



# City of Grand Island

Tuesday, December 20, 2011

Council Session

## Item F7

**#9354 - Consideration of Vacation of a Utility Easement Located in Oak Pointe Subdivision (R.B.O., L.L.C.)**

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 a Utility Easement Located in Oak Pointe Subdivision (R.B.O., L.L.C.)

**Item #'s:** F-7

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

## **Background**

A sixty (60) foot wide utility easement was filed with Hall County on September 14, 2011. There are no conflicts with utilities.

## **Discussion**

The developer of the Oak Pointe Subdivision has requested that the sixty (60) foot wide utility easement be vacated to allow for redesign of the development.

## **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 approve the passing of an ordinance vacating the utility easement in Oak Pointe Subdivision.

## **Sample Motion**

Move to approve the passing of an ordinance vacating the utility easement in Oak Pointe Subdivision.

ORDINANCE NO. 9354

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 the existing utilities easement located in a tract of land comprising that portion of Oak Pointe Subdivision, more particularly described as follows:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE STARWOOD AVENUE, SAID POINT BEING FIVE (5.0) FEET EAST OF THE SOUTHWEST CORNER OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF TWO HUNDRED SEVENTY (270.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF CEDAR RIDGE COURT, A DISTANCE OF TWO HUNDRED SEVENTY FOUR AND EIGHTY SEVEN HUNDREDTHS (274.87) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF FORTY FIVE (45.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF CEDAR RIDGE COURT, A DISTANCE OF TWO HUNDRED SEVENTY NINE AND EIGHTY SEVEN HUNDREDTHS (279.87) FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STARWOOD AVENUE; THENCE RUNNING EASTERLY ON THE NORTH RIGHT OF WAY LINE OF

ORDINANCE NO. 9354 (Cont.)

STARWOOD AVENUE, A DISTANCE OF FIFTEEN (15.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF CEDAR RIDGE COURT, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF TWENTY FOUR AND EIGHT TENTHS (24.8) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF SIXTY THREE AND SEVENTY FIVE HUNDREDTHS (63.75) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF OAK POINTE SUBDIVISION, A DISTANCE OF FORTY TWO AND SEVENTY THREE HUNDREDTHS (42.73) FEET, TO A POINT OF CURVATURE; THENCE RUNNING SOUTHWESTERLY ALONG THE ARC OF A CURVE TO RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF ONE HUNDRED THIRTY SIX AND THIRTY SIX HUNDREDTHS (136.36) FEET, TO A POINT FIVE (5.0) FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF STARWOOD AVENUE; THENCE RUNNING WESTERLY PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF THREE HUNDRED ONE (301.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT FIVE (5.0), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF FIVE (5.0) FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STARWOOD AVENUE; THENCE RUNNING EASTERLY ON THE SOUTH RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF THREE HUNDRED FIVE (305.0) FEET, TO A POINT ON A CURVE; THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS FIFTY (50.0) FEET, AN ARC DISTANCE OF TWO HUNDRED TWENTY FIVE AND FIFTY SIX HUNDREDTHS (225.56) FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STARWOOD AVENUE; THENCE RUNNING WESTERLY ON THE NORTH RIGHT OF WAY LINE OF STARWOOD AVENUE, A DISTANCE OF THREE HUNDRED FIFTY FOUR AND SEVENTY FOUR HUNDREDTHS (354.74) FEET, TO THE POINT OF BEGINNING.

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. 9354 (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: December 20, 2011.

---

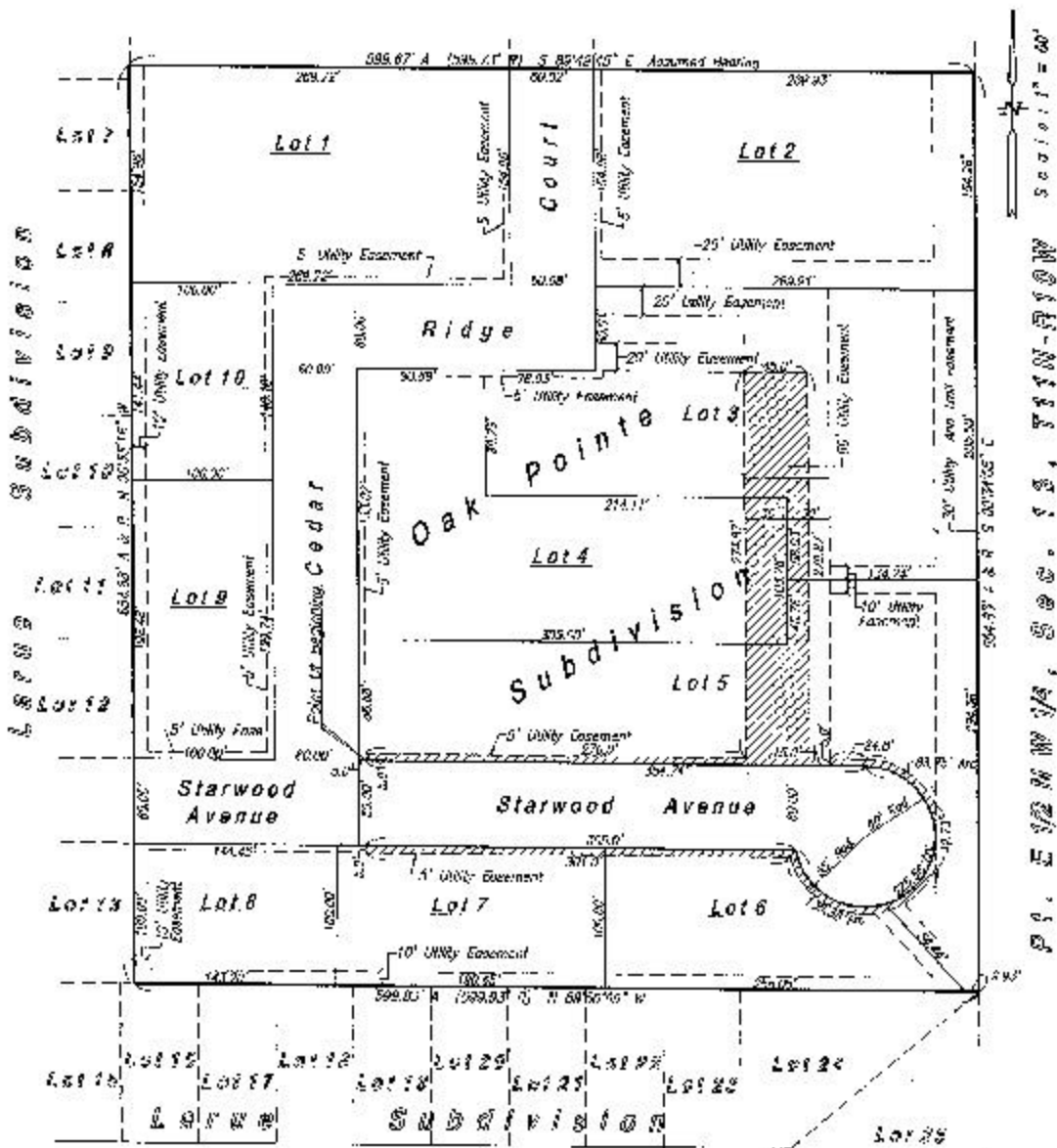
Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk

Cedar Ridge Second Subdivision



Starwood Avenue **LEGEND**  
 [Hatched Area] - Indicates Easements To Be Vacated

Exhibit 'A'

### Description

A tract of land comprising that portion of Oak Pointe Subdivision, more particularly described as follows:

Beginning at a point on the north right of way line Starwood Avenue, said point being five (5.0) feet east of the southwest corner of Lot Five (5), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Five (5), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running easterly parallel with the north right of way line of Starwood Avenue, a distance of Two Hundred Seventy (270.0) feet; thence running northerly parallel with the east line of Cedar Ridge Court, a distance of Two Hundred Seventy Four and Eighty Seven Hundredths (274.87) feet; thence running easterly parallel with the south line of Lot Two (2), Oak Pointe Subdivision, a distance of Forty Five (45.0) feet; thence running southerly parallel with the east line of Cedar Ridge Court, a distance of two Hundred Seventy Nine and Eighty Seven Hundredths (279.87) feet, to a point on 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 Fifteen (15.0) feet; thence running northerly parallel with the east line of Cedar Ridge Court, a distance of Five (5.0) feet; thence running easterly parallel with the north right of way line of Starwood Avenue, a distance of twenty Four and Eight tenths (24.8) feet, to a point of curvature; thence running southeasterly on the arc of a curve to the right whose radius is Fifty Five (55.0) feet, an arc distance of Sixty Three and Seventy Five Hundredths (63.75) feet, thence running southerly parallel with the east line of Oak Pointe Subdivision, a distance of Forty Two and Seventy Three Hundredths (42.73) feet, to a point of curvature; thence running southwesterly along the arc of a curve to right whose radius is Fifty Five (55.0) feet, an arc distance of One Hundred thirty Six and Thirty Six Hundredths (136.36) feet, to a point five (5.0) feet south of the south right of way line of Starwood Avenue; thence running westerly parallel with the south right of way line of Starwood Avenue, a distance of three Hundred One (301.0) feet; thence running northerly parallel with the west line of Lot Five (5), Oak Pointe Subdivision, if Extended, a distance of Five (5.0) feet, to a point on the south right of way line of Starwood Avenue; thence running easterly on the south right of way line of Starwood Avenue, a distance of Three Hundred Five (305.00) feet, to a point on a curve; thence running southwesterly on the arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Two Hundred Twenty five and Fifty Six Hundredths (225.56) feet, to a point on the north right of way line of Starwood Avenue; thence running westerly on the north right of way line of Starwood Avenue, a distance of Three Hundred Fifty Four and Seventy Four Hundredths (354.74) feet, to the Point of Beginning.

Exhibit 'A'