



# City of Grand Island

Tuesday, March 13, 2012

Council Session

## Item G11

**#2012-61 - 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: Terry Brown, Public Works Manager of Engineering S

## RESOLUTION 2012-61

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:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, SAID POINT BEING TEN (10.0) FEET EAST OF THE SOUTHWEST CORNER OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETEEN AND EIGHTEEN HUNDREDTHS (19.18) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SIXTY FIVE (65.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TWO AND NINETY TWO HUNDREDTHS (102.92) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND SEVENTY TWO HUNDREDTHS (110.72) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF NINETY SIX AND SEVENTEEN HUNDREDTHS (96.17) FEET, TO THE SOUTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FOUR AND NINETY SIX HUNDREDTHS (154.96) FEET, TO THE NORTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF FORTY (40.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED THIRTY FOUR AND NINETY SIX HUNDREDTHS (134.96) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOTS TWO (2) AND THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY (80.0) FEET, TO A POINT ON THE NORTH LINE OF LOT THREE (3), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY FOUR AND EIGHTY TWO HUNDREDTHS (84.82) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE NORTH LINE OF LOT FOUR (4),

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CURVE TO THE RIGHT WHOSE RADIUS IS SEVENTY (70.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND EIGHTY THREE HUNDREDTHS (110.83) FEET, TO A POINT ON THE NORTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETEEN AND TWELVE HUNDREDTHS (19.12) FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.540 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 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, March 13, 2012.

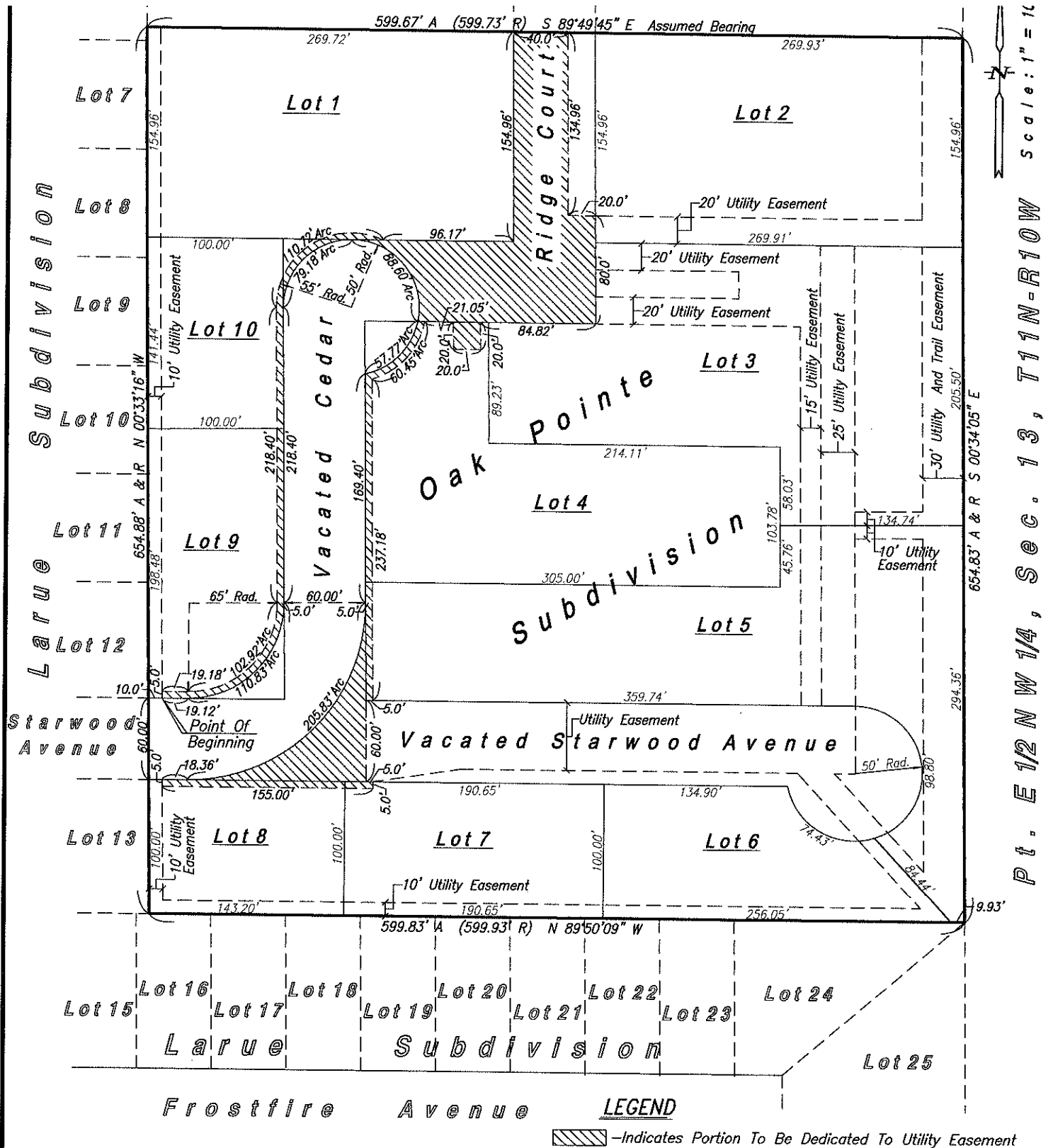
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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk



## Description

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

Beginning at a point on the south line of Lot Nine (9), Oak Pointe Subdivision, said point being Ten (10.0) feet east of the southwest corner of Lot Nine (9), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Nine (9), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running easterly parallel with the south line of Lot Nine (9), Oak Pointe Subdivision, a distance of Nineteen and Eighteen Hundredths (19.18) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the left whose radius is Sixty Five (65.0) feet, an arc distance of One Hundred Two and Ninety Two Hundredths (102.92) feet; thence running northerly parallel with the east line of Lots Nine (9) and Ten (10)

of Lot One (1), Oak Pointe Subdivision, a distance of Ninety Six and Seventeen Hundredths (96.17) feet, to the southeast corner of Lot One (1), Oak Pointe Subdivision; thence running northerly on the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Fifty Four and Ninety Six Hundredths (154.96) feet, to the northeast corner of Lot One (1), Oak Pointe Subdivision; thence running easterly on the north line of said Oak Pointe Subdivision, a distance of Forty (40.0) feet; thence running southerly parallel with the east line of Lot One (1), Oak Pointe Subdivision, a distance of One Hundred Thirty Four and Ninety Six Hundredths (134.96) feet; thence running easterly parallel with the north line of said Oak Pointe Subdivision, a distance of Twenty (20.0) feet, to a point on the west line of Lot Two (2), Oak Pointe Subdivision; thence running southerly on the west line of Lots Two (2) and Three (3), Oak Pointe Subdivision, a distance of Eighty (80.0) feet, to a point on the north line of Lot Three (3), Oak Pointe Subdivision; thence running westerly on the north line of Lots Three (3) and Four (4), Oak Pointe Subdivision, a distance of Eighty Four and Eighty Two Hundredths (84.82) feet; thence running southerly parallel with the west line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet; thence running westerly parallel with the north line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet; thence running northerly parallel with the west line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty (20.0) feet, to a point on the north line of Lot Four (4), Oak Pointe Subdivision; thence running westerly on the north line of Lot Four (4), Oak Pointe Subdivision, a distance of Twenty One and Five Hundredths (21.05) 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 Sixty and Forty Five Hundredths (60.45) feet; thence running southerly parallel with the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of Two Hundred Thirty Seven and Eighteen Hundredths (237.18) feet, to a point on the south line of Lot Five (5), Oak Pointe Subdivision; thence running westerly on the south line of Lot Five (5), Oak Pointe Subdivision, a distance of Five (5.0) feet, to the southwest corner of Lot Five (5), Oak Pointe Subdivision; thence running southerly on the west line of Lot Five (5), Oak Pointe Subdivision, if extended, a distance of Sixty (60.0) feet, to a point on the north line of Lot Seven (7), Oak Pointe Subdivision; thence running easterly on the north line of Lot Seven (7), Oak Pointe Subdivision, a distance of Five (5.0) feet; thence running southerly parallel with the west line of Lot Five (5), Oak Pointe Subdivision, if extended, a distance of Five (5.0) feet; thence running westerly parallel with the north line of Lots Seven (7) and Eight (8), Oak Pointe Subdivision, a distance of One Hundred Fifty Five (155.00) feet, to a point Ten (10.0) feet east of the west line of Lot Eight (8), Oak Pointe Subdivision; thence running northerly parallel with the west line of Lot Eight (8), Oak Pointe Subdivision, a distance of Five (5.0) feet, to a point on the north line of Lot Eight (8), Oak Pointe Subdivision; thence running easterly on the north line of Lot Eight (8), Oak Pointe Subdivision, a distance of Eighteen and Thirty Six Hundredths (18.36) feet, to a point of curvature; thence running northeasterly on the arc of a curve to the left whose radius is One Hundred Thirty (130.0) feet, an arc distance of Two Hundred Five and Eighty Three Hundredths (205.83) feet, to a point on the west line of Lot Five (5), Oak Pointe Subdivision; thence running northerly on the west line of Lots Four (4) and Five (5), Oak Pointe Subdivision, a distance of One Hundred Sixty Nine and Forty Hundredths (169.40) feet, to a point on a curve; thence running northeasterly on an arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Fifty Five and Seventy Seven Hundredths (55.77) feet, to a point on the north line of Lot Four (4), Oak Pointe Subdivision; thence continuing northwesterly on the arc of a curve to the left whose radius is Fifty (50.0) feet, an arc distance of Eighty Eight and Sixty Hundredths (88.60) feet, to a point on the south line of Lot One (1), Oak Pointe Subdivision; thence continuing southwesterly on an arc of a curve to the left whose radius Fifty (50.0) feet, an arc distance of Seventy Nine and Eighteen Hundredths (79.18) feet, to a point on the east line of Lot Ten (10), Oak Pointe Subdivision; thence running southerly on the east line of Lots Nine (9) and Ten (10), Oak Pointe Subdivision, a distance of Two Hundred Eighteen and Forty Hundredths (218.40) feet, to a point of curvature; thence running southwesterly on the arc of a curve to the right whose radius is Seventy (70.0) feet, an arc distance of One Hundred Ten and Eighty Three Hundredths (110.83) feet, to a point on the north line of Lot Nine (9), Oak Pointe Subdivision; thence running westerly on the north line of Lot Nine (9), Oak Pointe Subdivision, a distance of Nineteen and Twelve Hundredths (19.12) feet, to the point of beginning and containing 0.540 acres more or less.

## **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 A POINT ON THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, SAID POINT BEING TEN (10.0) FEET EAST OF THE SOUTHWEST CORNER OF LOT NINE (9), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF FIVE (5.0) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT NINE (9), OAK POINTE SUBDIVISION, A DISTANCE OF NINETEEN AND EIGHTEEN HUNDREDTHS (19.18) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS SIXTY FIVE (65.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TWO AND NINETY TWO HUNDREDTHS (102.92) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE EAST LINE OF LOTS NINE (9) AND TEN (10), OAK POINTE SUBDIVISION, A DISTANCE OF TWO HUNDRED EIGHTEEN AND FORTY HUNDREDTHS (218.40) FEET, TO A POINT OF CURVATURE; THENCE RUNNING NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS IS FIFTY FIVE (55.0) FEET, AN ARC DISTANCE OF ONE HUNDRED TEN AND SEVENTY TWO HUNDREDTHS (110.72) FEET, TO A POINT ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE SOUTH LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF NINETY SIX AND SEVENTEEN HUNDREDTHS (96.17) FEET, TO THE SOUTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING NORTHERLY ON THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED FIFTY FOUR AND NINETY SIX HUNDREDTHS (154.96) FEET, TO THE NORTHEAST CORNER OF LOT ONE (1), OAK POINTE SUBDIVISION; THENCE RUNNING EASTERLY ON THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF FORTY (40.0) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE EAST LINE OF LOT ONE (1), OAK POINTE SUBDIVISION, A DISTANCE OF ONE HUNDRED THIRTY FOUR AND NINETY SIX HUNDREDTHS (134.96) FEET; THENCE RUNNING EASTERLY PARALLEL WITH THE NORTH LINE OF SAID OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE WEST LINE OF LOT TWO (2), OAK POINTE SUBDIVISION; THENCE RUNNING SOUTHERLY ON THE WEST LINE OF LOTS TWO (2) AND THREE (3), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY (80.0) FEET, TO A POINT ON THE NORTH LINE OF LOT THREE (3), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOTS THREE (3) AND FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF EIGHTY FOUR AND EIGHTY TWO HUNDREDTHS (84.82) FEET; THENCE RUNNING SOUTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET; THENCE RUNNING NORTHERLY PARALLEL WITH THE WEST LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY (20.0) FEET, TO A POINT ON THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION; THENCE RUNNING WESTERLY ON THE NORTH LINE OF LOT FOUR (4), OAK POINTE SUBDIVISION, A DISTANCE OF TWENTY ONE AND FIVE HUNDREDTHS (21.05) FEET, TO A POINT ON A CURVE; THENCE RUNNING

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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: \_\_\_\_\_, 2012

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 \_\_\_\_\_, 2012, 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