



City of Grand Island

Tuesday, September 08, 2009

Council Session

Item F2

**#9232 - Consideration of Vacation of East 52.8 Feet of Alley
Between 5th and 6th Streets, from Clark Street to Eddy Street in
Block 9 of Rollins Addition (Bank of Doniphan at 518 North Eddy
Street)**

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: September 8, 2009

Subject: Consideration of Vacation of a Portion of the Alley
Between 5th and 6th Streets, West of Eddy Street in Block
9 of Rollins Addition (Bank of Doniphan at 518 North
Eddy Street)

Item #'s: F-2

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

Background

Council action is required for vacation of a public alley through the passing of an Ordinance. Five Points Bank is considering purchase of the property at 518 North Eddy Street. The Bank of Doniphan has requested the vacation of the public alley to help with traffic flow from the drive thru area of the bank.

Customers generally exit the drive thru of the bank and head east towards Eddy Street. This eastbound traffic in the alley backs up while waiting to turn onto Eddy Street causing conflicts with the drive thru. The volume of eastbound traffic at the alley is significant during the hours the bank is open and conflicts with westbound motorists that want to use the alley creating traffic safety concerns on Eddy Street.

Discussion

The bank has worked with their consulting engineer and city staff for possible solutions to the traffic concerns. All parties agree that it would be desirable for drive thru customers to exit via 5th Street. The Bank of Doniphan is requesting to vacate the eastern portion of the alley near Eddy Street. The bank will make improvements in the vacated portion of the alley, which consist of removal of the existing alley return, construction of a few handicapped parking stalls and landscaping.

At tonight's meeting a public hearing is being conducted and council is being asked to approve acquisition of property for a new alley. The new property will make the alley an

“L” shaped alley. City Staff will issue a license agreement for improvements in the vacated alley as listed above.

Alternatives

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

1. Move to approve or deny.
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

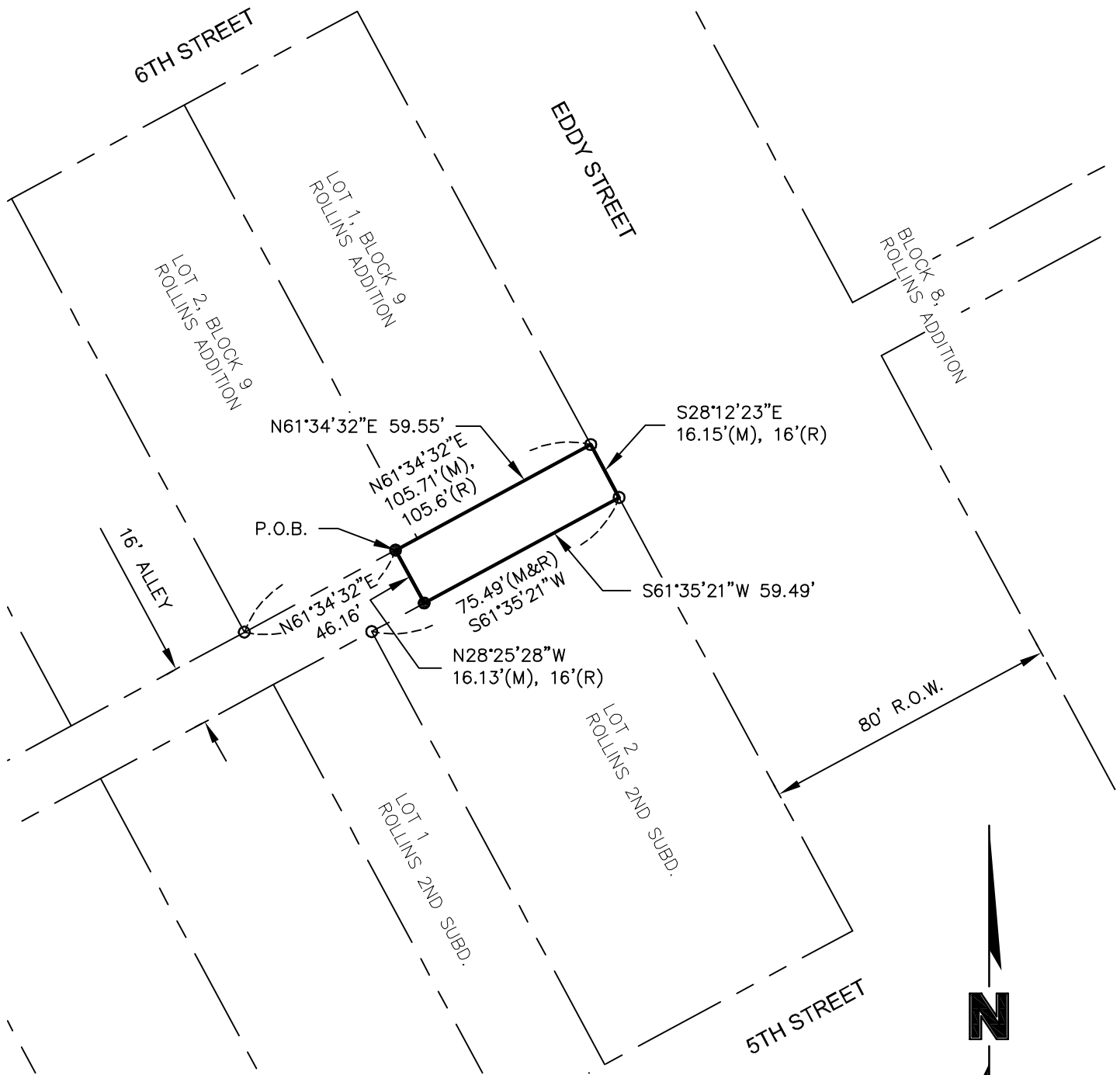
City Administration, and the Building, Legal, Planning, Public Works and Utility Departments recommend that the Council approve the request for the vacation of the public alley.

Sample Motion

Move to approve vacation of the alley.

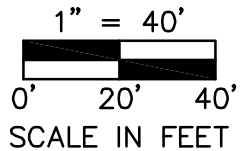
Survey Record

HALL COUNTY, NEBRASKA



LEGEND

- FOUND PROPERTY PIN
- SET 5/8" W/L.S. 458 CAP
- (M) MEASURED DISTANCE
- (R) RECORDED DISTANCE



LEGAL DESCRIPTION

A PUBLIC ALLEY RIGHT OF WAY LOCATED IN BLOCK 9 OF ROLLINS ADDITION TO THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE SOUTHWEST CORNER OF LOT 2 OF SAID BLOCK 9, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID ALLEY RIGHT OF WAY (R.O.W.); THENCE ON AN ASSUMED BEARING OF N61°34'32"E ALONG SAID NORTH ALLEY R.O.W. LINE A DISTANCE OF 46.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N61°34'32"E ALONG SAID NORTH ALLEY R.O.W. LINE A DISTANCE OF 59.55 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF SAID BLOCK 9, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID NORTH ALLEY R.O.W. LINE AND THE WEST R.O.W. LINE OF EDDY STREET; THENCE S28°12'23"E A DISTANCE OF 16.15 FEET TO THE NORTHEAST CORNER OF LOT 2 OF ROLLING SECOND SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE OF EDDY STREET AND THE SOUTH LINE OF SAID ALLEY R.O.W.; THENCE S61°35'21"W ALONG SAID SOUTH ALLEY R.O.W. LINE A DISTANCE OF 59.49 FEET; THENCE N28°25'28"W A DISTANCE OF 16.13 FEET TO THE POINT OF BEGINNING. SAID PUBLIC ALLEY R.O.W. CONTAINS 961 SQUARE FEET OR 0.02 ACRES MORE OR LESS.

TIMOTHY J. AITKEN, REGISTERED LAND SURVEYOR NUMBER, LS-458

DWG: F:\Projects\009-0335_SVYO\Final_Plot\090335_ALY VACATE.dwg
 DATE: Sep 03, 2009 3:45pm
 USER: zloomis
 XREFS: 090335_ROW 090335_xtopo

MOLSSON
ASSOCIATES

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

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

ORDINANCE NO. 9232

An ordinance to vacate the public alley between Lot One (1), Block Nine (9) and Lot Ten (10), Block Nine (9) in Rollins Addition to Grand Island, Hall County, Nebraska 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 the public alley located in Block Nine (9) in Rollins Addition to Grand Island, Hall County, Nebraska is hereby vacated and more particularly described as follows:

COMMENCING THE SOUTHWEST CORNER OF LOT 2 OF SAID BLOCK 9, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID ALLEY RIGHT OF WAY (R.O.W.); THENCE ON AN ASSUMED BEARING OF N61°34'32"E ALONG SAID NORTH ALLEY R.O.W. LINE A DISTANCE OF 46.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N61°34'32"E ALONG SAID NORTH ALLEY R.O.W. LINE A DISTANCE OF 59.55 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF SAID BLOCK 9, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID NORTH ALLEY R.O.W. LINE

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| Approved as to Form | ☐ _____ |
| September 3, 2009 | ☐ City Attorney |

ORDINANCE NO. 9232 (Cont.)

AND THE WEST R.O.W. LINE OF EDDY STREET; THENCE S28°12'23"E A DISTANCE OF 16.15 FEET TO THE NORTHEAST CORNER OF LOT 2 OF ROLLING SECOND SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID WEST R.O.W. LINE OF EDDY STREET AND THE SOUTH LINE OF SAID ALLEY R.O.W.; THENCE S61°35'21"W ALONG SAID SOUTH ALLEY R.O.W. LINE A DISTANCE OF 59.49 FEET; THENCE N28°25'28"W A DISTANCE OF 16.13 FEET TO THE POINT OF BEGINNING. SAID PUBLIC ALLEY R.O.W. CONTAINS 961 SQUARE FEET OR 0.02 ACRES MORE OR LESS.

A public utility easement shall be retained in the area where the alley is vacated. Such public alley 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 abutting properties.

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: September 8, 2009

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk