

City of Grand Island

Tuesday, August 08, 2006 Council Session

Item F1

#9058 - Consideration of Vacating a 10' Easement on Lots One (1) and Two (2) of Summerfield Estates 6th Subdivision (Little B's Corporation)

Staff Contact: Steven P. Riehle, Public Works Director

City of Grand Island City Council

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: August 8, 2006

Subject: Consideration of Vacating a 10' Easement on Lots One

(1) and Two (2) of Summerfield Estates 6th Subdivision

(Little B's Corporation)

Item #'s: F-1

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

Background

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

Discussion

When sanitary sewer was constructed along Summerfield Avenue for the Summerfield Estate 3rd Subdivision, a sewer service was not built to serve the property east of Summerfield Avenue and south of Warbler Road, it would be served by a future Sanitary Sewer Main. When the lots for Summerfield Estates 5th Subdivision were platted, a sanitary sewer easement was needed to serve Lot No. 2. The developer reconfigured the lots with Summerfield Estates 6th Subdivision therefore the easement is no longer needed.

Alternatives

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

- 1. Move to approve the ordinance vacating the Utility Easement.
- 2. Refer the issue to a Committee.
- 3. Postpone the issue to 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

Motion to approve the vacation of the Utility Easement.

EASEMENT VACATION SUMMERFIELD ESTATES FIFTH SUBDIVISION POINT OF COMMENCEMENT. NW COR. LOT 1, BLOCK 2, SUMMERFIELD ESTATES 5TH SUBD. [>]0' R.O.W. LOT 1. BLOCK 2 SUMMERFIELD ESTATES 5TH SUBD. P.O.B. WARBLER ROAD EXISTING 20 LOT 2. BLOCK 2 SUMMERFIELD ESTATES UTILITY EASEMENT 5TH SUBD. SCALE: 1" = 60"N72'09'44"W N72'09 30 60 10.00 10.00 SCALE IN FEET **EASEMENT** DESCRIPTION

A UTILITY EASEMENT BEING 20 FEET IN WIDTH LOCATED IN LOT 1, LOT 2 AND LOT 3, BLOCK 2 OF SUMMERFIELD ESTATES FIFTH SUBDIVISION, CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 2, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF SUMMERFIELD AVENUE AND THE SOUTH R.O.W. LINE OF WARBLER ROAD; THENCE ON AN ASSUMED BEARING OF \$47'51'54"E ALONG AND UPON SAID SOUTH R.O.W. LINE A DISTANCE OF 88.06 FEET TO A POINT OF CURVATURE; THENCE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 03'43'29", AN ARC LENGTH OF 21.45 FEET, A RADIUS OF 330.00 FEET AND A CHORD BEARING \$49'43'38"E FOR A DISTANCE OF 21.45 FEET TO THE POINT OF INTERSECTION OF THE WEST LINE OF SAID UTILITY EASEMENT AND SAID SOUTH R.O.W. LINE OF WARBLER ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG AND UPON SAID SOUTH R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 01'50'37", AN ARC LENGTH OF 10.62 FEET, A RADIUS OF 330.00 FEET AND A CHORD BEARING \$52'30'41"E FOR A DISTANCE OF 10.62 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 2; THENCE CONTINUING ALONG AND UPON SAID SOUTH R.O.W. LINE AROUND A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 01'49'26", AN ARC LENGTH OF 10.50 FEET, A RADIUS OF 330.00 FEET AND A CHORD BEARING \$54'20'43"E FOR A DISTANCE OF 10'50'37", AN ARC LENGTH OF INTERSECTION OF THE EAST LINE OF SAID UTILITY EASEMENT AND SAID SOUTH R.O.W. LINE OF WARBLER ROAD; THENCE S17'50'16"W ALONG THE EAST LINE OF SAID UTILITY EASEMENT AND SAID SOUTH R.O.W. LINE OF WARBLER ROAD; THENCE S17'50'16"W ALONG THE EAST LINE OF SAID UTILITY EASEMENT AD DISTANCE OF 131.05 FEET TO THE POINT OF INTERSECTION OF SAID EAST EASEMENT LINE AND THE NORTH LINE OF A 20' WIDE UTILITY EASEMENT; THENCE N72'09'44"W ALONG AND UPON SAID NORTH EASEMENT LINE AND THE WEST LINE OF SAID LOT 3, BLOCK 2; THENCE CONTINUING ALONG AND UPON SAID NORTH EASEMENT LINE AND THE POINT OF INTERSECTION OF SAID NORTH EASEMENT LINE AND THE NORTH LINE OF SAID LOT 2, BLOCK 2; THENCE CONTINUING ALONG SAID WEST EASEMENT LINE AND THE NORTH LINE OF SAID LOT 2, BLOCK 2; THENCE CONT

CURVE TABLE							
CURVE	DELTA	LENGTH	RADIUS	TANGENT	BEARING	CHORD	
C1	3'43'29"	21. 4 5'	330.00'	10.73	S49*43'38"E	21.45	
C2	1'50'37"	10.62'	330,00'	5.31	S52*30'41"E	10.62	
C3	1'49'26"	10.50	330.00	5.25	S54"20'43"E	10.50'	

DATE:

A40008-0323

6/19/06

EASEMENT VACATION
LOTS 1, 2 AND 3, BLOCK 2
SUMMERFIELD ESTATES FIFTH SUBD.
CITY OF GRAND ISLAND, NEBRASKA



201 East 2nd Street P.O. Box 1072 Grand Island, NE 68602-1072

TEL 308.384.8750 FAX 308.384.8752 www.oeconsult * This Space Reserved for Register of Deeds *

ORDINANCE NO. 9058

An ordinance to vacate an existing easement located in a part of Lots One (1), Two (2), and Three (3), Block Two (2) in Summerfield Estates Fifth 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 twenty (20.0) foot wide easement located in a portion of Lots One (1), Two (2) and Three (3), Block Two (2), Summerfield Estates Fifth Subdivision in the City of Grand Island, Hall County, Nebraska, is hereby vacated. Such easement to be vacated is the easterly ten (10.0) feet of Lots One (1) and Two (2), Block Two (2), and the westerly ten (10.0) feet of Lot Three (3), Block Two (2), all in Summerfield Estates Fifth Subdivision as shown and more particularly described on Exhibit A attached hereto.

> Approved as to Form ¤ August 3, 2006 m City Attorney

ORDINANCE NO. 9058 (Cont.)

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: August 8, 2006.