



City of Grand Island

Tuesday, December 20, 2011

Council Session

Item G12

**#2011-371 - Approving Acquisition of Public Utility Easement in
Oak Pointe Subdivision (R.B.O., L.L.C.)**

This item relates to the aforementioned Public Hearing item E-5.

Staff Contact: John Collins, Public Works Director

PUBLIC UTILITIES EASEMENT

R.B.O., L.L.C., a Nebraska Limited Liability Company, herein called the Grantor, in consideration of ONE DOLLAR (\$1.00) and other consideration, receipt of which is hereby acknowledged, hereby grants and conveys unto the

CITY OF GRAND ISLAND, NEBRASKA,

a municipal corporation in Hall County, State of Nebraska, herein called the Grantee, a permanent and perpetual easement and right-of-way to construct, operate, maintain, extend, repair, replace, and remove public utilities, including but not limited to, sanitary sewers, storm sewers, water mains, electric utility poles, overhead and underground power lines, manholes, pipelines, surface markers, and other appurtenances, upon, over, along, across, in, underneath and through a tract of land comprising a part of Oak Pointe Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT FIVE (5), OAK POINTE SUBDIVISION;

THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF THREE HUNDRED THIRTY FIVE (335.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF CEDAR RIDGE COURT, A DISTANCE OF THREE HUNDRED THIRTY NINE AND EIGHTY SEVEN HUNDREDTHS (339.87) FEET, TO A POINT ON THE SOUTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY FIVE (25.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF CEDAR RIDGE COURT, A DISTANCE OF THREE HUNDRED EIGHTY NINE AND EIGHTY SEVEN HUNDREDTHS (389.87) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF FIFTEEN AND SIX TENTHS (15.6) FEET; THENCE RUNNING SOUTHEASTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF LOT SIX (6), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SIXTY THREE AND EIGHTY THREE HUNDREDTHS (63.83) FEET, TO A POINT ON A CURVE, THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET; AN ARC DISTANCE OF TWENTY ONE AND EIGHTY THREE HUNDREDTHS (21.83) FEET; THENCE RUNNING NORTHWESTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF LOT SIX (6), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SEVENTY THREE AND SEVENTY HUNDREDTHS (73.70) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED FORTY SEVEN AND THIRTY THREE HUNDREDTHS (247.33) FEET; THENCE RUNNING SOUTHWESTERLY A DISTANCE OF SIXTY FIVE AND SIXTY FOUR HUNDREDTHS (65.64) FEET, TO A POINT ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION, THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING NORTHERLY ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SIXTY (60.0) FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 0.649 ACRES MORE OR LESS.

together with the following rights, namely, unrestricted ingress and egress under, over, and across such land for the purpose of exercising the rights herein granted, to excavate and refill ditches and trenches, and the right to clear and keep clear of trees, roots, brush, hedges, undergrowth, and other obstructions from the surface of such tracts interfering with the location, construction, inspection, repair, replacement, removal, and maintenance of such utilities. Any such utilities and appurtenances placed upon, over, and under such tracts of land shall remain the property of the Grantee and may be removed or replaced at any time.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, hereby covenant that no buildings, fences, or structures shall be erected or permitted on said tract and that the easement herein granted shall run with the title to such tract of land and be binding upon the Grantors, their successors and assigns.

DATED: _____, 2011

GRANTOR:

R.B.O., L.L.C.,
A Nebraska Limited Liability Company

BY _____
Ryan B. O'Connor, Managing Member

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On this ____ day of _____, 2011, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RYAN B. O'CONNOR, MANAGING MEMBER, to me known to be the identical person who signed the foregoing Public Utilities Easement and acknowledges the execution thereof to be his voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.

Notary Public

RESOLUTION 2011-371

WHEREAS, a public utility easement is required by the City of Grand Island, from R.B.O., L.L.C., in the Oak Pointe Subdivision, Hall County, Nebraska and more particularly described as follows:

A TRACT OF LAND COMPRISING A PART OF OAK POINTE SUBDIVISION, IN THE CITY OF GRAND ISLAND, HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT FIVE (5), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF THREE HUNDRED THIRTY FIVE (335.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF CEDAR RIDGE COURT, A DISTANCE OF THREE HUNDRED THIRTY NINE AND EIGHTY SEVEN HUNDREDTHS (339.87) FEET, TO A POINT ON THE SOUTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT TWO (2), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY FIVE (25.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF CEDAR RIDGE COURT, A DISTANCE OF THREE HUNDRED EIGHTY NINE AND EIGHTY SEVEN HUNDREDTHS (389.87) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF FIFTEEN AND SIX TENTHS (15.6) FEET; THENCE RUNNING SOUTHEASTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF LOT SIX (6), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SIXTY THREE AND EIGHTY THREE HUNDREDTHS (63.83) FEET, TO A POINT ON A CURVE, THENCE RUNNING SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET; AN ARC DISTANCE OF TWENTY ONE AND EIGHTY THREE HUNDREDTHS (21.83) FEET; THENCE RUNNING NORTHWESTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF LOT SIX (6), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SEVENTY THREE AND SEVENTY HUNDREDTHS (73.70) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE SOUTH LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED FORTY SEVEN AND THIRTY THREE HUNDREDTHS (247.33) FEET; THENCE RUNNING SOUTHWESTERLY A DISTANCE OF SIXTY FIVE AND SIXTY FOUR HUNDREDTHS (65.64) FEET, TO A POINT ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION, THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT SEVEN (7), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING NORTHERLY ON THE WEST LINE OF LOT FIVE (5), OAK POINTE SUBDIVISION, IF EXTENDED, A DISTANCE OF SIXTY (60.0) FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 0.649 ACRES MORE OR LESS.

WHEREAS, an Agreement for the public utility easement has been reviewed and approved by the City Legal Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF

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

THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to enter into the Agreement for the public utility Easement on the above described tract of land.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreements on behalf of the City of Grand Island.

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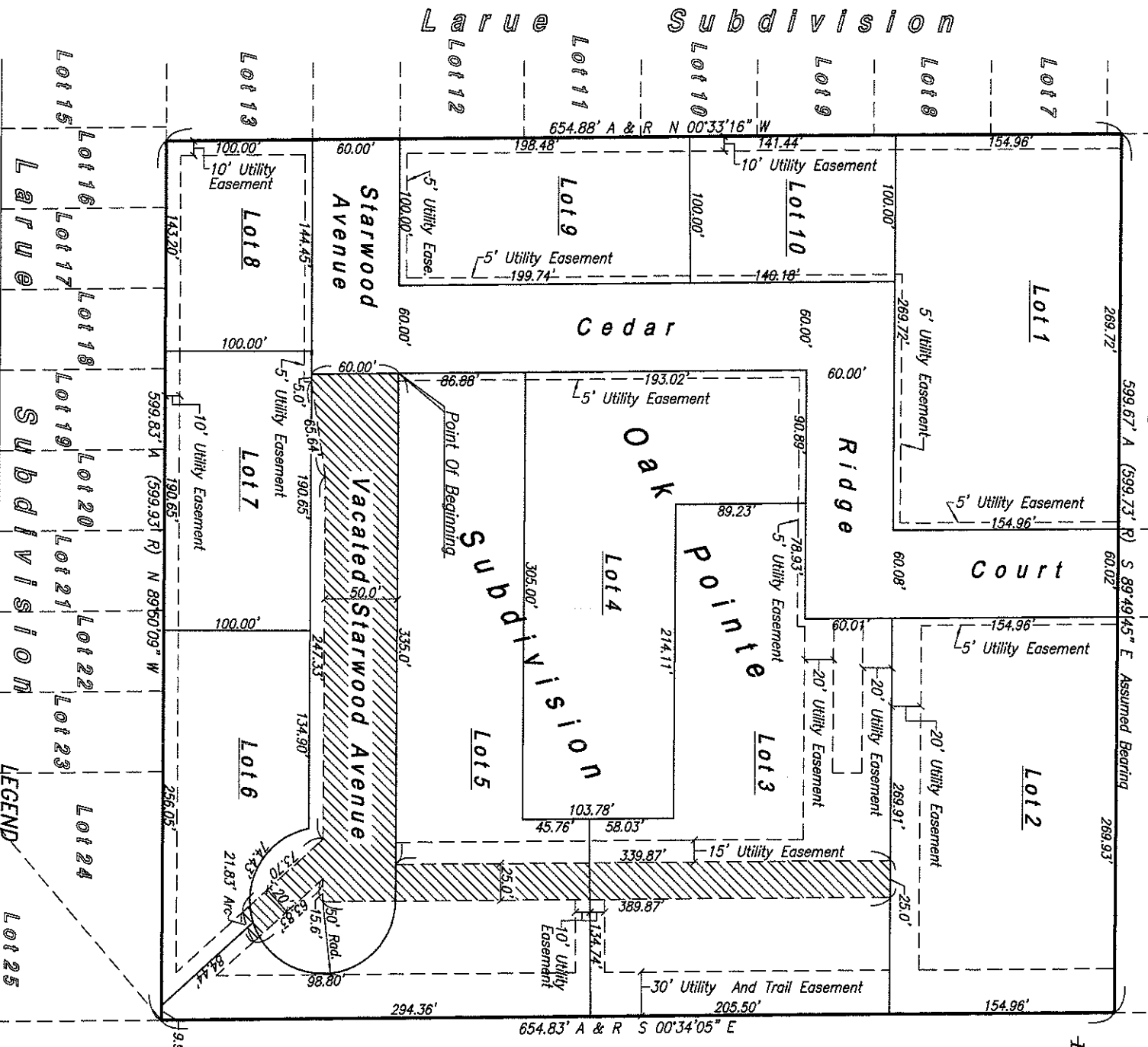
Adopted by the City Council of the City of Grand Island, Nebraska, December 20, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Cedar Ridge Second Subdivision



Description Frostfire Avenue - Indicates Easement To Be Dedicated

A tract of land comprising a part of Oak Pointe Subdivision, in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Lot Five (5), Oak Pointe Subdivision; thence running easterly on the south line of Lot Five (5), Oak Pointe Subdivision, a distance of Three Hundred Thirty Five (335.0) feet; thence running northerly parallel with the east line of Cedar Ridge Court, a distance of Three Hundred Thirty Nine and Eighty Seven Hundredths (339.87) feet, to a point on the south line of Lot Two (2), Oak Pointe Subdivision; thence running easterly on the south line of Lot Two (2), Oak Pointe Subdivision, a distance of Twenty Five (25.0) feet; thence running southerly parallel with the east line of Cedar Ridge Court, a distance of Three Hundred Eighty Nine and Eighty Seven Hundredths (389.87) feet; thence running westerly parallel with the north line of Lot Five (5), Oak Pointe Subdivision, a distance of Fifteen and Six Tenths (15.6) feet; thence running southeasterly parallel with the northeasterly line of Lot Six (6), Oak Pointe Subdivision, if Extended, a distance of Sixty Three and Eighty Three Hundredths (63.83) feet, to a point on a curve; thence running southwesterly on the arc of a curve to the right whose radius is Fifty Five (55.0) feet, an arc distance of Twenty One and Eighty Three Hundredths (21.83) feet; thence running northwesterly parallel with the northeasterly line of Lot Six (6), Oak Pointe Subdivision, if Extended, a distance of Seventy Three and Seventy Hundredths (73.70) feet; thence running westerly parallel with the south line of Lot Five (5), Oak Pointe Subdivision, a distance of Two Hundred Forty Seven and Thirty Three Hundredths (247.33) feet; thence running southwesterly a distance of Two Sixty Five and Sixty Four Hundredths (65.64) feet, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision; thence running westerly on the north line of Lot Seven (7), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running northerly on the west line of Lot Five (5), Oak Pointe Subdivision, if Extended, a distance of Sixty (60.0) feet, to the Point of Beginning, said tract containing 0.649 acres more or less.

Date: November 14, 2011

Exhibit 'B'



ROCKWELL AND ASSOCIATES, INC.
ENGINEERING & SURVEYING

2510 NORTH WEBB ROAD, GRAND ISLAND, NEBRASKA 68802 P.O. BOX 549
E-MAIL: surveyor@computer-concepts.com PHONE (308) 382-1472 FAX (308) 382-1423