



# City of Grand Island

Tuesday, January 22, 2008

Council Session

## Item F1

**#9157 - Consideration of Vacation of a Drainage Easement  
Located at 731 Allen Drive in Meadowlark West Third and West  
Fourth Subdivision (Allen Phase III, LLC)**

Staff Contact: Steven P. Riehle, City Engineer/Public Works Direc

# **Council Agenda Memo**

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

**Meeting:** January 22, 2008

**Subject:** Consideration of Vacation of a Drainage Easement in Meadowlark West Third and West Fourth Subdivision

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

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

## **Background**

A sixty foot (60') wide drainage easement was filed with Hall County on July 31, 1974. The easement is currently used for storm sewer between 2 detention cells. Subsequently the property was subdivided as Meadowlark West Third Subdivision and Meadowlark West Fourth Subdivision. The easement cuts through the middle of Lot 10 of Meadowlark West Third Subdivision and Lot 15 of Meadowlark West Fourth Subdivision. The easement and storm sewer restrict the potential for the property to develop.

## **Discussion**

The developer of the property is requesting that the existing 60' wide drainage easement be vacated and the storm sewer relocated to a new easement. All work will be performed at the developers cost to allow for development of the property as planned. The new easement and storm sewer will be along the south side of Lot 10 and the east side of lot 10 & 15. The new easement is being considered for dedication at tonight's council meeting. The sixty foot that was originally dedicated for the drainage easement is more than needed. The relocation will be twenty five foot (25') wide and will serve as both a drainage and a utility easement.

## **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**

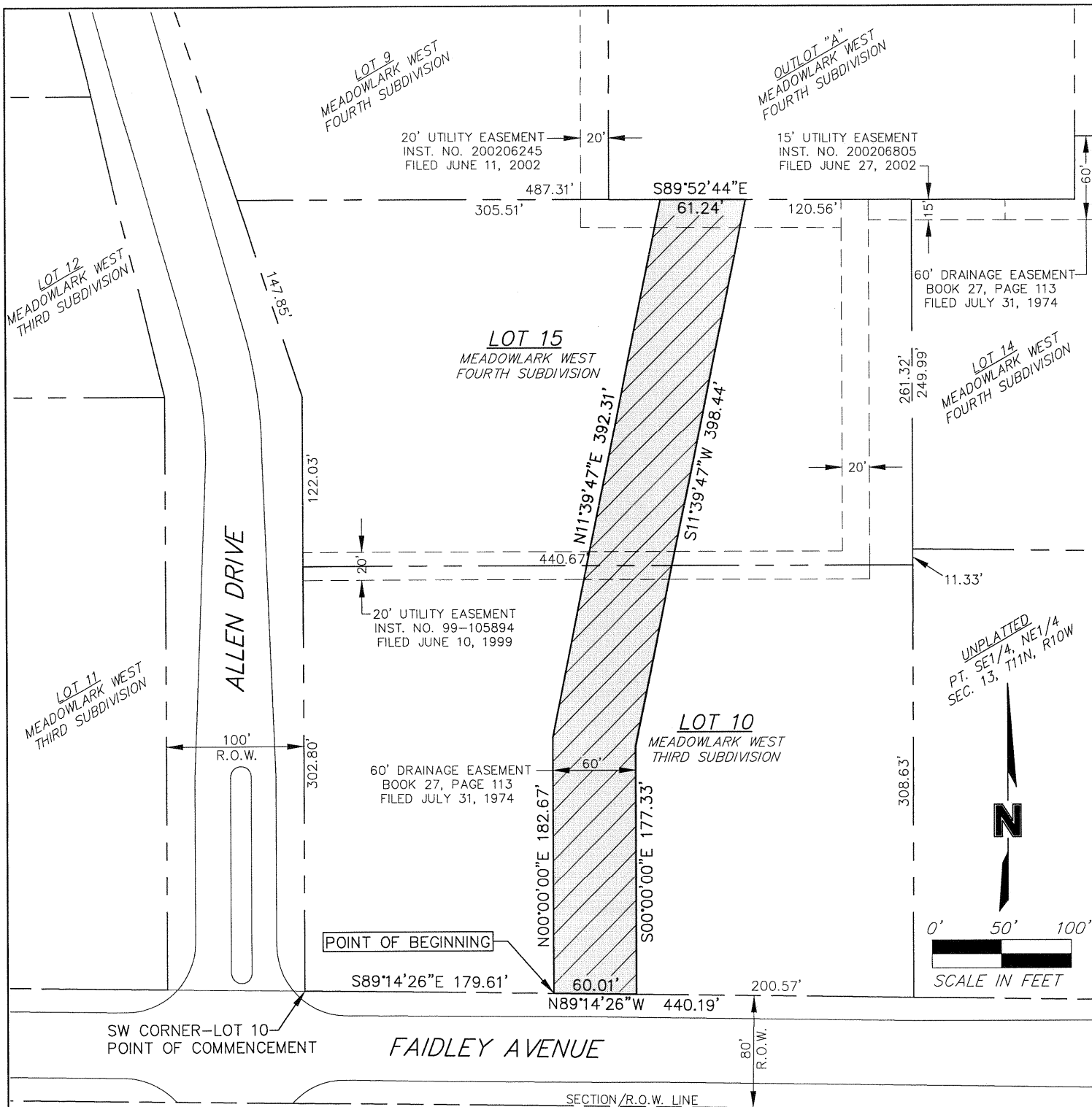
City Administration recommends the passing of an ordinance vacating the drainage easement in Lot 10 of Meadowlark West Third Subdivision and Lot 15 of Meadowlark West Fourth Subdivision.

### **Sample Motion**

Move to approve an ordinance vacating the drainage easement in Lot 10 of Meadowlark West Third Subdivision and Lot 15 of Meadowlark West Fourth Subdivision.

USER: jmcclellen

DWG: F:\Projects\20031327\LDWP\Exhibits\Vacate-Storm-Easement.dwg  
DATE: Jan 11, 2008 10:56am XREFS: 4TH & 3RD-PLAT COMBINED



## EASEMENT DESCRIPTION

A SIXTY FOOT WIDE DRAINAGE EASEMENT AS RECORDED IN BOOK 27, PAGE 113 AND FILED JULY 31, 1974 IN HALL COUNTY REGISTER OF DEEDS, LOCATED IN LOT 10, MEADOWLARK WEST THIRD SUBDIVISION AND IN LOT 15, MEADOWLARK WEST FOURTH SUBDIVISION, ALL IN THE CITY OF GRAND ISLAND, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 10, MEADOWLARK WEST THIRD SUBDIVISION, IN THE CITY OF GRAND ISLAND, NEBRASKA; THENCE ON AN ASSUMED BEARING OF S89°14'26"E ON THE SOUTH LINE OF SAID LOT 10, ALSO BEING ON THE NORTH RIGHT OF WAY (R.O.W.) LINE OF FAIDLEY AVENUE A DISTANCE OF 179.61 FEET TO THE POINT OF BEGINNING; THENCE N00°00'00"E A DISTANCE OF 182.67 FEET; THENCE N11°39'47"E A DISTANCE OF 392.31 FEET TO THE NORTH LINE OF SAID LOT 15, MEADOWLARK WEST FOURTH SUBDIVISION, ALSO BEING THE SOUTH LINE OF OUTLOT "A", MEADOWLARK WEST FOURTH SUBDIVISION; THENCE S89°52'44"E ON SAID LINE A DISTANCE OF 61.24 FEET; THENCE S11°39'47"W A DISTANCE OF 398.44 FEET; THENCE S00°00'00"E A DISTANCE OF 177.33 FEET TO THE SOUTH LINE OF LOT 10, MEADOWLARK WEST THIRD SUBDIVISION, ALSO BEING ON THE NORTH R.O.W. LINE OF FAIDLEY AVENUE; THENCE N89°14'26"W ALONG SAID LINE A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING. SAID DRAINAGE EASEMENT TRACT CONTAINS A CALCULATED AREA OF 34,522 SQUARE FEET OR 0.792 ACRES MORE OR LESS.

PROJECT NO: 2003-1327

**VACATE DRAINAGE EASEMENT**

DRAWN BY: JDM

LOT 10, MEADOWLARK WEST 3RD

LOT 15, MEADOWLARK WEST 4TH

DATE: 12/28/07

GRAND ISLAND, NE

**MOLSSON**  
ASSOCIATES

201 East 2nd Street  
P.O. Box 1072  
Grand Island, NE 68802-1072  
TEL 308.384.8750  
FAX 308.384.8752

EXHIBIT

A

\* This Space Reserved for Register of Deeds \*

## ORDINANCE NO. 9157

An ordinance to vacate a portion of an existing drainage right of way and to provide for filing this ordinance in the office of the Register of Deeds of Hall County; 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 a portion of an existing drainage right of way of Midaro Drive,  
more particularly described as follows:

A sixty foot wide drainage easement as recorded in Book 27, Page 113 and filed July 31, 1974 in Hall County Register of Deeds, located in Lot 10, Meadowlark West Third Subdivision and in Lot 15, Meadowlark West Fourth Subdivision, all in the City of Grand Island, Nebraska and more particularly described as follows:

Commencing at the Southwest Corner of Lot 10, Meadowlark West Third Subdivision, in the City of Grand Island, Nebraska; thence on an assumed bearing of S89°14'26"E on the South Line of said Lot 10, also being on the North Right of Way (R.O.W.) line of Faidley Avenue a distance of 179.61 feet to the point of beginning; thence N00°00'00"E a distance of 182.67 feet; thence N11°39'47"E a distance of 392.31 feet to the North Line of said Lot 15, Meadowlark West Fourth Subdivision, also being the south line of Outlot "A", Meadowlark West Fourth Subdivision; thence S89°52'44"E on said line a distance of 61.24 feet; thence

Approved as to Form	☐ _____
January 17, 2008	☐ City Attorney

ORDINANCE NO. 9157

S11°39'47"W a distance of 398.44 feet; thence S00°00'00"E a distance of 177.33 feet to the South line of Lot 10, Meadowlark West Third Subdivision, also being on the North R.O.W. line of Faidley Avenue; thence N89°14'26"W along said line a distance of 60.01 feet to the point of beginning. said drainage easement tract contains a calculated area of 34,522 square feet or 0.792 acres more or less.

is hereby vacated. Such right-of-way to be vacated is 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: January 22, 2008.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk