



City of Grand Island

Tuesday, November 24, 2009

Council Session

Item F1

#9242 - Consideration of Vacation of a Utility Easement Located at 805 Allen Drive in Meadowlark West Fifth Subdivision (Paul Younes)

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: November 24, 2009

Subject: Consideration of Vacation of a Utility Easement Located at 805 Allen Drive in Meadowlark West Fifth Subdivision (Paul Younes)

Item #'s: F-1

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

Background

A twenty foot (20') wide utility easement was filed with Hall County on June 10, 1999. The easement does not currently have any utilities within it, nor is there a need anticipated in the future. The easement cuts through the middle of Lot 1 of Meadowlark West Fifth Subdivision and restricts the potential for the property to develop. The twenty foot that was originally dedicated for the utility easement was along a property line that has since been moved south, thus creating the easement down the center of the lot.

Discussion

The developer of the property is requesting that the existing 20' wide utility easement be vacated. All work related to the vacation will be performed at the developers cost to allow for development of the property as planned.

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 utility easement in Lot 1 of Meadowlark West Fifth Subdivision.

Sample Motion

Move to pass an ordinance vacating the utility easement in Lot 1 of Meadowlark West Fifth Subdivision.

ORDINANCE NO. 9242

An ordinance to vacate a portion of 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 the existing utilities easement at 805 Allen Drive in Grand Island, Hall County, Nebraska, more particularly described as follows:

A TWENTY (20) FOOT WIDE EASEMENT DESCRIBED AS LYING TEN (10) FEET EITHER SIDE OF A LINE DESCRIBED AS BEGINNING AT A POINT ON THE WEST LINE OF LOT ONE (1), MEADOWLARK WEST FIFTH SUBDIVISION, SAID POINT BEING 94.87' NORTH OF THE SOUTHWEST CORNER OF SAID LOT ONE (1), THENCE EAST TO A POINT 51.46' WEST OF THE EAST LINE OF SAID LOT ONE (1), MEADOWLARK WEST FIFTH SUBDIVISION, RECORDED AS DOCUMENT NO. 99-105894 IN THE OFFICE OF THE REGISTER OF DEEDS OF HALL COUNTY, NEBRASKA;

is hereby vacated. Such easement 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.

ORDINANCE NO.9242 (Cont.)

SECTION 3. This ordinance is directed to be filed, with the drawing, in the office of the Register of Deeds of Hall County, Nebraska.

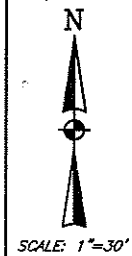
SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: November 24, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk



SCALE: 1"=30'

LOT 9

LOT 9

MEADOWLARK WEST
FOURTH SUBDIVISION

20' UTILITY EASEMENT
FILED AT INST. No. 200208245
ON JUNE 11, 2002

15' UTILITY EASEMENT
FILED AT INST. No. 200208005
ON JUNE 27, 2002

25' UTILITY/DRAINAGE EASEMENT
FILED AT INST. No. 200800587
ON JANUARY 24, 2008

20' UTILITY EASEMENT
FILED AT INST. No. 99-105894
ON JUNE 10, 1999

20.0' UTILITY EASEMENT
FILED AT INST. No. 99-105894
ON JUNE 10, 1999

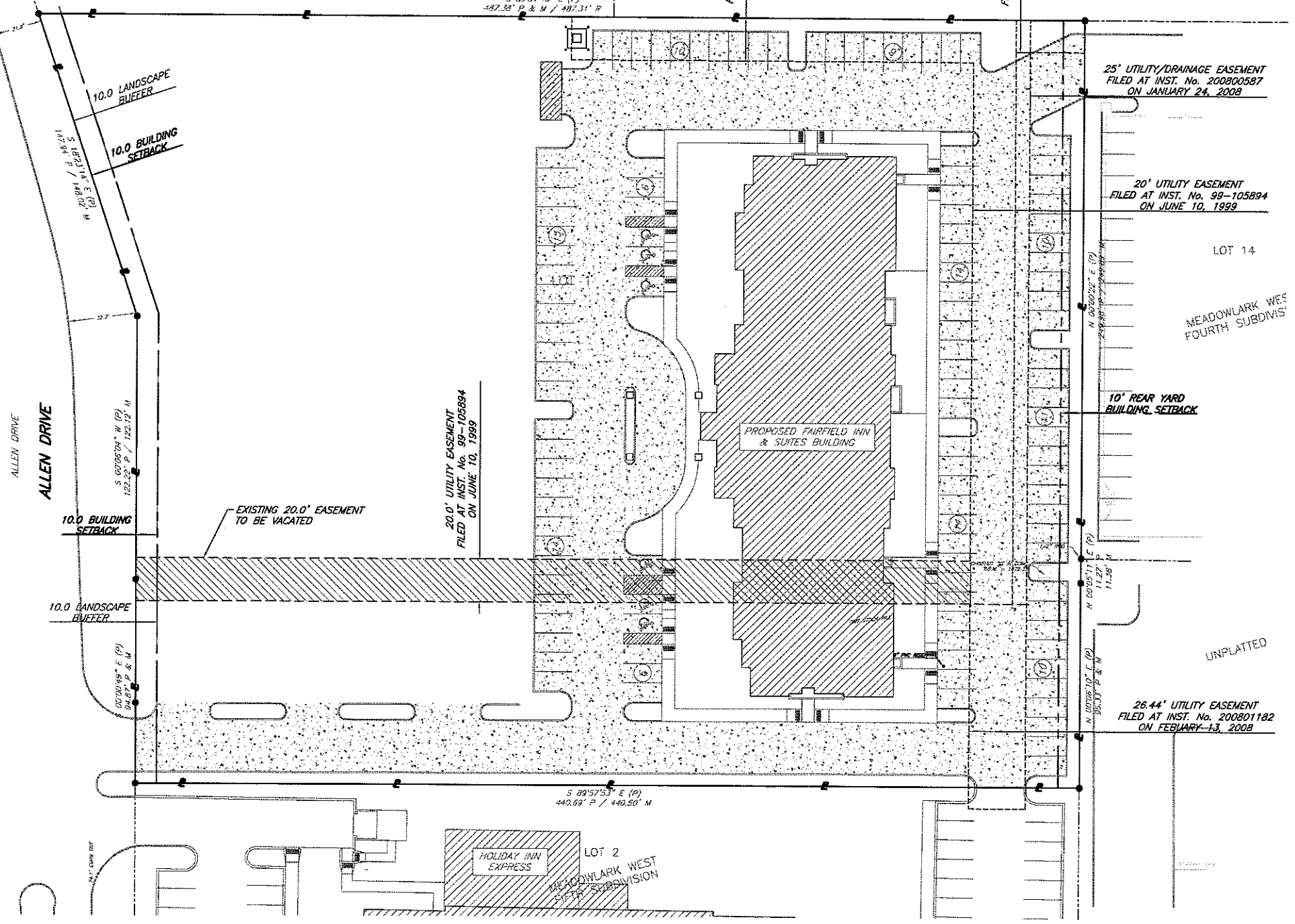
10' REAR YARD
BUILDING SETBACK

26.44' UTILITY EASEMENT
FILED AT INST. No. 200801182
ON FEBRUARY 13, 2008

EASEMENT VACATION-LOT 1
MEADOWLARK WEST
FIFTH SUBDIVISION
FAIRFIELD INN
805 ALLEN DRIVE
GRAND ISLAND, NEBRASKA

LEGAL DESCRIPTION
LOT ONE (1), MEADOWLARK WEST FIFTH
SUBDIVISION, IN THE CITY OF GRAND ISLAND,
HALL COUNTY, NEBRASKA.

BENCHMARK INFORMATION:
SPOT ELEVATIONS TAKEN AS SHOWN, ADD 1800.0 FEET TO ALL
SPOT ELEVATIONS FOR TRUE DATUM.
BENCHMARK = 1872.49 FEET OF ELEVATION ON A CHISELED "+"
IN CONCRETE NEAR THE NORTHWEST CORNER OF THE SIGN
BASE FOR THE "EAGLE RUN" SIGN LOCATED AT THE NORTHWEST
QUADRANT OF FAIDLEY AVENUE AND ALLEN DRIVE
BENCHMARK = 1875.52 FEET OF ELEVATION ON THE TAIL OF
ARROW ON A FIRE HYDRANT ON THE NORTH SIDE OF FAIDLEY
AVENUE APPROXIMATELY 300' EAST OF ALLEN DRIVE
BENCHMARK = 1872.37 FEET OF ELEVATION ON A CHISELED "9"
LOCATED ON TOP OF THE SIDE OF THE CONCRETE AROUND THE
STORM SEWER MANHOLE LOCATED 99 FEET NORTH AND 18 FEET
WEST OF THE SOUTHEAST CORNER OF LOT 1, MEADOWLARK
WEST FIFTH SUBDIVISION.



EASEMENT VACATION - LOT 1
SCALE: 1"=30'

PROJECT NO.
2009-080
DRAWN BY
J. MARSHALL
DATE
10/21/2009

BRUNGARDT
ENGINEERING

FAIRFIELD INN & SUITES
805 ALLEN DRIVE
GRAND ISLAND, NEBRASKA

EASEMENT VACATION-LOT 1

VERIFY SCALE
LINE = 3/4"

SHEET NO.
C1

DATE
2009-080