



# City of Grand Island

Tuesday, March 08, 2011

Council Session

## Item F1

**#9290 - Consideration of Vacation of a Portion of a Utility  
Easement Located Between Sheridan Avenue & Orleans Drive,  
From 4th Street to 5th Street**

Staff Contact: Gary R. Mader, Interim Public Works Director

# Council Agenda Memo

**From:** Gary R. Mader, Interim Public Works Director

**Meeting:** March 8, 2011

**Subject:** Consideration of Vacation of a Portion of a Utility Easement Located Between Sheridan Avenue & Orleans Drive, From 4<sup>th</sup> Street to 5<sup>th</sup> Street

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

**Presenter(s):** Gary R. Mader, Interim Public Works Director

## Background

A thirty (30) foot wide utility easement was retained on August 15, 1979, by Ordinance No. 6484 when Hancock Avenue, in Kallos Second Subdivision was vacated. There isn't a need for the full thirty (30) foot easement any longer.

## Discussion

The property owner of Lots 20, 21 & 22 in Kallos Second Subdivision is requesting to vacate the west eighteen (18) feet of the easement, due to the construction of a building within that portion of the easement. The City will retain the east twelve (12) feet of the easement, along with eight (8) feet on the east side of the east property line, for utility access. This will allow for a total of twenty (20) feet of 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 that the Council pass an ordinance vacating the west eighteen (18) feet of the utility easement in Kallos Second Subdivision.

## **Sample Motion**

Move to pass an ordinance vacating the west eighteen (18) feet of the utility easement in Kallos Second Subdivision.

ORDINANCE NO. 9290

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 a portion of the existing utility easement at 2904, 2905 & 2906 West 5<sup>th</sup> Street in Grand Island, Hall County, Nebraska, more particularly described as follows:

VACATING THE WESTERLY 18' OF THE EASTERLY 30' OF THE EASEMENT BEING THE EASTERLY 30' OF LOTS 20, 21, 22 KALLOS SECOND SUBDIVISION, CITY OF GRAND ISLAND, 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.

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

ORDINANCE NO. 9290 (Cont.)

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: March 8, 2011.

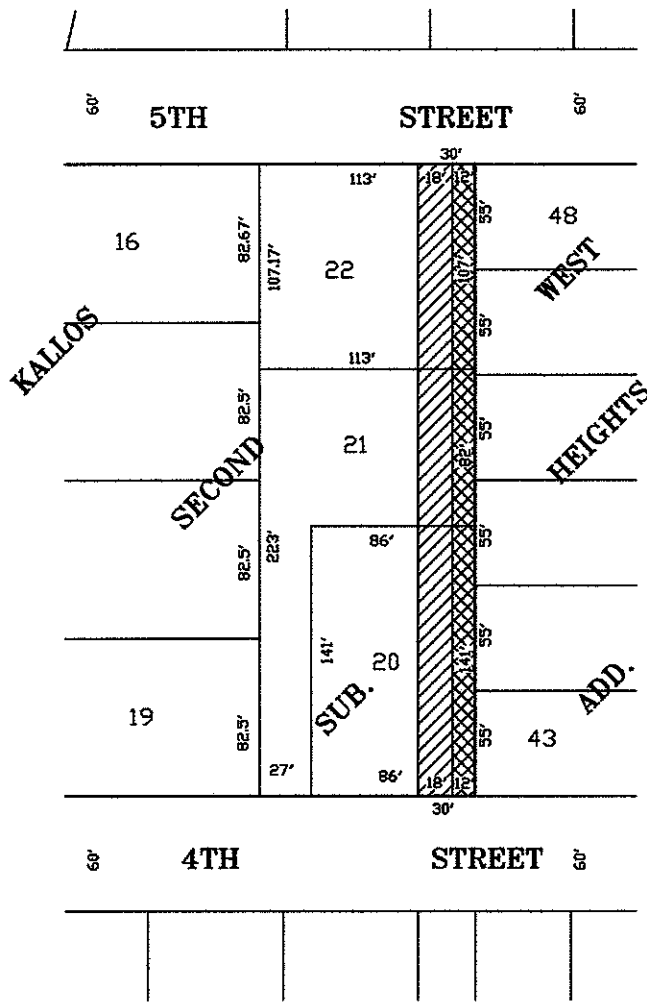
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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



**LEGEND**

▨ EASEMENT AREA TO BE VACATED

▩ EASEMENT AREA TO BE RETAINED



**EXHIBIT "A"**

CITY OF  
**GRAND ISLAND**  
PUBLIC WORKS DEPARTMENT

DATE: 1/26/11  
DRN BY: L.D.C.  
SCALE: 1"=100'

PLAT TO ACCOMPANY  
ORDINANCE NO.