



City of Grand Island

Tuesday, December 06, 2005

Council Session

Item F1

**#9020 - Consideration of Vacating a Utilities Easement at 805 E.
9th Street (Starostka Group Unlimited, Inc.)**

Staff Contact: Steven P. Riehle, Public Works Department

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: December 6, 2005

Subject: Consideration of Vacating a Utilities Easement at 805 E. 9th Street (Starostka Group Unlimited, Inc.)

Item #'s: F-1

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

Background

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

The Starostka Group Unlimited built a home on Lot #3 of John Voitles 2nd Subdivision (805 E 9th Street). The home encroaches 1' – 8" into an existing utility easement.

Discussion

Because of the encroachment, a 2' wide strip of easement is being vacated on Lot No. 3 (805 E 9th Street). In order to maintain the 20' easement width, a 2' wide strip of easement will be dedicated on Lot #2 under a separate council agenda item.

Alternatives

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

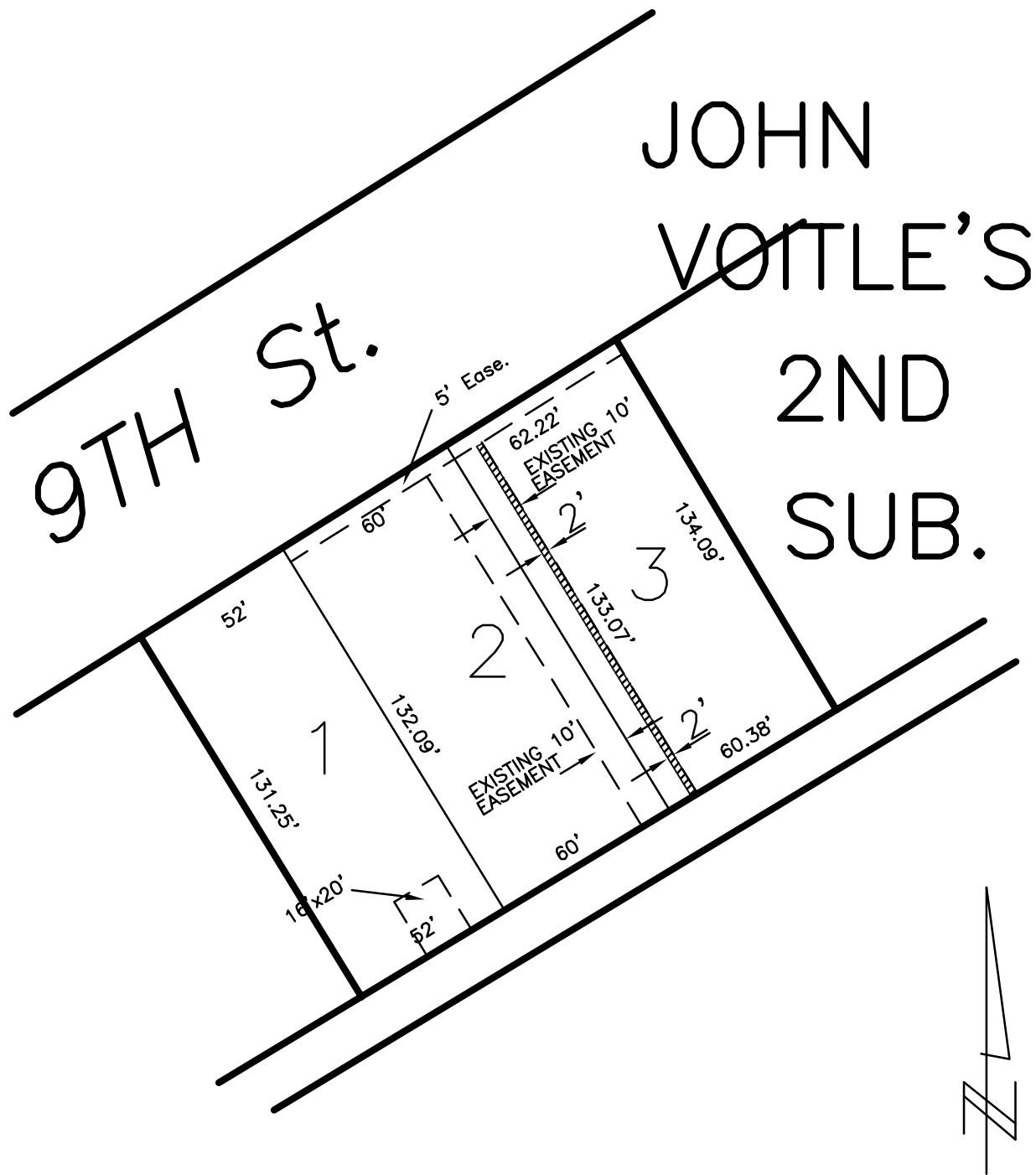
1. Make a motion to approve the ordinance vacating the Utility Easement.
2. Refer the issue to a Committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

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.



AREA OF EASEMENT TO BE VACATED

EXHIBIT "A"

* This Space Reserved for Register of Deeds *

ORDINANCE NO. 9020

An ordinance to vacate existing easements and rights-of-way located in a part of Lot Three (3), John Voitle's Second 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 the easement located in the east two (2.0) feet of the west ten feet (10.0) of Lot Three (3) John Voitle's Second Addition, except the north five (5.0) feet thereof, is hereby vacated. Such vacated land is shown on Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of Lot Three (3) John Voitle's Second Addition to the City of Grand Island, Hall County, Nebraska.

Approved as to Form	☐ _____
December 1, 2005	☐ City Attorney

ORDINANCE NO. 9020 (Cont.)

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: December 6, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk