



# City of Grand Island

Tuesday, June 14, 2005

Council Session

## Item F2

**#8980 - Consideration of Vacating a Utility Easement in Voitles Addition; the North 112' of a 16' Wide Easement East of 727 E 9th Street**

Staff Contact: Steven P. Riehle, Public Works Director

# **Council Agenda Memo**

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

**Meeting:** June 14, 2005

**Subject:** Consideration of Vacating a Utility Easement in Voitles Addition; the North 112' of a 16' Wide Easement East of 727 E 9<sup>th</sup> Street

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

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

## **Background**

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

Poplar Street between 8<sup>th</sup> and 9<sup>th</sup> Streets was vacated by Ordinance No. 6558 in 1980. A 16' wide easement was retained along the east right-of-way line of the vacated section of Poplar Street. The westerly half of the vacated Poplar Street is being used as part of Lot 1 of JSC Subdivision (727 W 9<sup>th</sup> Street). The easterly half of the vacated Poplar Street is being used as part of Lot 4 of Voitles Addition.

## **Discussion**

The Starostka Group Unlimited is requesting the vacation of the easement in order to re-subdivide Lots 3 and 4 of John Voitles Addition and the easterly half of the vacated Poplar Street into three new lots. As part of the subdivision, the Starostka Group will be building over the vacated easement. The north 121' of the easement will be vacated and the south 20' will be retained as an easement for a power pole anchor.

## **Alternatives**

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

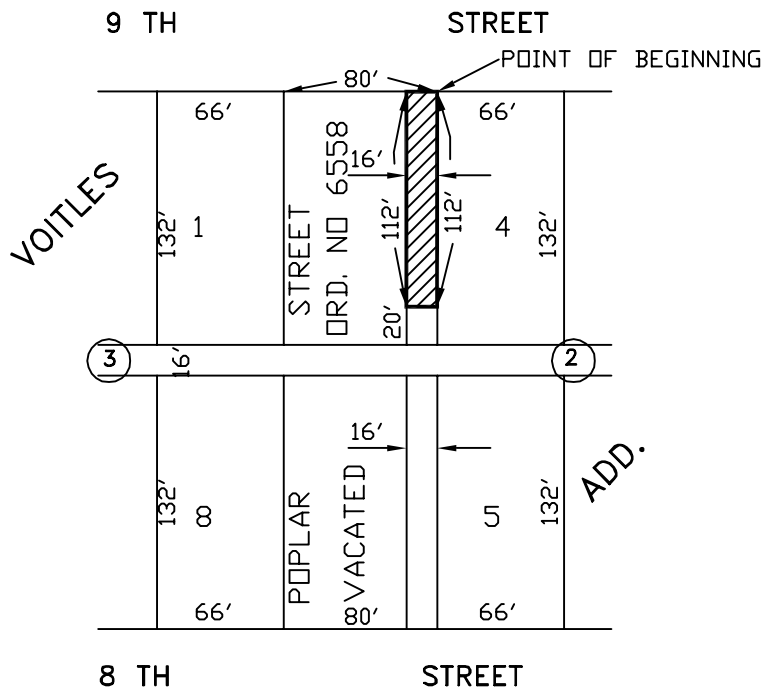
1. Make a motion to approve the ordinance vacating the Utility Easement.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

## **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.



LEGEND

 EASEMENT AREA TO BE VACATED

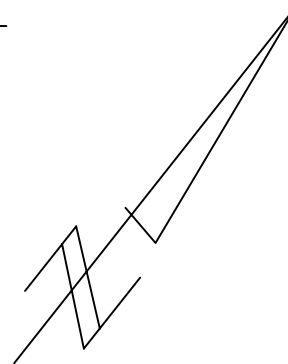


EXHIBIT "A"

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 8980

An ordinance to vacate an existing easement and right-of-way located in the vacated Poplar Street right-of-way (Ordinance No. 6558 approved on February 4, 1980 and recorded with the Hall County Register of Deeds office on February 6, 1980 as Document No. 80-000578) adjacent to Lot Four (4), Block Two (2), Voitles Addition to 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 a part of the existing sixteen (16.0) foot wide easement located in the vacated Poplar Street right-of-way (Ordinance No. 6558 approved on February 4, 1980 and recorded with the Hall County Register of Deeds office on February 6, 1980 as Document No. 80-000578) adjacent to Lot Four (4), Block Two (2), Voitles Addition to the city of Grand Island, Hall County, Nebraska; more particularly described as follows is hereby vacated:

Approved as to Form	☐ _____
June 8, 2005	☐ City Attorney

ORDINANCE NO. 8980 (Cont.)

Beginning at the northwest corner of Lot Four (4), Block Two (2), Voitles Addition; thence south on said west line of Lot Four (4), Block Two (2), Voitles Addition for a distance of One Hundred Twelve (112.0) feet; thence west on a line perpendicular to said west line of Lot Four (4), Block Two (2), Voitles Addition for a distance of Sixteen (16.0) feet; thence north on a line Sixteen (16.0) feet west of and parallel to the west line of Lot Four (4), Block Two (2), Voitles Addition for a distance of One Hundred Twelve (112.0) feet to the south line of 9<sup>h</sup> Street; thence east on the south line of 9<sup>h</sup> Street for a distance of Sixteen (16.0) feet to the point of beginning; as shown on the plat dated June 6, 2005, attached hereto and incorporated herein by reference.

SECTION 2. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 3. 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 14, 2005.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk