



# City of Grand Island

Tuesday, July 10, 2007

Council Session

## Item F1

**#9125 - Partial Vacation of Utility Easement - Lot One (1) and Lot Two (2), Cedar Ridge First Subdivision**

Staff Contact: Gary R. Mader

# **Council Agenda Memo**

**From:** Robert H. Smith, Asst. Utilities Director

**Meeting:** July 10, 2007

**Subject:** Partial Vacation of Easement – Cedar Ridge First Subdivision – Lots One (1) and Two (2)

**Item #'s:** F-1

**Presenter(s):** Gary R. Mader, Utilities Director

## **Background**

The owners of Lot One (1) and Two (2), Cedar Ridge First Subdivision are planning to place “Professional Buildings” on each lot. To meet the landscaping and zoning requirements, a portion of the 20 foot wide easement that was dedicated at the time of platting for utilities, now needs to be vacated. The Electric Department and Cable TV are using the easements from the road to the transformer locations on each lot. The physical location of the cables is such that part of the easement may be vacated if a like amount of easement is dedicated on the adjacent lots.

A map of the lots and easement areas are attached for reference.

The adjacent property owner has indicated a willingness to dedicate the additional easement required to serve the affected utilities.

## **Discussion**

The construction project is currently held up pending the vacation of part of the easement prior to a building permit being issued. If Council concurs in the vacation of part of the utility easement, it is requested that the rules be waived so the ordinance can be approved at a single meeting, allowing construction to begin as soon as possible.

## **Alternatives**

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

1. Move to approve
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 Ordinance #9125 to vacate part of the easement on Lot One (1) and Lot Two (2), Cedar Ridge First Subdivision.

### **Sample Motion**

Make a motion to approve Ordinance #9125 to vacate part of the easement on Lot One (1) and Lot Two (2), Cedar Ridge First Subdivision.

## Easement To Be Vacated - Ordinance No. 9125

... an ordinance to vacate part of an easement as described in Document #200307344 recorded in the Hall County Register of Deeds Office, located in part of Lot One (1) and part of Lot Two (2) Cedar Ridge First Subdivision ...

The part of the said easement to be vacated being more particularly described as follows:

### TRACT #1:

The southerly twenty (20.0) feet of the westerly one hundred twenty five and thirty eight hundredths (125.38) feet except the westerly ten (10.0) feet of Lot Two (2) Cedar Ridge First Subdivision.

### TRACT #2:

The northerly ten (10.0) feet of the southerly twenty (20.0) feet of the easterly one hundred twenty four and six tenths (124.6) feet of Lot Two (2) Cedar Ridge First Subdivision.

### TRACT #3

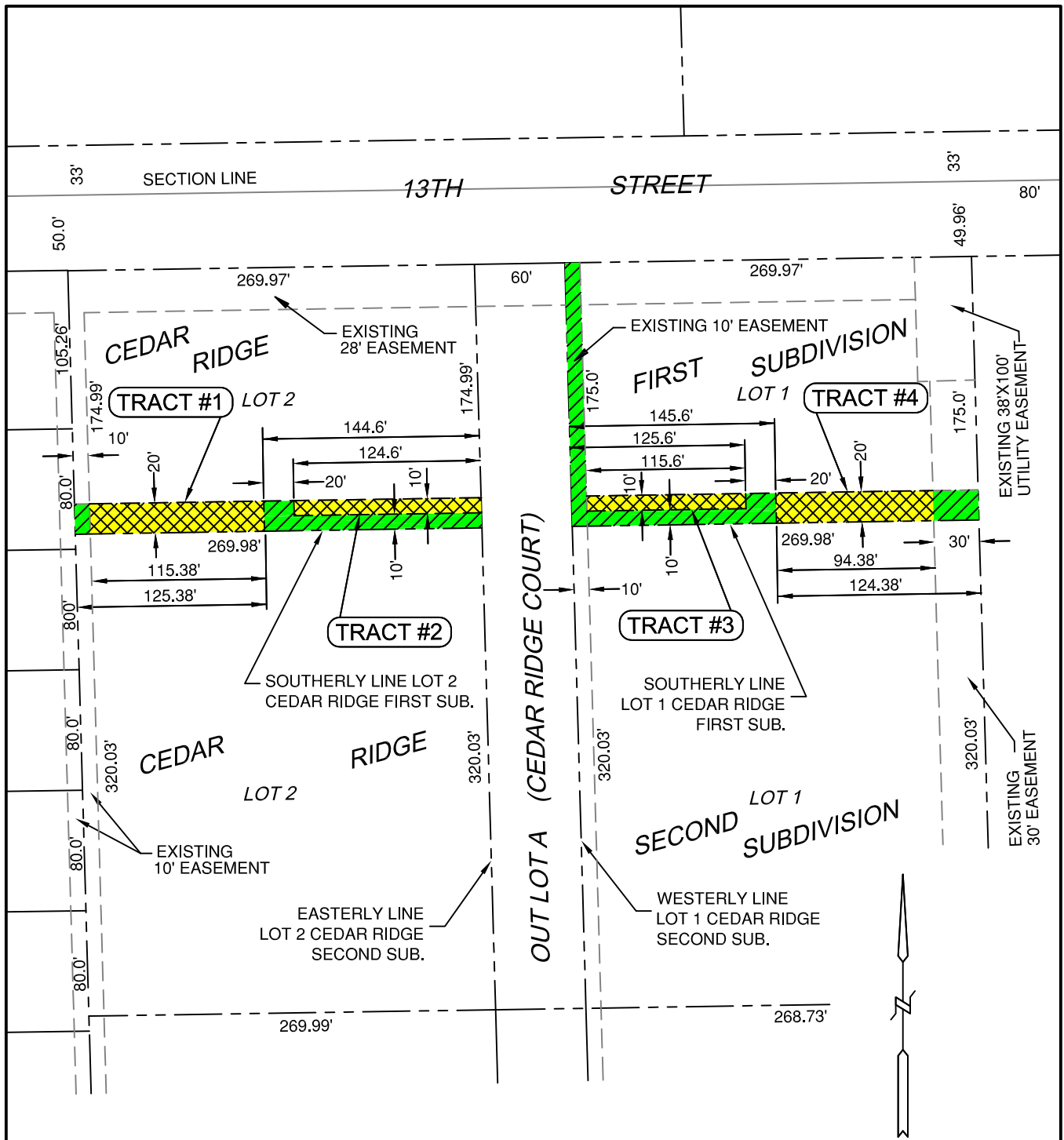
The northerly ten (10.0) feet of the southerly twenty (20.0) feet of the easterly one hundred fifteen and six tenths (115.6) feet of the westerly one hundred twenty five and six tenths (125.6) feet of Lot One (1) Cedar Ridge First Subdivision.

### TRACT #4

The southerly twenty (20.0) feet of the westerly ninety four and thirty eight hundredths (94.38) feet of the easterly one hundred twenty four and thirty eight hundredths (124.38) feet of Lot One (1) Cedar Ridge First Subdivision.

... plat dated 6/21/2007

General location – Cedar Ridge First Subdivision is located south of 13th Street and west of K-Mart.

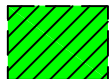


# EXHIBIT "A"

## LEGEND



INDICATES THAT PORTION OF EASEMENT DESCRIBED IN DOC. NO. 200307344, RECORDED IN THE HALL COUNTY REGISTER OF DEEDS OFFICE TO BE VACATED BY ORD. 9125.



INDICATES THAT PORTION OF EASEMENT DESCRIBED IN DOC. NO. 200307344, RECORDED IN THE HALL COUNTY REGISTER OF DEEDS OFFICE TO BE RETAINED.

UTILITIES DEPARTMENT	
PLAT TO ACCOMPANY ORDINANCE NO. 9125	
DRN BY: K.J.M.	SCALE: 1" = 100'
DATE: 6/21/2007	FILE: Cedar Ridge

\* This Space Reserved for Register of Deeds \*

ORDINANCE NO. 9125

An ordinance to vacate part of an easement as described in Document #200307344 recorded in the Hall County Register of Deeds Office, located in part of Lot One (1) and part of Lot Two (2) Cedar Ridge First Subdivision and 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 portion of existing easements in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

TRACT #1:

The southerly twenty (20.0) feet of the westerly one hundred twenty five and thirty eight hundredths (125.38) feet except the westerly ten (10.0) feet of Lot Two (2) Cedar Ridge First Subdivision in the City of Grand Island, Hall County, Nebraska; and

TRACT #2:

The northerly ten (10.0) feet of the southerly twenty (20.0) feet of the easterly one hundred twenty four and six tenths (124.6) feet of Lot Two (2) Cedar Ridge First Subdivision in the City of Grand Island, Hall County, Nebraska; and

Approved as to Form    ☐ \_\_\_\_\_  
July 6, 2007            ☐ City Attorney

ORDINANCE NO. 9125

TRACT #3

The northerly ten (10.0) feet of the southerly twenty (20.0) feet of the easterly one hundred fifteen and six tenths (115.6) feet of the westerly one hundred twenty five and six tenths (125.6) feet of Lot One (1) Cedar Ridge First Subdivision in the City of Grand Island, Hall County, Nebraska; and

TRACT #4

The southerly twenty (20.0) feet of the westerly ninety four and thirty eight hundredths (94.38) feet of the easterly one hundred twenty four and thirty eight hundredths (124.38) feet of Lot One (1) Cedar Ridge First Subdivision in the City of Grand Island, Hall County, Nebraska.

is hereby vacated. Such easements to be vacated are shown and more particularly described on Exhibit A attached hereto.

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: July 10, 2007.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk