



City of Grand Island

Tuesday, January 24, 2012

Council Session

Item F1

**#9358 - Consideration of Vacation of a Utility Easement Located in
Timberline Second Subdivision (HBCC Timberline LLC)**

Staff Contact: John Collins, Public Works Director

Council Agenda Memo

From: Terry Brown, Manager of Engineering Services

Meeting: January 24, 2012

Subject: Consideration of Vacation of a Utility Easement Located in Timberline Second Subdivision (HBCC Timberline LLC)

Item #'s: F-1

Presenter(s): John Collins, Public Works Director

Background

A thirty (30) foot wide utility easement was filed with Hall County on June 2, 2004, as Instrument No. 200405478. There are no conflicts with utilities.

Discussion

The Burlington Northern Santa Fe Railroad is requesting (through the property owner) to vacate this thirty (30) foot wide utility easement and relocate it further north, in connection with the double railroad track project. The planned easement relocation is being presented at tonight's council meeting.

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 Timberline Second Subdivision.

Sample Motion

Move to approve the passing of an ordinance vacating the utility easement in Timberline Second Subdivision.

ORDINANCE NO. 9358

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 located in Lot Six (6) of Timberline Second Subdivision, more particularly described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, TIMBERLINE SECOND SUBDIVISION; THENCE NORTH 02°24'50" WEST A DISTANCE OF 52.95 FEET; THENCE SOUTH 74°59'10" EAST A DISTANCE OF 31.44 FEET; THENCE SOUTH 02°24'50" EAST A DISTANCE OF 21.47 FEET; THENCE SOUTH 75°01'30" EAST A DISTANCE OF 711.02 FEET; THENCE NORTH 89°04'30" EAST A DISTANCE OF 72.85 FEET; THENCE SOUTH 74°59'10" EAST A DISTANCE OF 109.25 FEET; THENCE SOUTH 89°04'30" WEST A DISTANCE OF 182.08 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE BNSF RAILROAD; THENCE NORTH 75°01'30" WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 737.25 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.

ORDINANCE NO. 9358 (Cont.)

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.

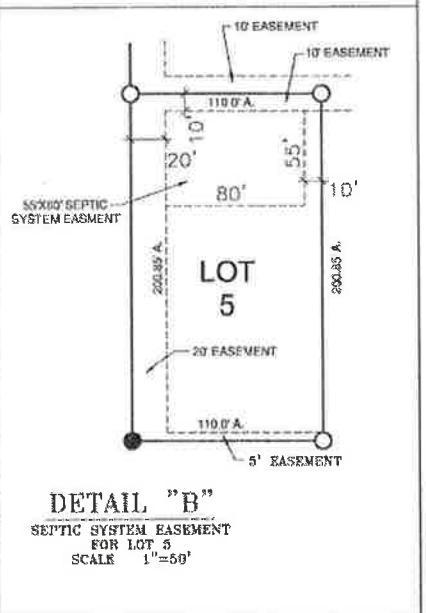
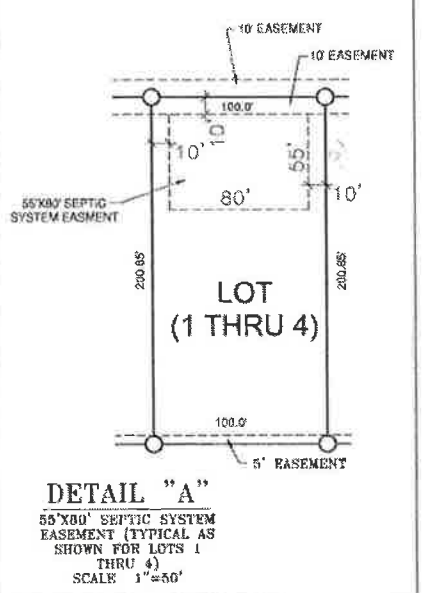
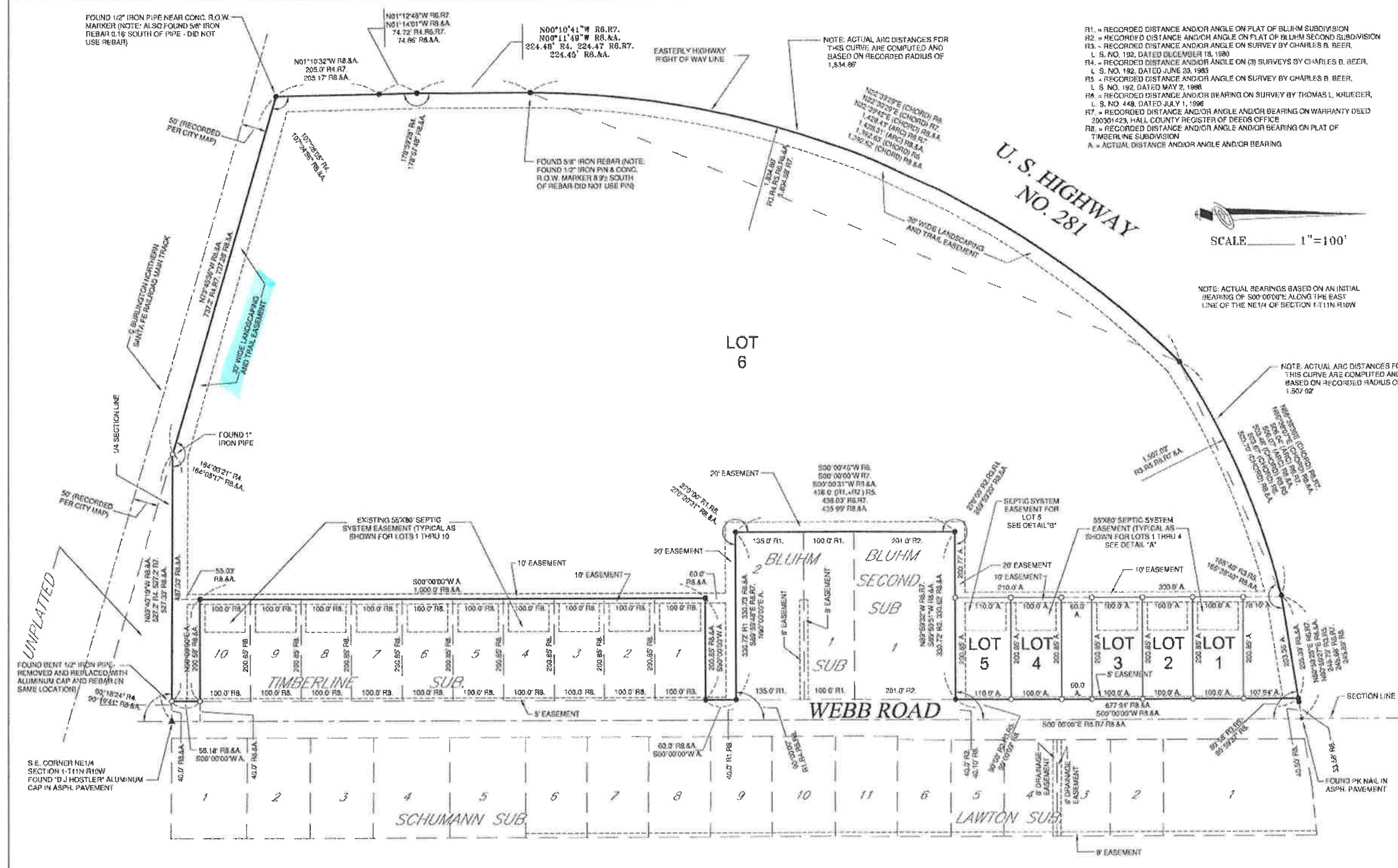
SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: January 24, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk



TIMBERLINE SECOND SUBDIVISION

IN THE CITY OF GRAND ISLAND, NEBRASKA

BENJAMIN & ASSOCIATES, INC. - ENGINEERS & SURVEYORS - GRAND ISLAND, NEBRASKA

LEGAL DESCRIPTION

A tract of land comprising all of Lot Eleven (11), Timberline Subdivision, an addition to the City of Grand Island, Nebraska and containing 42.682 acres, more or less.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that HEHNSON, LLC, a Nebraska Limited Liability Company, being the owner of the land described hereon, have caused same to be surveyed, subdivided, platted and designated as "TIMBERLINE SECOND SUBDIVISION", in the City of Grand Island, Nebraska, as shown on the accompanying plat thereof, and do hereby dedicate the easements, for the location, construction and maintenance of public service forever, together with the right of ingress and egress thereto, and hereby prohibiting the planting of trees, bushes and shrubs, or placing other obstructions upon, over, along or underneath the surface of such easements; and that the foregoing subdivision as more particularly described in the description hereon as appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owners and proprietors.

IN WITNESS WHEREOF, I have affixed my signature hereto at Grand Island, Nebraska, this 5th day of May, 2004.

HEHNSON, LLC
a Nebraska Limited Liability Company

Rick S. Johnson
Rick S. Johnson, Member

IN WITNESS WHEREOF, I have affixed my signature hereto at Grand Island, Nebraska, this 4th day of May, 2004.

HEHNSON, LLC
a Nebraska Limited Liability Company

K.C. Hehnke
K.C. Hehnke, Member

ACKNOWLEDGEMENT

State of Nebraska

ss

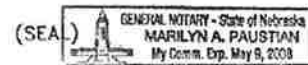
County of Hall

On the 5th day of May, 2004, before me, Marilyn A. Paustian, a Notary Public within and for said County, personally appeared Rick S. Johnson, Member of HEHNSON, LLC, a Nebraska Limited Liability Company, to me personally known to be a Member of said Limited Liability Company and the identical person whose signature is affixed hereto, and that he did acknowledge the execution thereof to be his voluntary act and deed of said Limited Liability Company, and that he was empowered to make the above dedication for and in behalf of said Limited Liability Company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.

My commission expires May 9, 2008.

Marilyn A. Paustian
Notary Public



State of Nebraska

ss

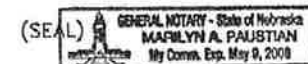
County of Hall

On the 4th day of MAY, 2004, before me, Marilyn A. Paustian, a Notary Public within and for said County, personally appeared K.C. Hehnke, Member of HEHNSON, LLC, a Nebraska Limited Liability Company, to me personally known to be a Member of said Limited Liability Company and the identical person whose signature is affixed hereto, and that he did acknowledge the execution thereof to be his voluntary act and deed of said Limited Liability Company, and that he was empowered to make the above dedication for and in behalf of said Limited Liability Company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Grand Island, Nebraska, on the date last above written.

My commission expires May 9, 2008.

Marilyn A. Paustian
Notary Public



APPROVED

Submitted to and approved by the Regional Planning Commission of Hall County, Grand Island and Wood River, and the Villages of Alda, Cairo and Doniphan, Nebraska.

Patrick C. O'Neill
Chairman

05/05/04
Date

Approved and accepted by the City of Grand Island, Nebraska, this 11 day of May, 2004.

Jay Van G
Mayor

Ran Lee Edwards
City Clerk



SURVEYOR'S CERTIFICATE

I hereby certify that on JUNE 1, 2004, I completed an accurate survey (made under my supervision) of "TIMBERLINE SECOND SUBDIVISION" in the City of Grand Island, Nebraska, as shown on the accompanying plat thereof; that the lots, blocks, streets, avenues, alleys, parks, commons and other grounds as contained in said subdivision as shown on the accompanying plat thereof, are well and accurately staked off and marked; that iron markers were placed at all corners as shown on the plat; that each lot bears its own number; and that said survey was made with reference to known and recorded monuments.

Lee D. Wagner
Lee D. Wagner, Registered Land Surveyor No. 557



TIMBERLINE SECOND SUBDIVISION

Notes

Lot 6
Timberline 2nd Subdivision

Parcel #400199769

Relocated City Easement location. Per the contract with BNSF, HBCC will be filling in the south 50' of the lake.

