise direction having a delta angle of

ORDINANCE NO. 8913 (Cont.)

32°51'07", an arc length of 103.21 feet, a radius of 180.00 feet and a chord bearing of N72°45'19"E for a distance of 101.80 feet; thence N89°10'52"E a distance of 299.05 feet; thence around a curve in a counterclockwise direction having a delta angle of 90°51'28", an arc length of 190.29 feet, a radius of 120.00 feet and a chord bearing of N43°45'08"E for a distance of 170.97 feet; thence N01°40'36"W a distance of 28.41 feet; thence around a curve in a clockwise direction having a delta angle of 90°00'00", an arc length of 282.74 feet, a radius of 180.00 feet and a chord bearing of N43°19'24"E for a distance of 254.56 feet; thence N88°19'24"E a distance of 130.00 feet to a point on the west side of the right-of-way of Webb Road; thence S01°40'36"E a distance of 60.00 feet; thence S88°19'24"E a distance of 130.00 feet; thence N89°10'52"E a distance of 299.05 feet; thence around a curve in a counterclockwise direction having a delta angle of 90°00'00", an arc length of 188.50 feet, a radius of 120.00 feet and a chord bearing of S43°19'24"W for a distance of 169.71 feet; thence S01°40'36"E a distance of 28.41 feet; thence around a curve in a clockwise direction having a delta angle of 90°51'28", an arc length of 285.44 feet, a radius of 180.00 feet and a chord bearing of S43°45'08"W for a distance of 256.46 feet; thence S89°10'52"W a distance of 299.05 feet; thence around a curve in a counterclockwise direction having a delta angle of 90°58'33", an arc length of 190.54 feet, a radius of 120.00 feet and a chord bearing of S43°41'36"E for a distance of 171.14 feet; thence S88°12'19"W a distance of 60.00 feet to the point of beginning containing 70,147.45 square feet or 1.61 acres, more or less, as shown on the plat attached hereto as Exhibit "B" and incorporated herein by reference.

SECTION 3. The title to the property vacated by Sections 1 and 2 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 4. 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 plats, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8913 (Cont.)

Enacted: June 8, 2004.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk





