



# City of Grand Island

Tuesday, February 10, 2009

Council Session

## Item F3

**#9206 - Consideration of Vacation of a Public Utility Easement in Part of Lot One (1) Mainland of Section 27, Range 11 West, Township 9 North- 2707 & 2709 S Locust Street (South Pointe Development, LLC)**

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

# Council Agenda Memo

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

**Meeting:** February 10, 2009

**Subject:** Consideration of Vacation of a Public Utility Easement in Part of Lot One (1) Mainland of Section 27, Range 11 West, Township 9 North- 2707 & 2709 S Locust Street (South Pointe Development, LLC)

**Item #'s:** F-3

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

## Background

Council action is required for vacation of a public utility easement through the passing of an Ordinance. The developer of the property is requesting vacation of public utility easements that will be replaced with public utility easements with the platting of Southpoint Subdivision.

## Discussion

One of the easements is occupied by a public sanitary sewer main. The developer will relocate the sanitary sewer main to the new easement at the developers cost. The new easement for the sanitary sewer will be located along the north and east sides of the lot to allow for full development of the property. The new easement is being considered for dedication at tonight's council meeting with the platting of Southpointe Subdivision.

## 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**

Public Works Administration recommends that the Council pass an Ordinance vacating the public utility easement in part of Lot One (1) Mainland in Part of Lot One (1) Mainland of Section 27, Range 11 West located at 2707 & 2709 South Locust Street.

## **Sample Motion**

Move to approve Ordinance 9206 vacating the public utility easement.

ORDINANCE NO. 9206

An ordinance to vacate a portion of an existing public utility easement and to provide for filing 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 existing public utility easements at 2707 & 2709 South Locust Street in Grand Island, Hall County, Nebraska, more particularly described as follows:

BEGINNING AT A POINT WHICH IS FIVE HUNDRED THIRTY THREE (533.0) FEET NORTH AND THIRTY THREE (33.0) FEET EAST OF THE QUARTER SECTION CORNER BETWEEN SECTIONS TWENTY SEVEN (27) AND TWENTY EIGHT (28), IN TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST, OF THE 6<sup>TH</sup> P.M.; THENCE EASTERLY AT RIGHT ANGLES A DISTANCE OF THREE HUNDRED SIXTY ONE AND FIVE-TENTHS (361.5) FEET TO A POINT ON THE WESTERLY LINE OF LOT TWENTY FIVE (25) OF MATTHEW'S SUBDIVISION; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT TWENTY FIVE (25) A DISTANCE OF ONE HUNDRED FIFTY FIVE AND FIVE-TENTHS (155.5) FEET. SAID TRACT OF LAND CONTAINING 0.19 ACRES MORE OR LESS, RECORDED AS DOCUMENT NO. 81-004327 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA;

AND

ORDINANCE NO. 9206 (Cont.)

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT TWENTY FIVE (25), MATTHEW'S SUBDIVISION, SAID POINT BEING TWO HUNDRED FORTY-SEVEN (247.0) FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT TWENTY FIVE (25); THENCE SOUTH ON A LINE PERPENDICULAR TO THE SOUTH LINE OF SAID LOT TWENTY FIVE (25) FOR A DISTANCE OF ONE HUNDRED (100.0) FEET; THENCE EAST ON A LINE ONE HUNDRED FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT TWENTY FIVE (25) FOR A DISTANCE OF SIXTEEN (16) FEET; THENCE NORTH ON A LINE PERPENDICULAR TO THE SOUTH LINE OF SAID LOT TWENTY FIVE (25) FOR A DISTANCE OF ONE HUNDRED (100.0) FEET TO THE SOUTH LINE OF SAID LOT TWENTY FIVE (25); THENCE WEST ON THE SOUTH LINE OF SAID LOT TWENTY FIVE (25) FOR A DISTANCE OF SIXTEEN (16) FEET TO THE POINT OF BEGINNING, CONTAINING 1,600 SQUARE FEET, MORE OR LESS, RECORDED AS DOCUMENT NO. 86-103070 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA;

AND

A TRACT OF LAND COMPRISING A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6<sup>TH</sup> P.M., IN GRAND ISLAND, HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT TWENTY FIVE (25), MATTHEW'S SUBDIVISION, SAID POINT BEING TWO HUNDRED FIFTY-FOUR AND SEVENTEEN HUNDREDTHS (254.17) FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT TWENTY-FIVE (25); THENCE SOUTHERLY PERPENDICULAR TO THE SOUTH LINE OF SAID LOT TWENTY-FIVE (25), A DISTANCE OF EIGHTH AND TWENTY-FIVE HUNDREDTHS (8.25) FEET; THENCE DEFLECTING LEFT 20°07'10" AND RUNNING SOUTHEASTERLY, A DISTANCE OF NINETY SEVEN AND FIFTEEN HUNDREDTHS (97.15) FEET TO A POINT SEVENTY FIVE AND EIGHT TENTHS (75.8) FEET WEST OF THE SOUTHEAST CORNER OF GRANTOR'S PROPERTY, RECORDED AS DOCUMENT NO. 88-101150 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA;

AND

A TRACT OF LAND CONSISTING OF A SIXTEEN (16.0) FOOT WIDE EASEMENT LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW ¼) OF SECTION TWENTY SEVEN (27), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6<sup>TH</sup> P.M., IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, THE CENTERLINE OF SAID SIXTEEN (16.0) FOOT WIDE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF AN EXISTING SIXTEEN (16.0) FOOT WIDE SANITARY SEWER EASEMENT AND THE NORTH LINE OF LOT ONE (1), GARRISON SUBDIVISION; THENCE RUNNING NORTHWESTERLY,

ORDINANCE NO. 9206 (Cont.)

A DISTANCE OF APPROXIMATELY ONE HUNDRED SIXTY EIGHT AND SIX TENTHS (168.6) FEET, TO THE CENTERLINE OF AN EXISTING SIXTEEN (16.0) FOOT WIDE EASEMENT RECORDED AS DOCUMENT NO. 86-103070, IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO THE POINT OF TERMINATION, SAID TRACT CONTAINING 0.062 ACRES (2697.6 SQ. FT.) MORE OR LESS, RECORDED AS DOCUMENT NO. 0200400494 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA;

are hereby vacated. Such right-of-way to be vacated is shown and more particularly described on

Exhibit A attached hereto.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate upon which the easement is located.

SECTION 3. This ordinance is directed to be filed, with the drawing, 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, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 10, 2009.

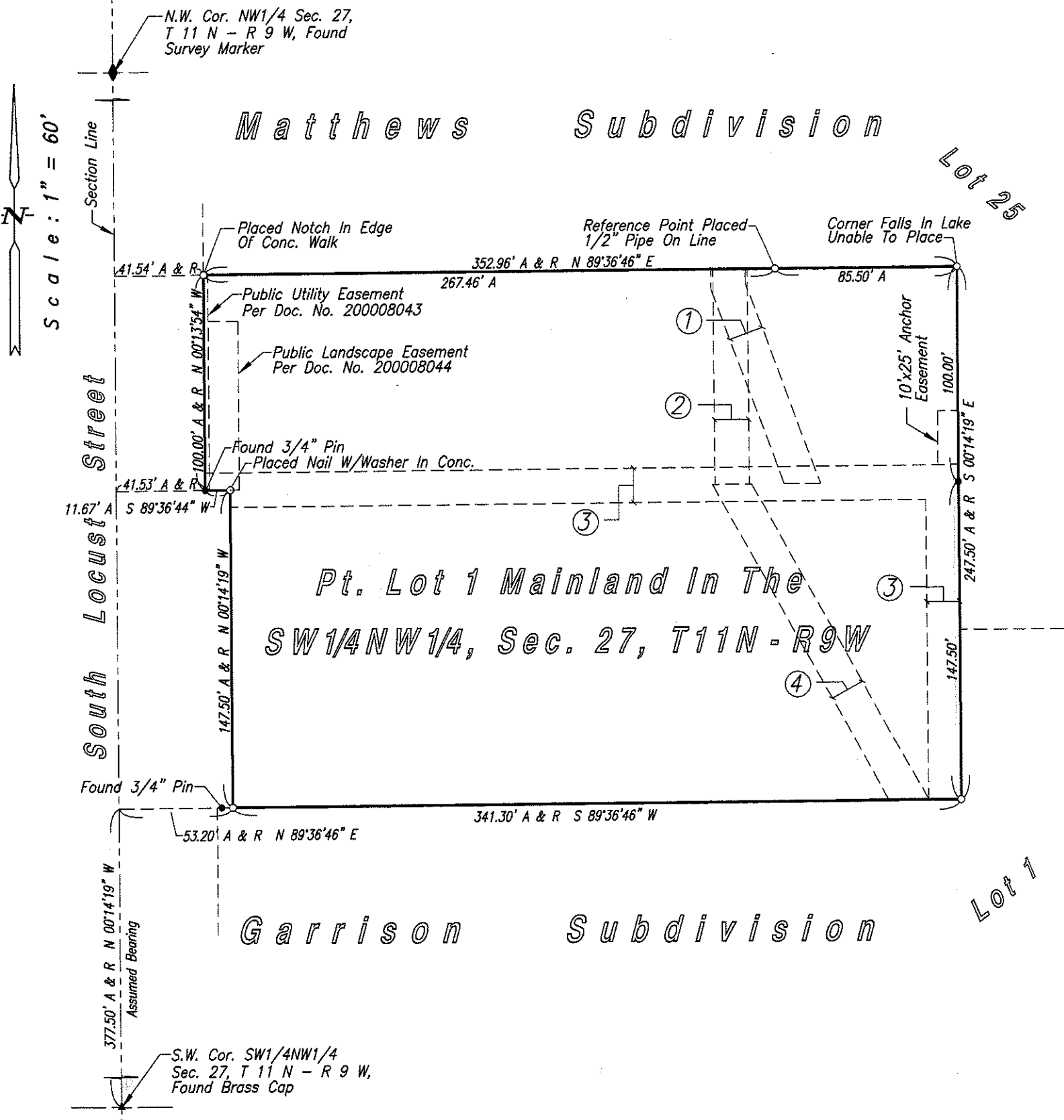
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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk



Scale: 1" = 60'



December, 2008

EXHIBIT 'A'

Pt. Lot 1 Mainland In The SW1/4NW1/4, Sec. 27, T11N - R9W  
In The City Of Grand Island, Hall County, Nebraska

