



City of Grand Island

Tuesday, March 08, 2005

Council Session

Item F5

#8967 - Consideration of Vacating Utilities Easements; Martin's Second Subdivision (North of Old Potash HWY Between US HWY 281 and Webb Road)

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: March 8, 2005

Subject: Vacation of Utilities Easements; Martin's Second Subdivision (North of Old Potash HWY Between US HWY 281 and Webb Road)

Item #'s: F-5

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

Background

Vacation of easements requires council action through passing of an ordinance.

Discussion

Council will be considering approval of Martin's Third Subdivision later in the meeting. This subdivision will replace easements that are being proposed for vacation under this agenda item. Vacation of the easements should occur before the agenda item to approve Martin's Third Subdivision.

Alternatives

1. Make a motion to approve the ordinance vacating the Utility Easement.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

Recommendation

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

Sample Motion

Move to approve the vacation of the Utility Easement.

EASEMENT VACATION

MARTIN'S SECOND SUBDIVISION

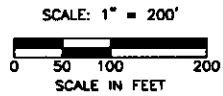
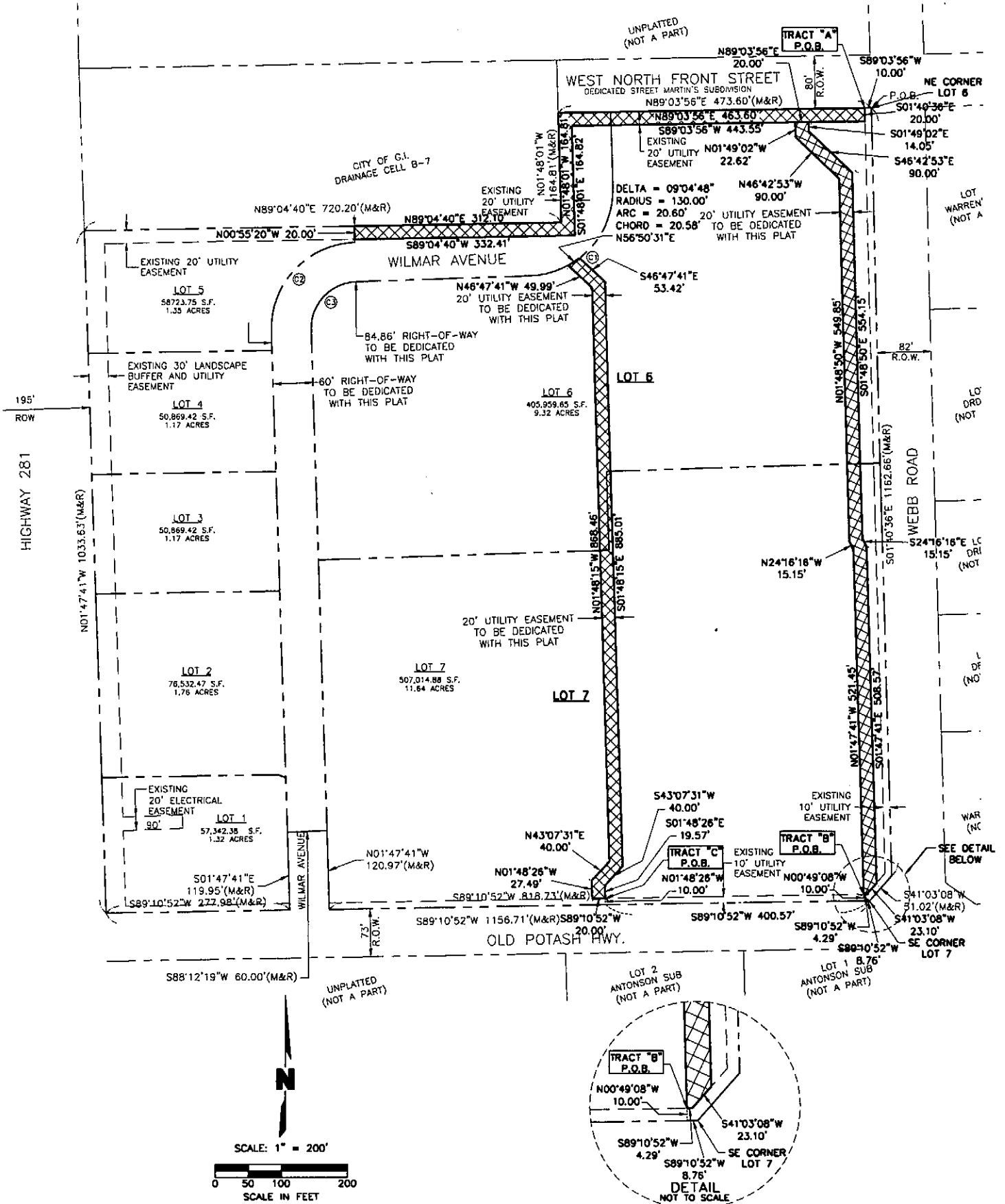


EXHIBIT 'A'

EASEMENT VACATION
LOTS 6, 7 AND WILMAR AVE.
MARTIN'S SECOND SUBDIVISION
CITY OF GRAND ISLAND, NEBRASKA

OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS
201 EAST 2ND STREET - GRAND ISLAND, NEBRASKA 68801 - 308-384-8750 - FAX 308-384-8752
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DATE:
02/18/05
04/2004-0319
PLAT/LEASE-VAC-Martin-2nd.dwg

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 8967

An ordinance to vacate existing easements and rights-of-way located in a part of Martin's Second 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 twenty foot easements and rights-of-way located in a part of Martin's Second Subdivision in the city of Grand Island, Hall County, Nebraska, more particularly described as follows, are hereby vacated:

Tract No. A:

A permanent utility easement being Twenty (20) feet in width located in Lot Six (6) and Wilmar Avenue, Martin's Second Subdivision, City of Grand Island, Nebraska, all 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 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Commencing at the northeast corner of said Lot 6, Martin's Second Subdivision; thence on an assumed bearing of S89°03'56"W along the north line of said Lot 6,

Approved as to Form ☐ _____
March 3, 2005 ☐ City Attorney

ORDINANCE NO. 8967 (Cont.)

said line also being the south right-of-way (R.O.W.) line of West North Front Street, a distance of 10.00 feet to the Point of Beginning; thence $S01^{\circ}40'36''E$ a distance of 20.00 feet; thence $S89^{\circ}03'56''W$ a distance of 443.55 feet; thence $S01^{\circ}48'01''E$ a distance of 164.82 feet; thence $S89^{\circ}04'40''W$ a distance of 332.41 feet to the easterly line of Lot 5 of said Martin's Second Subdivision; thence $N00^{\circ}55'20''W$ along said easterly line a distance of 20.00 feet to the south line of City of Grand Island Drainage Cell B-7; thence $N89^{\circ}04'40''E$ along said south line a distance of 312.10 feet to the southeast corner of said Drainage Cell B-7; thence $N01^{\circ}48'01''W$ along the east line of said Drainage Cell B-7 a distance of 164.81 feet to the south R.O.W. line of West North Front Street; thence $N89^{\circ}03'56''E$ along said south R.O.W. line a distance of 463.60 feet to the point of beginning. Said permanent utility easement contains a calculated area of 18,813 square feet or 0.432 acres, more or less, of which 11,142 square feet or 0.256 acres lies within said Wilmar Avenue, as shown on the plat attached hereto as Exhibit "A" and incorporated herein by reference.

Tract No. B:

A permanent utility easement being Twenty (20) feet in width located in Lot Six (6) and Lot Seven (7), Martin's Second Subdivision, City of Grand Island, Nebraska, all 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 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of said Lot 7, Martin's Second Subdivision; thence on an assumed bearing of $S89^{\circ}10'52''W$ along the south line of said Lot 7 a distance of 8.76 feet; thence $N00^{\circ}49'08''W$ and perpendicular to said south line a distance of 10.00 feet to the Point of Beginning; thence $N01^{\circ}47'41''W$ a distance of 521.45 feet; thence $N24^{\circ}16'16''W$ a distance of 15.15 feet; thence $N01^{\circ}48'50''W$ a distance of 549.85 feet; thence $N46^{\circ}42'53''W$ a distance of 90.00 feet; thence $N01^{\circ}49'02''W$ a distance of 22.62 feet to the south line of an existing 20 feet wide utility easement; thence $N89^{\circ}03'56''E$ along said south line a distance of 20.00 feet; thence $S01^{\circ}49'02''E$ a distance of 14.05 feet; thence $S46^{\circ}42'53''E$ a distance of 90.00 feet; thence $S01^{\circ}48'50''E$ a distance of 554.15 feet; thence $S24^{\circ}16'16''E$ a distance of 15.15 feet; thence $S01^{\circ}47'41''E$ a distance of 508.57 feet; thence $S41^{\circ}03'08''W$ a distance of 23.10 feet; thence $S89^{\circ}10'52''W$ a distance of 4.29 feet to the point of beginning. Said permanent utility easement contains a calculated area of 23,847 square feet or 0.547 acres, more or less, as shown on the plat attached hereto as Exhibit "A" and incorporated herein by reference.

ORDINANCE NO. 8967 (Cont.)

Tract No. C:

A permanent utility easement being Twenty (20) feet in width located in Lot Six (6) and Lot Seven (7), Martin's Second Subdivision, City of Grand Island, Nebraska, all 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 6th P.M., Hall County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of said Lot 7, Martin's Second Subdivision; thence on an assumed bearing of S89°10'52"W along the south line of said Lot 7 a distance of 400.57 feet; thence N01°48'26"W a distance of 10.00 feet to a point on the north line of an existing 10 feet wide utility easement, said point also being the Point of Beginning; thence S89°10'52"W along said north line a distance of 20.00 feet; thence N01°48'26"W a distance of 27.49 feet; thence N43°07'31"E a distance of 40.00 feet; thence N01°48'15"W a distance of 868.46 feet; thence N46°47'41"W a distance of 49.99 feet to a point on the southerly right-of-way (R.O.W.) line of Wilmar Avenue, said point also being a point of curvature; thence around a curve in a counterclockwise direction having a delta angle of 09°04'48", an arc length of 20.60 feet, a radius of 130.00 feet and a chord bearing N56°50'31"E along said southerly R.O.W. line a distance of 20.58 feet; thence S46°47'41"E a distance of 53.42 feet; thence S01°48'15"E a distance of 885.01 feet; thence S43°07'31"W a distance of 40.00 feet; thence S01°48'26"E a distance of 19.57 feet to the point of beginning. Said permanent utility easement contains a calculated area of 19,834 square feet or 0.455 acres, more or less, as shown on the plat attached hereto as Exhibit "A" and incorporated herein by reference.

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.

ORDINANCE NO. 8967 (Cont.)

Enacted: March 8, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk