



# **City of Grand Island**

**Tuesday, September 13, 2005**

**Council Session**

## **Item F7**

**#9007 - Consideration of Vacating Right of Way at 722 E 7th Street**

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

# **Council Agenda Memo**

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

**Meeting:** September 13, 2005

**Subject:** Consideration of Vacating Excess Right of Way at 722 E 7<sup>th</sup> Street

**Item #'s:** F-7

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

## **Background**

Council action is required for vacation of Right-of-Way and Easements through the passing of an ordinance. Excess Right of Way along 7<sup>th</sup> Street south of 707 St. Paul Road was vacated in 1978.

## **Discussion**

The excess Right of Way for this parcel should have been vacated when the Right of Way to the west was vacated. Staff recommends the parcel of excess Right of Way along 7<sup>th</sup> Street in front of 722 E 7<sup>th</sup> Street be vacated. An easement should be retained for an existing water main.

## **Alternatives**

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

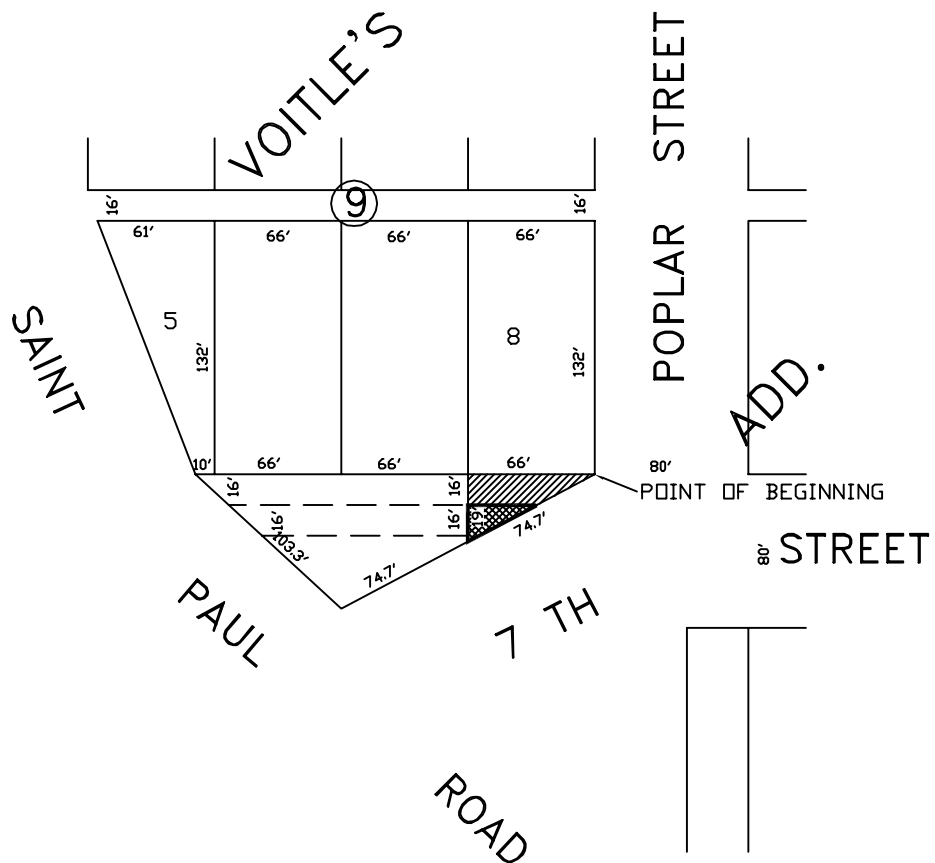
1. Make a motion to approve vacating the excess Right of Way.
2. Refer the issue to a committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

## **Recommendation**

City Administration recommends that the Council pass an ordinance vacating the excess Right of Way along 722 E 7<sup>th</sup> Street and conveying it to the property at 722 E 7<sup>th</sup> Street.

## **Sample Motion**

Move to approve the request to vacate the excess Right-of-Way.



## LEGEND



STREET RIGHT OF WAY VACATED



AREA RETAINED FOR PUBLIC UTILITY EASEMENT

EXHIBIT "A"

\* This Space Reserved for Register of Deeds \*

### ORDINANCE NO. 9007

An ordinance to vacate excess right-of-way at 722 E. 7<sup>th</sup> Street, conditioned upon the retention of a public utility easement; to provide for the filing of this ordinance in the office of the Register of Deeds of Hall County, Nebraska; to repeal any ordinance or parts of ordinances in conflict herewith; 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 excess right-of-way in front of 722 E. 7<sup>th</sup> Street in the City of Grand Island, Hall County, Nebraska, more particularly described as follows, is hereby vacated, conditioned upon the retention of a sixteen (16.0) foot wide utility easement as shown on Exhibit "A" attached hereto and incorporated herein by this reference:

Beginning at the southeast corner of Lot Eight (8), Block Nine (9), Voitle's Addition; thence southwesterly to a point where a line being a prolongation of the west line of Lot Eight (8), Block Nine (9), Voitle's Addition intersects; thence northerly on said prolongation for a distance of thirty five (35.0) feet to the southwest corner of Lot Eight (8), Block Nine (9), Voitle's Addition; thence northeasterly on the south line of said Lot Eight (8), Block Nine (9), Voitle's

ORDINANCE NO. \_\_\_\_\_ (Cont.)

Addition to the point of beginning, as shown on the plat dated September 1, 2005, attached hereto as Exhibit "A", and incorporated herein by this reference.

SECTION 2. Subject to the public utilities easement retained, the title to the right-of-way vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate abutting the same, namely Lot Eight (8), Block Nine (9), Voitle's Addition to the City of Grand Island, Hall County, Nebraska.

SECTION 3. This ordinance is directed to be filed in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 4. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 13, 2005.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk