



# City of Grand Island

Tuesday, December 20, 2011

Council Session

## Item F6

**#9353 - Consideration of Vacation of Starwood Avenue from Cedar Ridge Court East in Oak Pointe Subdivision (R.B.O., L.L.C. a Nebraska Limited Liability Company)**

Staff Contact: John Collins, Public Works Director

# Council Agenda Memo

**From:** Terry Brown, Manager of Engineering Services

**Meeting:** December 20, 2011

**Subject:** Consideration of Vacation of Starwood Avenue from Cedar Ridge Court East in Oak Pointe Subdivision (R.B.O., L.L.C. a Nebraska Limited Liability Company)

**Item #'s:** F-6

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

## Background

Council action is required for vacation of a public street.

## Discussion

R.B.O., L.L.C. is considering redesigning the Oak Pointe Subdivision area and wishes to vacate the east end of Starwood Avenue.

The vacated portion of Starwood Avenue is on tonight's council agenda for dedication as a public utility easement.

## 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 recommends that the Council approve the request for the vacation of Starwood Avenue.

## **Sample Motion**

Move to approve the Ordinance.

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• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

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ORDINANCE NO. 9353

An ordinance to vacate a portion of the public street between Lot Five (5), Lot Six (6) and Lot Seven (7), in Oak Pointe Subdivision 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 a portion of the public street consisting of a tract of land comprising that portion of Starwood Avenue lying east of the west line of Lot Five (5), Oak Pointe Subdivision, if extended, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision is hereby vacated and more particularly described as follows:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION AND THE NORTH RIGHT OF WAY LINE OF STARWOOD AVENUE; THENCE RUNNING EASTERLY ON THE NORTH RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF THREE HUNDRED FIFTY NINE AND SEVENTY FOUR HUNDREDTHS (359.74) FEET, TO A POINT OF CURVATURE;

Approved as to Form	☐ _____
December 14, 2011	☐ City Attorney

ORDINANCE NO. 9353 (Cont.)

THENCE RUNNING SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY (50.00) FEET, AN ARC DISTANCE OF TWO HUNDRED TWENTY FIVE AND FIFTY SIX HUNDREDTHS (225.56) FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STARWOOD AVENUE AND THE NORTH LINE OF LOT SIX (6), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE SOUTH RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF THREE HUNDRED TEN (310.0) FEET, TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF STARWOOD AVENUE AND THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED; THENCE RUNNING NORTHERLY ON THE EXTENSION OF THE WEST LINE OF LOT FIVE (5), STARWOOD AVENUE, A DISTANCE OF SIXTY (60.00) FEET, TO THE POINT OF BEGINNING.

Such public street 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: December 20, 2011

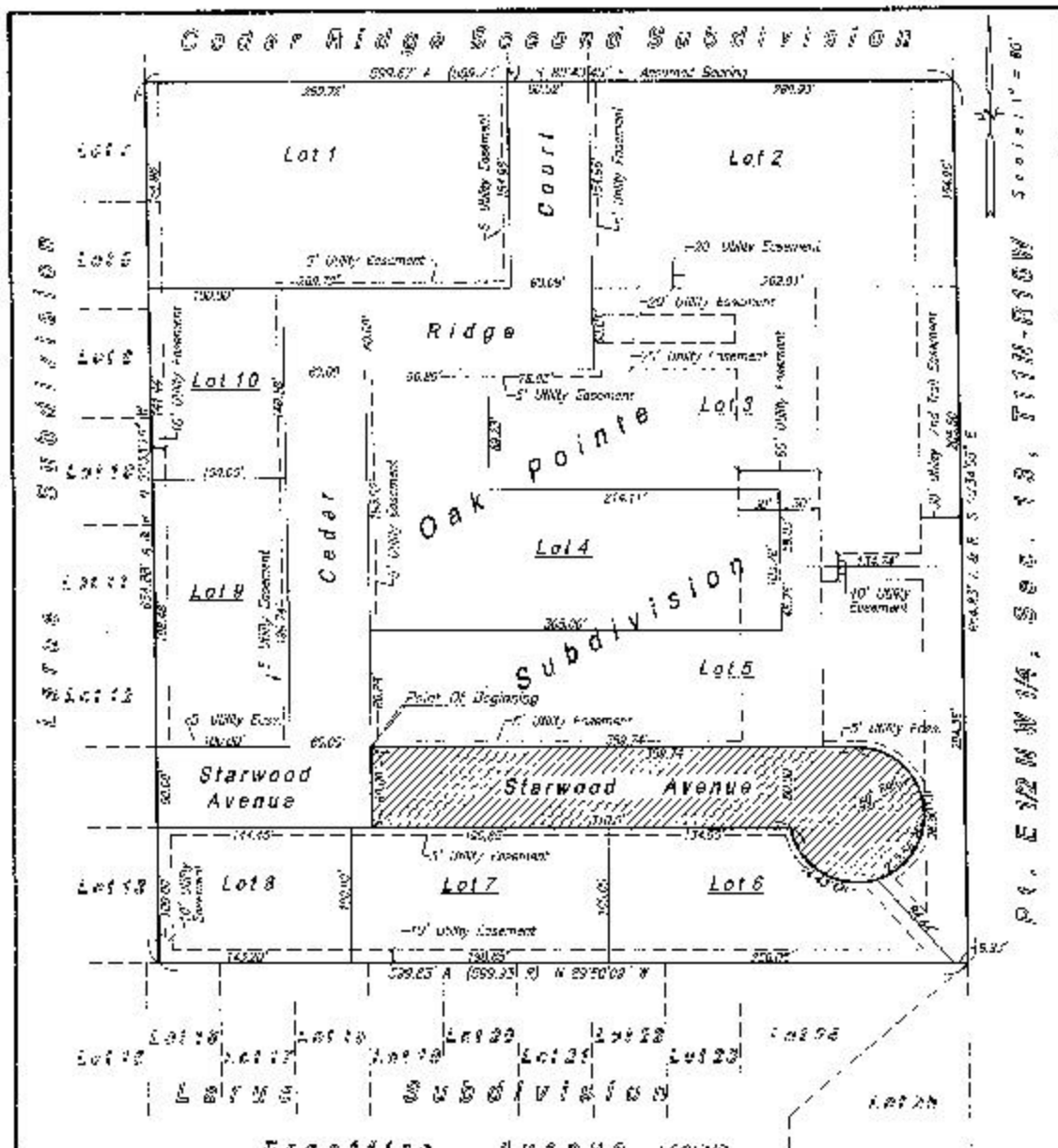
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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



**Description**

A tract of land comprising that portion of Starwood Avenue lying east of the west line of Lot Five (5), Oak Pointe Subdivision, if Extended, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision, more particularly described as follows:

Beginning at the intersection of the west line of Lot Five (5), Oak Pointe Subdivision and the north right of way line of Starwood Avenue; thence running easterly on the north right of way line of Starwood Avenue, a distance of Three Hundred Fifty Nine and Seventy Four Hundredths (359.74) feet, to a point of curvature; thence running southwesterly along the arc of a curve to the right whose radius is Fifty (50.00) feet, an arc distance of Two Hundred Twenty Five and Fifty Six Hundredths (225.56) feet, to a point on the south right of way line of Starwood Avenue and the north line of Lot Six (6), Oak Pointe Subdivision; thence running westerly on the south right of way line of Starwood Avenue, a distance of Three Hundred Ten (310.0) feet, to the point of intersection of the south right of way line of Starwood Avenue and the west line of Lot Five (5), Oak Pointe Subdivision, if Extended; thence running northerly on the extension of the west line of Lot Five (5), Starwood Avenue, a distance of Sixty (60.00) feet, to the Point of Beginning.

**Exhibit 'A'**

Date, November 14, 2011

Sheet No. 1 of 1



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