



City of Grand Island

Tuesday, August 11, 2015

Council Session

Item F-4

**#9551 - Consideration of Vacation of Utility Easement Located at
620 West State Street (Super Market Developers, Inc.)**

Staff Contact: John Collins, P.E. - Public Works Director

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: August 11, 2015

Subject: Consideration of Vacation of Utility Easement Located at 620 West State Street (Super Market Developers, Inc.)

Presenter(s): John Collins PE, Public Works Director

Background

A utility easement was filed with Hall County Register of Deeds on January 14, 1987 as Instrument No. 87-100216 located in Lot Six (6) of Home Subdivision. This utility easement is no longer needed to accommodate existing or proposed utilities and vacating it will support the redevelopment of this area.

Discussion

The developer/property owner, Super Market Developers, Inc., is requesting to vacate such dedicated utility easement within Home Subdivision. There are no utilities currently within this easement that will be affected by the vacation. The attached sketch details the referenced easement to be vacated.

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 pass an ordinance vacating the utility easement located in Home Subdivision.

Sample Motion

Move to pass an ordinance vacating the easement.

ORDINANCE NO. 9551

An ordinance to vacate an existing 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 a permanent electrical easement as described in Instrument No. 87-100216, filed January 14, 1987, originally located in Lot Six (6) of Home Subdivision in the City of Grand Island, Hall County, Nebraska, now located in Lot One (1) of Skag-Way Second Subdivision in the City of Grand Island, Hall County, Nebraska and more particularly described as follows:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ON AN ASSUMED BEARING OF S89°39'16"W ALONG A NORTH LINE OF SAID LOT 1 A DISTANCE OF 82.82 FEET TO THE NORTHEAST CORNER OF SAID PERMANENT ELECTRICAL EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S11°44'28"W A DISTANCE OF 277.86 FEET; THENCE N83°37'41"E A DISTANCE OF 143.75 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE S00°47'25"E ALONG SAID EAST LINE A DISTANCE OF 16.08 FEET; THENCE S83°37'41"W A DISTANCE OF 164.25 FEET; THENCE N11°44'28"E A DISTANCE OF 296.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N89°39'16"E ALONG SAID NORTH LINE A DISTANCE OF 16.36 FEET TO THE POINT OF BEGINNING.

is hereby vacated. Such easement to be vacated is shown and more particularly described on

Approved as to Form	▣ _____
August 7, 2015	▣ City Attorney

ORDINANCE NO. 9551 (Cont.)

Exhibits 1 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 4. 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.

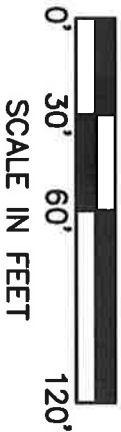
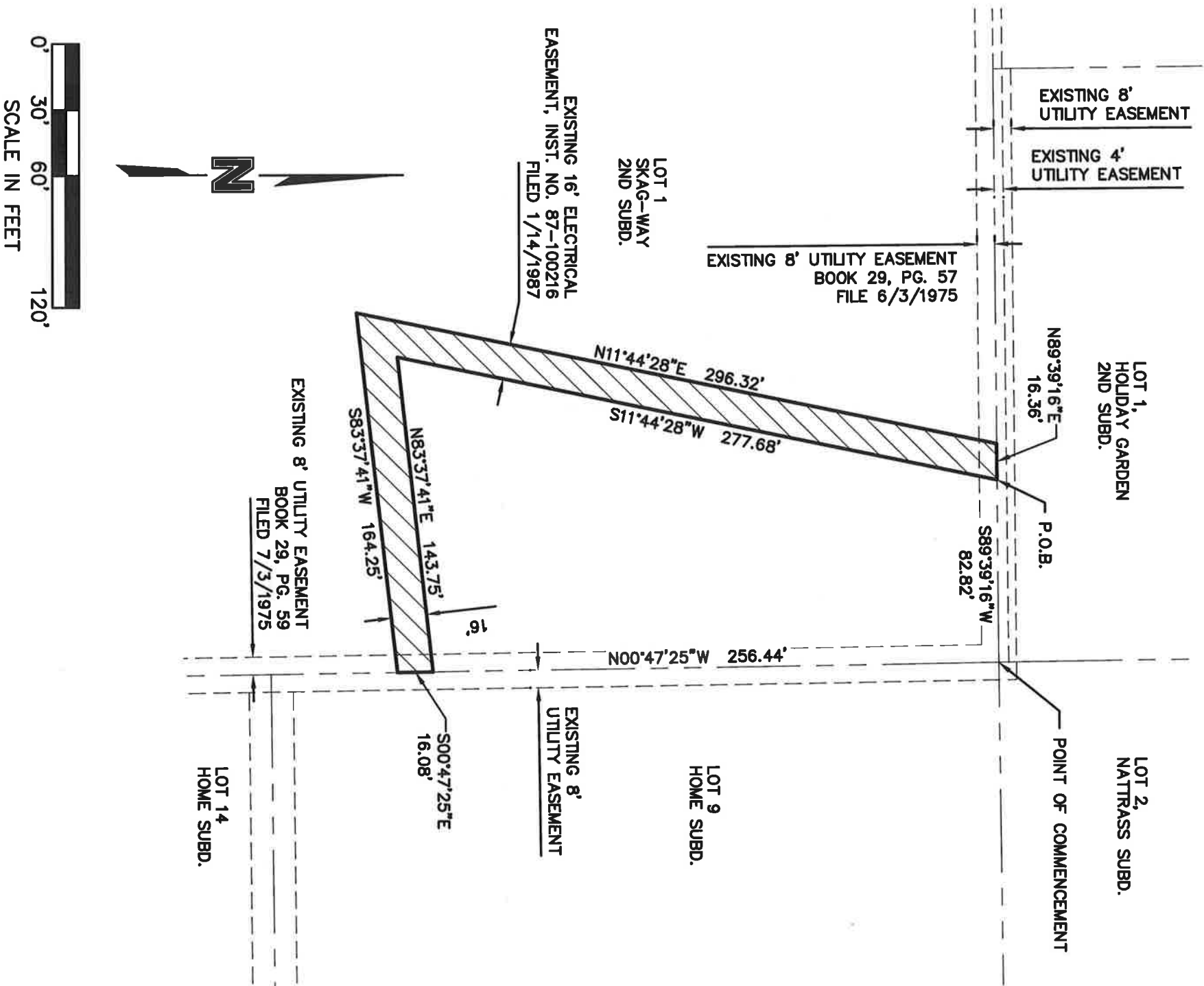
Enacted: August 11, 2015

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

EASEMENT VACATION



EASEMENT DESCRIPTION

A PERMANENT ELECTRICAL EASEMENT AS DESCRIBED IN INSTRUMENT NUMBER 87-100216, FILED JANUARY 14, 1987, ORIGINALLY LOCATED IN LOT 6 OF HOME SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, NOW LOCATED IN LOT 1 OF SKAG-WAY SECOND SUBDIVISION IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ON AN ASSUMED BEARING OF $S89^{\circ}39'16''W$ ALONG A NORTH LINE OF SAID LOT 1 A DISTANCE OF 82.82 FEET TO THE NORTHEAST CORNER OF SAID PERMANENT ELECTRICAL EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE $S11^{\circ}44'28''W$ A DISTANCE OF 277.68 FEET; THENCE $N83^{\circ}37'41''E$ A DISTANCE OF 143.75 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE $S00^{\circ}47'25''E$ ALONG SAID EAST LINE A DISTANCE OF 16.08 FEET; THENCE $S83^{\circ}37'41''W$ A DISTANCE OF 164.25 FEET; THENCE $N11^{\circ}44'28''E$ A DISTANCE OF 296.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE $N89^{\circ}39'16''E$ ALONG SAID NORTH LINE A DISTANCE OF 16.36 FEET TO THE POINT OF BEGINNING.